

**Intraday Allocation Rules**  
**for the**  
**Coordinated Allocation of Cross Zonal Capacities at the Border between the Bidding Zones**

of

**C.N.T.E.E. TRANSELECTRICA S.A.**

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and

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(Serbian TAX identification number: SR103921661)

- hereinafter “**EMS**” -

- for the year 2021 -

**Contents**

1. Definitions and interpretation.....	3
2. General provisions .....	5
3. Participation on the Intraday Capacity Allocation .....	7
3.1 Requirements for participating on the Intraday Capacity Allocation.....	7
3.2 Suspension and withdrawal of the participation .....	7
4. Intraday Capacity Allocation .....	8
4.1 DAMAS System .....	8
4.2 The Intraday ATC .....	9
4.3 Intraday Capacity Allocation Bids .....	9
4.4 Intraday Capacity Auctions .....	10
4.5 Publication and Notification of the Results of an Auction .....	11
4.6 Use of PTRs.....	12
4.7 Transfer of PTRs.....	13
4.8 Accounting, Losing of PTRs and Exclusion of Registered Participants in Intraday Capacity Allocation .....	13
5. Force Majeure.....	14
6. Exceptional Circumstances .....	14
7. Applicable Law, Complaint Procedure and disputes.....	14
8. Liabilities .....	15
9. Miscellaneous.....	16
10. Information published on the TSOs websites .....	16
11. Assignment and Changes .....	16
12. Language .....	17
13. Amendments and changes .....	17
14. Notices.....	17
15. Entry into Force .....	17
16. List of Annexes .....	17
Annex 1 — Contact list.....	18
Annex 2 – Registration form.....	19
Annex 3 – PTRs Curtailment .....	20

## Appendix /3 – Intraday Allocation Rules

### 1. Definitions and interpretation

1.1 The following capitalized words in these Intraday Allocation Rules and its Annexes have the meaning as described here in this paragraph 1.1:

**Allocation Office:** stands for TRANSELECTRICA in its function as the entity executing the intraday allocation procedures.

**Already Allocated Capacity (“AAC”):** the part of the Net Transfer Capacity which was already allocated in the previous auctions..

**Allocation Platform:** an internet based platform to perform the intraday Capacity Allocation, technically hosted by DAMAS system and functionally operated by the Allocation Office, and which can be accessed at the following website: <https://markets.transelectrica.ro/>..

**Auction Price:** the price in EUR to be paid by Registered Participants for each MW and hour of acquired Capacity in case the total amount of the requested Capacity exceeds the ATC

**Available Transmission Capacity (“ATC”):** the part of the Net Transfer Capacity which is offered by the Allocation Office on the respective border and on one direction for further commercial activity and which shall be offered in the further auction procedures.

**Bid:** an offer submitted during an auction by a Registered Participant to purchase rights to use Capacity pursuant to and in compliance with these Intraday Allocation Rules; such an offer consists of two values per product (capacity per direction): a Capacity in MW and a Bid Price in EUR per MW/h.

**Bid Price:** the highest price in EUR a Registered Participant is willing to pay for 1 MW and 1 hour of Capacity.

**Bidding Zone:** the largest geographical area within which market participants are able to exchange energy without Capacity Allocation.

**Business Day:** every calendar day in which Intraday auctions are organised.

**BRP (Balance Responsible Party):** a market participant recognized by TSOs (as nomination validators) for the nomination of allocated Capacity. It must be identified with an unique EIC code. On TRANSELECTICA side it is the market participant with a valid and effective balancing responsibility contract with TRANSELECTRICA. On EMS side it is the market participant with a valid and effective balancing responsibility contract with EMS.

**Capacity Agreement Identification:** unique identification code assigned to capacity during the allocation process. The identification code is used also when the use of capacity is nominated to a TSO.

**Capacity Allocation:** means the attribution of Cross Zonal Capacity.

**Countertrading:** means a cross zonal exchange initiated by System Operators between two Bidding Zones to relieve physical congestion.

**Cross Zonal Capacity (“Capacity”):** means the capability of the interconnected system to accommodate energy transfer between Bidding Zones of TRANSELECTRICA and EMS.

**Curtailement:** means the reduction of PTRs attributed to the Registered Participants, by the

## Appendix /3 – Intraday Allocation Rules

Allocation Office (based on the request of EMS and/or TRANSELECTRICA) in respect of the Registered Participants. Curtailment of PTRs shall only be used in case of Emergency Situations or Force Majeure. Any such procedure shall be applied in a non-discriminatory manner.

**Cut Off Time (“COT”):** the point in time after which Cross Zonal Capacity becomes firm.

**Day D:** the day on which intraday electricity transfers take place on the border between Bidding Zones.

**EIC-Code:** Energy identification code of a Participant in a cross-border trade (see [https://www.entsoe.eu/fileadmin/user\\_upload/edi/library/eic/cds/area.htm](https://www.entsoe.eu/fileadmin/user_upload/edi/library/eic/cds/area.htm)).

**Emergency Situation:** the situation referred by Article 16 of Regulation 943/2019/EC where a TSO must act in an expeditious manner and Redispatching or Countertrading is not possible.

**ENTSO-E:** (European Network of Transmission System Operators for Electricity): an International Association with membership of European Transmission System Operators.

**EU-Regulation:** Regulation (Eu) 943/2019 of The European Parliament and of the Council of 5 June 2019 on the internal market for electricity.

**Force Majeure:** any unforeseeable or unusual event or situation beyond the reasonable control of a Party and/or the relevant TSOs, and not due to a fault of the Party and/or the relevant TSOs, which cannot be avoided or overcome with reasonable foresight and diligence, which cannot be solved by measures which are from a technical, financial or economic point of view reasonably possible for the Party and/or the relevant TSOs, which has actually happened and is objectively verifiable, and which makes it impossible for the Party and/or the relevant TSOs to fulfil, temporarily or permanently, its obligation.

**Gate Closure Time (“GCT”):** is a specified time providing a deadline for submission of schedules by BRP for matching purposes.

**EMS (EMS AD Beograd):** company with registered office at Beograd, Kneza Miloša 11, Serbia and incorporated in the Serbian Business Register with the Company Identification No.20054182.

**Intraday Allocation Rules:** stands for Intraday Allocation Rules for the Allocation of Cross Zonal Capacities at the Border between the Bidding Zones of TRANSELECTRICA and EMS for the year 2021.

**Intraday ATC:** stands for ATC offered in the intraday Capacity Allocation as stated in Article 4.2.1.

**Net Transfer Capacity (“NTC”):** the maximum exchange program between two Bidding Zones compatible with security standards applicable in both areas and taking into account the technical uncertainties on future network conditions.

**Party/ Parties:** means the Allocation Platform and/or a Registered Participant referred to individually as Party or collectively as Parties.

**Physical Transmission Right (“PTR”):** a right entitling its holder to physically transfer a certain volume of electricity in a certain period of time between two Bidding Zones in a specific direction.

## Appendix /3 – Intraday Allocation Rules

**Redispatching:** means a measure activated by one or several system operators by altering the generation and/or load pattern in order to change physical flows in the transmission system and relieve a physical congestion.

**Registered Participant:** a market participant which completed and signed a Registration Form for participation in intraday allocation (Annex 2) and also, completed and signed cross border allocation contracts with TRANSELECTRICA and is taking part in the allocation procedures set out in the Intraday Allocation Rules and is submitting to the Intraday Allocation Rules.

**Schedule:** the notification of the use of PTRs.

**Total Transfer Capacity (“TTC”):** the maximum exchange program between two Bidding Zones satisfying the N-1 security principle.

**Transfer:** the changing of the ownership of PTRs between Registered Participants.

**TRANSELECTRICA (C.N.T.E.E. TRANSELECTRICA S.A.):** company with registered office in Bucharest, Sector 1, 33 Gen. Gh. Magheru Blvd, and business address in Bucharest, Sector 3, Olteni 2-4 and incorporated in the Commercial Register kept by Bucharest Commercial Register Office with the Company Identification No. J40/8060/2000.

**Transmission Reliability Margin (“TRM”):** security margin covering the uncertainties of TTC calculations. These uncertainties consist of unintended deviation of power flows, emergency exchanges between TSOs to cope with unexpected unbalanced situations in real-time and inaccuracies in data collection and measurement.

**TSO:** means a Transmission System Operator, being either TRANSELECTRICA or EMS.

- 1.2 In paragraph 1.1, unless provided otherwise, definitions of terms in singular shall be construed as to include such terms in plural, and vice-versa.
- 1.3 In these Intraday Allocation Rules the headings shall not affect their interpretation.

## 2. General provisions

- 2.1 In accordance with EU-Regulation, these Intraday Allocation Rules set for the terms and conditions governing the Intraday Allocation of Available Transmission Capacity in both directions on the border in a transparent and non-discriminatory manner.
- 2.2 Intraday ATC is allocated by the Allocation Office, operating through the DAMAS system. TRANSELECTRICA is appointed as Allocation Office.
- 2.3 EMS and TRANSELECTRICA will fully accept the result of the individual allocation procedures held by the Allocation Office provided these procedures are consistent with the terms and conditions of the Intraday Allocation Rules and will carry out the transmission services according to the respective allocation results in compliance with the legal requirements of grid access and applicable market rules.
- 2.4 The TSOs shall not charge Registered Participants a fee, under whatever denomination, for the participation in the Capacity Allocation. Allocation of the Intraday ATC and the financial settlement of the Intraday ATC purchased via an auction do not include energy

### **Appendix /3 – Intraday Allocation Rules**

transmission or any rights, liabilities or financial aspects concerning energy transport.

- 2.5 These Intraday Allocation Rules may be amended by the TSOs upon approval of National Regulatory Authorities pursuant to a change of the regulatory framework, to improve or clarify provisions and procedures or to fill gaps. In exercising this right, the TSOs shall not be liable for any damages or compensatory payments claimed by a Registered Participant as a result of it.
- 2.6 Each purchase of intraday Capacity made pursuant to the Intraday Allocation Rules shall be deemed to constitute a contract between TRANSELECTRICA on the one hand and the Registered Participant on the other hand ("Contract"). With the purchase of intraday Capacity the Registered Participant assumes the rights and the duties set out in the Intraday Allocation Rules, especially the full payment of the Auction Price in due time.
- 2.7 If the Registered Participant does not fulfill or only partially fulfills any obligation resulting from the Contract in due time, especially if the Registered Participant does not pay the full Auction Price within the time limits set out in the Intraday Allocation Rules, TRANSELECTRICA is entitled either to enforce the completion of the Contract and hold the Registered Participant liable for the Auction Price, interests, charges and expenses including attorney's fees, arising from the enforcing of the completion of the Contract or to withdraw from the Contract and hold the Registered Participant liable for the total damage resulting from the withdrawal, such as, but not limited to fees, including attorney's fees, expenses.
- 2.8 With the delivery of a Bid the Registered Participant shall be obliged to pay the Auction Price for the PTRs, independent of the actual use and other transmission fees. The Registered Participants shall not be entitled to offset and/or withhold any debts arising in connection with obligations resulting from an auction to any claims of EMS and/or TRANSELECTRICA, whether or not arising out of an auction.
- 2.9 If the Registered Participant does not comply with the Intraday Allocation Rules, he shall be expressly barred from the participation in the auction process and his bids shall not be accepted by the Allocation Office.
- 2.10 By notification of the auction result, the Registered Participant obtains the guarantee of EMS and TRANSELECTRICA that by settlement of the payment in accordance with the Intraday Allocation Rules, the Capacity shall be allocated in accordance with the notified auction results with the exception of cases of Emergency Situations or Force Majeure.
- 2.11 To avoid problems related to the potential use of dominant position of any market participant, the relevant Regulatory and/or Competition Authorities from Romania and Serbia may impose additional restrictions in general or on an individual company on account of market dominance. The Allocation Office will act accordingly in the course of the year. Any such restriction has to be set forth before the publishing of Intraday ATC.
- 2.12 EMS and TRANSELECTRICA reserve the right to amend and/or adapt the Intraday Allocation Rules upon approval of National Regulatory Authorities. The actual version of the Intraday Allocation Rules will be published on the website of TRANSELECTRICA ([www.transelectrica.ro](http://www.transelectrica.ro)) as well as on the website of EMS ([www.ems.rs](http://www.ems.rs)), minimum 15 days before coming into force. By the delivery of a Bid after the amendments and/or the adaptations being published, the Registered Participant submits to the new version of the Intraday Allocation Rules.
- 2.13 The allocated PTRs or PTRs used in submitted Schedules can be curtailed in cases described

## **Appendix /3 – Intraday Allocation Rules**

in Annex 2. In this Annex the details about curtailment procedure including financial issues are also described.

2.14 Annexes to these Intraday Allocation Rules form a part there of.

### **3. Participation on the Intraday Capacity Allocation**

#### **3.1 Requirements for participating on the Intraday Capacity Allocation**

- 3.1.1 An applicant can be appointed as Registered Participant to the Intraday Capacity Allocation if he delivers the signed Annex 1 of these Intraday Allocation Rules, he concludes a Cross Border Capacity Allocation Contract with TRANSELECTRICA, is registered as BRP in Romania or Serbia, and must comply with all requirements set forth in these Intraday Allocation Rules, including the requirements set in “Capacity Trader DAMAS User Guide”.
- 3.1.2 With the delivery of the Bids for the intraday Capacity auction, the Registered Participant declares legally binding and irrevocably that:
- i. he is business company/entrepreneur operating and incorporated under law and is not subject to bankruptcy or liquidation proceedings;
  - ii. he is in full and complete knowledge of the actually applicable Intraday Allocation Rules, which are published on the website of the Allocation Office ([www.transelectrica.ro](http://www.transelectrica.ro));
  - iii. he accepts and submits without any reservation/restriction to these actually applicable Intraday Allocation Rules;
  - iv. there are no court or other proceedings in progress against him that would threaten the fulfillment of the conditions set out in these Intraday Allocation Rules;
  - v. the representative(s) who sign(s) the bid have all authorizations by law or from other organizations, based on which they are able to assume the obligations arising out of participation;
  - vi. he has not any debts outstanding to the concerned TSOs (TRANSELECTRICA and/or EMS).
- 3.1.3 In case the Registered Participant does not meet any of the above requirements he shall be excluded from the auction.

#### **3.2 Suspension and withdrawal of the participation**

- 3.2.1 The Allocation Office shall suspend a Registered Participant, if that Registered Participant no longer meets the requirements of paragraphs 3.1.1 and 3.1.2.
- 3.2.2 The suspension notice indicates the reason for suspension and the date at which it takes effect.
- 3.2.3 The suspension ends on the 5<sup>th</sup> Business Day following the day on which the situation which has led to suspension has been remedied.
- 3.2.4 The Allocation Office informs the Registered Participant of the lifting of the suspension before 12.00 (CET) on the day immediately preceding the 5<sup>th</sup> day referred to in the previous

## **Appendix /3 – Intraday Allocation Rules**

full sentence.

- 3.2.5 The participation to the intraday Capacity auction of a Registered Participant shall be withdrawn by the Allocation Office, if:
- i. an event as referred to in 3.2.1 happens;
  - ii. the Registered Participant has misused any of its rights under these Intraday Allocation Rules, or has acted on the Allocation Platform in a way which is harmful to other Registered Participants, to the Allocation Office, a TSO or the transparency, fairness and effectiveness of the Intraday Capacity Allocation process, or has committed any fraudulent act regarding the Capacity Allocation of the use of Capacity;
  - iii. the Registered Participant has acted repeatedly in violation of these Intraday Allocation Rules or energy market regulations in Romania or Serbia, national competition rules or decisions of EU, Romanian or Serbian Regulatory Authorities;
  - iv. an authority as referred to in the previous paragraph has ordered the withdrawal, it being understood that the TSOs and the Allocation Office are under no obligation to investigate or review the grounds for such order;
  - v. is in default of any payment to TRANSELECTRICA or EMS in connection with Intraday Allocation Rules, Daily Auction Rules and Yearly and Monthly Allocation Rules.

The withdrawal notice indicates the reason for the withdrawal and the date at which it takes effect.

- 3.2.6 A Registered Participant is not entitled to damages or compensatory payments as a result of a suspension or withdrawal.
- 3.2.7 The suspension or the withdrawal of a Registered Participant does not affect the right of another Registered Participant, the Allocation Office or a TSO to seek remedies in law or contract against that Registered Participant for damage it has suffered or may suffer as a result of acts or omissions committed by the Registered Participant that has been suspended.

## **4. Intraday Capacity Allocation**

### **4.1 DAMAS System**

- 4.1.1 The Intraday ATC is exclusively allocated through the Allocation Platform.
- 4.1.2 In accessing the Allocation Platform and acting on it, the Registered Participants must follow the rules and instructions as laid down in the "Capacity Trader DAMAS User Guide", published on the website of TRANSELECTRICA ([www.transelectrica.ro](http://www.transelectrica.ro)).
- 4.1.3 All issues concerning the intraday auctions, such as, but not limited to, the security, technical and operational issues concerning the DAMAS system and particularly the "Capacity Trader DAMAS User Guide" are developed by TRANSELECTRICA. Therefore the execution and the administration of the intraday auctions are totally in the responsibility of TRANSELECTRICA. Consequently TRANSELECTRICA takes full responsibility for the correct, non-discriminatory and transparent execution of the Intraday Capacity Allocations and for the full compliance with applicable national and EU laws and/or regulatory requirements.



## **Appendix /3 – Intraday Allocation Rules**

- 4.1.4 The Allocation Office reserves the right to change operationally a Business Day(s) regime in reasonable cases initiated by TRANSELECTRICA and/or EMS, especially when the following technical problems arise: a general collapse of the internet, a collapse of all internet connections of the DAMAS system or a collapse of DAMAS system (servers, database of DAMAS system, application error). All Users of the DAMAS system will be informed, without undue delay, of the actual operational situation.
- 4.1.5 The whole communication with the DAMAS system will be archived. Each message from the DAMAS system is attached by a time stamp, both messages leaving the DAMAS system or messages received by the DAMAS system. The timestamp used is the time system from the DAMAS system.

### **4.2 The Intraday ATC**

- 4.2.1 The Intraday ATC equals the daily NTC, reduced by the modifications in case of planned or unplanned disconnections of critical network components, further reduced by the scheduled deliveries covered by yearly, monthly and daily Capacity and increased by the nominations in the respective counter direction (netting effect). If there is no available Capacity, the offered Capacity shall be 0 MW.
- 4.2.2 The Intraday ATC will be published and offered during each auction session on hourly basis, for each transmission direction separately.

### **4.3 Intraday Capacity Allocation Bids**

- 4.3.1 In order to participate in the intraday Capacity auction, Bids shall be submitted to the DAMAS system in accordance with the “Capacity Trader DAMAS User Guide” document.
- 4.3.2 The Bids are on hourly basis for upcoming session (4 (four) hours), for each of both directions of transmission and must contain the following unambiguous and legible specifications:
- 4.3.2.1 Identification of the Registered Participant,
  - 4.3.2.2 Specification of the transmission direction,
  - 4.3.2.3 Day the bid refers to (day on which intraday electricity transfers take place on the Border),
  - 4.3.2.4 The Capacity to be allocated in MW (positive values, minimum amount 1 MW, maximal of the published ATC for the bidding hour,
  - 4.3.2.5 The value of the Bid Price in EUR/MW/h (values bigger than zero, with maximum two decimals). Bids must state the highest Auction Price the Registered Participant is willing to pay.
- 4.3.3 The Registered Participant is entitled to submit up to 10 independent Bids for one profile and one transmission direction.
- 4.3.4 DAMAS system will reject the Bids which do not fulfill the above mentioned requirements. They will not be considered in the allocation procedure and the Registered Participant will be informed about the reason for refusal.
- 4.3.5 After successful Bid(s) submission, the DAMAS system will send a confirmation to the

## Appendix /3 – Intraday Allocation Rules

bidding participant, with a timestamp.

4.3.6 The Bids confirmation receipt delivered by the DAMAS system is the criterion in meeting the time limit for the auction.

4.3.7 In case of any failure during the Bids submission, the Bids will be rejected and the bidding participant will be informed accordingly.

### 4.4 Intraday Capacity Auctions

4.4.1 Auction schedule is considered in CET (Central European Time).

4.4.2 Intraday Capacity auctions will be held on each day from Monday to Sunday with no exceptions. EMS and TRANSELECTRICA reserve the right to change operationally a Business Day regime -i.e. auction time closures, in reasonable cases, in accordance with the "Capacity Trader DAMAS User Guide", especially in case of technical problems.

4.4.3 Separate auctions shall be held for the Intraday ATC for both transmission directions (from Romania to Serbia and from Serbia to Romania).

4.4.4 The Intraday Capacity auctions will be held in six sessions.

During a Business Day, the intraday Capacity Allocation is performed in multiple sessions within the Day D (one session for one continuous time-interval). The nominations process is applied for the same sessions defined.

The configuration with 6 sessions, standard day with 24 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–4.	(00:00:00–04:00:00)
Session 2.	5.–8.	(04:00:00–08:00:00)
Session 3.	9.–12.	(08:00:00–12:00:00)
Session 4.	13.–16.	(12:00:00–16:00:00)
Session 5.	17.–20.	(16:00:00–20:00:00)
Session 6.	21.–24.	(20:00:00–24:00:00)

The configuration with 6 sessions, daylight saving time day with 23 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–3.	(00:00:00–04:00:00)
Session 2.	4.–7.	(04:00:00–08:00:00)
Session 3.	8.–11.	(08:00:00–12:00:00)
Session 4.	12.–15.	(12:00:00–16:00:00)
Session 5.	16.–19.	(16:00:00–20:00:00)
Session 6.	20.–23.	(20:00:00–24:00:00)

### Appendix /3 – Intraday Allocation Rules

The configuration with : 6 sessions, daylight saving time day with 25 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–5.	(00:00:00–04:00:00)
Session 2.	6.–9.	(04:00:00–08:00:00)
Session 3.	10.–13.	(08:00:00–12:00:00)
Session 4.	14.–17.	(12:00:00–16:00:00)
Session 5.	18.–21.	(16:00:00–20:00:00)
Session 6.	22.–25.	(20:00:00–24:00:00)

The time line (CET) for one intraday session is described in the table below (H is the first hour of intraday time interval):

Process	Start time	Closing time CET	Responsibility
Publishing of ID ATC		H - 6:00	TEL
Bids submission	H - 4:00	H - 3:00	Registered Participant
Publishing ID allocation results	H - 3:00	H - 2:30	TEL
ID nominations entering	H - 2:30	H - 1:30 (GCT)	BRPs
Confirmation of final nominations	H - 1:30	H - 0:45 (COT)	EMS, TEL

- 4.4.5 All received Bids are ordered by descending Bid Price. In case two or more Bids have the same Bid Price, the ordering will be done on the basis of the “first come, first served” ranking principle, according to the time stamp of the Bid.
- 4.4.6 If the total amount of requested Capacity is smaller than the Intraday ATC or equals the Intraday ATC, payment for congestion management procedure will be in amount of zero, i.e. each Registered Participant will receive the PTRs according to his Bid and free of charge at the border.
- 4.4.7 If the total amount of the requested Capacity exceeds the Intraday ATC, the price for the allocated Capacities shall be determined by the accepted Bid with the lowest Bid Price and this price will be the Auction Price.
- 4.4.8 The Auction Price shall be paid by all Registered Participants receiving PTRs.

#### 4.5 Publication and Notification of the Results of an Auction

- 4.5.1 After each auction session, TRANSELECTRICA will publish, via the DAMAS system, the

## **Appendix /3 – Intraday Allocation Rules**

final results of the intraday Capacity auction, as follows:

- Date and Session of allocated PTRs,
- Specification of direction,
- Amount of hourly allocated PTR for each Registered Participant in MW,
- Capacity Agreement Identification for scheduling nomination,
- Auction price in EUR per MW for each hour.

4.5.2 Summary results (for each hour and direction TTC, TRM, NTC, AAC, ATC, total requested Capacity, the sum of PTRs, non-allocated Capacity, Auction Price, list of PTR holders, PTRs per Registered Participant, number of bidders, number of PTR holders) will be published on the website of TRANSELECTRICA (<https://markets.transelectrica.ro/public>), after the auctions are finished.

### **4.6 Use of PTRs**

- 4.6.1 General grid access for the use of PTRs is not covered by the scope of the Intraday Allocation Rules, unless otherwise stipulated in the following provisions.
- 4.6.2 TRANSELECTRICA and EMS will carry out the transmission services according to the respective auction results, in compliance with the legal requirements of grid access in each Bidding Zone and applicable market rules of EMS and TRANSELECTRICA.
- 4.6.3 EMS and TRANSELECTRICA commit themselves to ensure that the PTRs are operationally feasible for the PTR holder at the border, with the exception of Emergency Situation or Force Majeure.
- 4.6.4 The use of PTRs operates via the delivery of fixed and binding Schedules to EMS and TRANSELECTRICA as well, in compliance with the legal requirements of grid access in each Bidding Zone and applicable market rules of EMS and also TRANSELECTRICA. The PTRs are used on the basis of Schedule nomination, and respecting the “M:N” principle.
- 4.6.5 The Registered Participants deliver their fixed and binding Schedules, based on their PTRs, on both sides of the border, until the deadline of nomination which is H-1:30 (GCT).

Both TSOs are responsible for the matching on Serbian–Romanian border of all intraday Schedules and have the eventual possibility of applying agreed rules to resolve possible issues regarding the allocated PTRs. Matching between TSOs will be over at COT after TSOs are sending the results of matching to BRPs by using confirmation report (CNF) not later than H-0:30. The type of CNF used depends on local market rules.

- 4.6.6 The use of PTRs is based on the "use it or lose it" principle. This means that PTRs not used by fixed Schedules at the time will be returned back to EMS and TRANSELECTRICA.
- 4.6.7 In case the BRPs deliver the incompatible Schedules, on the COT (there will be mismatch between the submitted Schedules) the transaction shall be set to zero.
- 4.6.8 In order to use the PTRs, a valid Contract governing the access to the Transmission System of Romania must be concluded with TRANSELECTRICA, before the use of PTRs for transmission on TRANSELECTRICA side, pursuant to effective version of Commercial

## **Appendix /3 – Intraday Allocation Rules**

Code and legal regulations on electric energy in Romania.

- 4.6.9. Nomination of Schedule by using PTRs could be realized in one or more cross-border electricity exchanges in one direction with several cross-border partners where one cross-border partner has to be BRP who is PTR holder ("M:N" schedule nomination).

### **4.7 Transfer of PTRs**

- 4.7.1 The PTRs purchased in the course of intraday Capacity Allocation cannot be transferred to other Registered Participants.

### **4.8 Accounting, Losing of PTRs and Exclusion of Registered Participants in Intraday Capacity Allocation**

- 4.8.1 The payment and accounting of the invoices for PTRs will be in charge of TRANSELECTRICA.

- 4.8.2 Payment for the PTRs will take the form of an invoice for the monthly amount. The amount is to be paid for the preceding month, based on the invoice issued by the Allocation Office. The invoice will be issued in 3 working days after the respective month.

TRANSELECTRICA will send the invoice to the Registered Participant via e-mail. The Registered Participant shall pay to TRANSELECTRICA onto its account stated on the invoice. The due date of the invoice is after 7 (seven) calendar days starting from its issue date. The Registered Participant must send the payment confirmations by e-mail to the Allocation Office: [contracte.alocare@transelectrica.ro](mailto:contracte.alocare@transelectrica.ro).

- 4.8.3 According to the EU and Romanian tax law, VAT will be charged to the payment and will be shown separately on the invoice. In case the Registered Participant declares its VAT registration in an EU Member State, the method of the "Reverse charge taxation" that EU enforced is applied. The Registered Participant must provide TRANSELECTRICA with its EU VAT number and is obliged to settle the VAT with the national tax office. In case the Registered Participant declares its VAT registration in Serbia, VAT is not charged. The Registered Participant must provide to the Allocation Office its Serbian VAT number and is obliged to settle the VAT with the Serbian tax office

- 4.8.4 All bank fees have to be paid by the Registered Participant. The date of payment is the date upon which the given amount is credited to the stated account of TRANSELECTRICA. Invoices have to be paid no later than the due date stated on the invoice, free of charge and without deduction and/or offsetting (receipt of payment at the account of TRANSELECTRICA).

- 4.8.5 If such a time limit expires on a bank holiday, payment is due on the following working day.

- 4.8.6 In case of delayed payment, TRANSELECTRICA is entitled to charge the default interest rate for each day of delay. The default interest rate will be calculated daily, on the basis of yearly Effective Base Rate of National Bank of Romania + 2% percent/annum. Effective Base Rate is defined as the interest rate of National Bank of Romania. Its value is specified and published on the website [www.bnr.ro](http://www.bnr.ro), the National Bank of Romania.

## **Appendix /3 – Intraday Allocation Rules**

- 4.8.7 If the payment of invoices is not settled according to the up-said deadlines, EMS and TRANSELECTRICA will enforce the completion of the Contract and the Registered Participant will be excluded from the Intraday Capacity Allocation, until the payment is received, but no later than a month, and shall be liable pursuant to the General Provisions set out in chapter 2) of these Intraday Allocation Rules.

### **5. Force Majeure**

- 5.1 TRANSELECTRICA and/or EMS shall not be held liable for non-performance, defective performance or delayed performance of obligations arising from these Intraday Allocation Rules if and to the extent that said non-performance, defective performance or delayed performance is due to circumstances over which TRANSELECTRICA and/or EMS has no influence, including but not limited to Force Majeure or other circumstances the relevant party is not responsible for and which cannot be solved by measures which, from a technical, financial and/or economic point of view, can reasonably be taken by TRANSELECTRICA and/or EMS.

### **6. Exceptional Circumstances**

- 6.1 Exceptional circumstances shall be serious disturbances to the functioning of the IT System(s) or devices within the Allocation Office, in cases such as, but not limited to, defined in article 4.1.4.
- 6.2 Exceptional circumstances may be the reason for changing, cancelling or suspending an auction. In case of exceptional circumstances, the Allocation Office shall inform all Registered Participants via DAMAS system interface, telephone, or e-mail of the status of the relevant auction(s). The TSOs will also publish information on their websites, if available.
- 6.3 In cases where auctions are cancelled, all Bids already submitted to the Allocation Platform are deemed as invalid.

### **7. Applicable Law, Complaint Procedure and disputes**

#### **Applicable Law and disputes**

- 7.1. These Intraday Allocation Rules shall be governed by and construed in accordance with the laws of Romania without recourse to Romania private international law as well as by EU law, particularly EU – Regulation. For the avoidance of doubt, the application of the UN Convention on the International Sale of Goods shall be excluded.
- 7.2. In the event of any dispute or differences arising from the Intraday Allocation Rules and its Annexes or related to its violation, termination or becoming null or void, the Allocation Office and Registered Participant concerned shall endeavour to reach an amicable settlement within thirty (30) days since the first notification of the reason for the disputes. However, in the event that such a settlement is not reached within thirty (30) days since the first notification of the reason for the disputes, the place of jurisdiction for all disputes, arising from or in connection to the Intraday Capacity Allocation and its Annexes, shall be the

## **Appendix /3 – Intraday Allocation Rules**

competent Court at the registered seat of the Allocation Office. The claimant is obliged to describe and present its claim in detail including the identification of the respective article/paragraph of the Intraday Allocation Rules. The substantive law of Romania will be applicable.

- 7.3. The place of performance of all obligations of the Registered Participants resulting from the intraday auctions held in accordance with these Intraday Allocation Rules and its Annexes shall be the registered seat of the Allocation Office.

### **Complaint Procedure**

- 7.4. Should a Registered Participant come to the conclusion that the Intraday Allocation Rules have been breached by an incorrect calculation, incorrect output from data check, or incorrect evaluation, the Registered Participant is entitled to initiate through its representative, the Allocation Platform "DAMAS" User complaint procedure. The complaint must be delivered to the contacts of the Allocation Office by signed fax message or via registered mail, and must contain:

- date,
- identification of the Registered Participant,
- contact details (name, e-mail address and telephone of a contact person),
- the subject matter,
- detailed description of the situation,
- well-founded means of proof (downloads from logs, communication records, etc.).

- 7.5 The Allocation Office will confirm the receipt of such a complaint via e-mail.

- 7.6 If the parties could not reach an agreement within 10 (ten) working days the Registered Participant may refer a complaint, pursuant to the process described in the Intraday Allocation Rules, to the relevant national Regulatory Authority, in accordance with the national laws implementing EU-Regulation.

- 7.7 The TSOs are obliged to give all information to the proceeding Regulatory Authority, which is necessary to handle the complaint in due time.

- 7.8 The above described initiative shall not have suspension effect on the results of the relevant intraday allocation process.

## **8. Liabilities**

- 8.1 EMS and/or TRANSELECTRICA shall only be liable for any damage caused by willful misconduct or gross negligence. Claims for damages arising out or related to the Intraday Allocation Rules and/or the Contract are limited to the damages typical and foreseeable, unless EMS and/or TRANSELECTRICA have acted willfully or by gross negligence.

- 8.2 In no event shall EMS and/or TRANSELECTRICA be liable for any loss of profit, loss of business, or any other damages of any kind. In any case, the liability of EMS and/or TRANSELECTRICA for damages arising out or related to the Intraday Allocation Rules shall be limited to 5.000 EUR, in total.

### **Appendix /3 – Intraday Allocation Rules**

- 8.3 EMS and TRANSELECTRICA undertake to carry out the provisions set out in the Intraday Allocation Rules with the diligence of a careful businessman and Bidding Zone manager in compliance with the applicable regulations set out by EU law, respectively by the EU-Regulation, Serbian and Romanian law and by the Serbian and Romanian Regulatory Authorities.
- 8.4 Liability for a breach of contract damaging life, physical well-being, or health that has been caused willfully, by gross negligence, or by a felony offense cannot be validly excluded.
- 8.5 Any contractual clause shall be null and void if it beforehand limits or excludes liability for damage proceeding from willful or gross negligence, injury to life, physical well-being, or health, or the consequences of a crime.

### **9. Miscellaneous**

- 9.1 Notwithstanding special provisions set out in the Intraday Allocation Rules, no modification of the contracts between TRANSELECTRICA and EMS on the one hand, and the Registered Participant on the other hand, shall take effect unless it is in writing, by e-mail and by registered mail, executed and delivered by EMS and/or TRANSELECTRICA.
- 9.2 If any part or provision of the Intraday Allocation Rules is or becomes invalid, illegal, void and/or unenforceable, the remaining part(s) shall continue to be valid and enforceable and shall not be affected thereby. Any invalid, illegal, void and/or unenforceable part(s) or provision(s) shall be replaced by valid, legal and/or enforceable part(s) or provision(s) in order to achieve the intended economic and legal effect as far as possible.

### **10. Information published on the TSOs websites**

- 10.1 In addition to the information to be published on the TSOs websites, pursuant to other provisions in these Intraday Allocation Rules or applicable legislation in Romania and Serbia, at least the following information is to be published:
  - a. these Intraday Allocation Rules;
  - b. forms to be used by applicants and Registered Participants;
  - c. contact details of the Allocation Office;
  - d. "Capacity Trader DAMAS User Guide".

### **11. Assignment and Changes**

- 11.1 A Registered Participant may not transfer any of its rights and obligations, other than provided for in these Intraday Allocation Rules, without the prior written consent of the Allocation Office.
- 11.2 A Registered Participant shall notify the Allocation Office in advance by a validly executed letter, by registered mail with acknowledgement of receipt, of a change of its company name or of its legal form. The notification shall be made no later than fifteen (15) Business Days before the date at which the change is to take effect.



## **Appendix /3 – Intraday Allocation Rules**

### **12. Language**

The reference language for these Intraday Allocation Rules shall be English. For the avoidance of doubt, where TSOs need to translate Intraday Allocation Rules into their national language(s), in the event of inconsistencies between the English version published by TSOs and any version in another language, the relevant TSO shall be obliged to dispel any inconsistencies by providing a revised translation of the Intraday Allocation Rules to its relevant national regulatory authorities.

### **13. Amendments and changes**

Any amendments and changes to these Intraday Capacity Allocation Rules included after their coming into force and having been approved by the respective National Regulatory Authorities shall be notified to the Registered Participants by means of publication of the respective new version of these Intraday Capacity Allocation Rules on the websites of EMS and TRANSELECTRICA with minimum 15 days before coming into force. Such notification shall include reference to the articles amended or changed and the date on which the new version of these Intraday Capacity Allocation Rules enters into force. Unless stated in the respective new version of Intraday Capacity Allocation Rules, no new registration is required and Registered Participants accept the new Intraday Capacity Allocation Rules by further taking part in the intraday allocation process.

### **14. Notices**

Except where these Intraday Capacity Allocation Rules provide otherwise, any notice given under these Intraday Capacity Allocation Rules must be in writing and addressed to the addresses provided in Annex 1.

### **15. Entry into Force**

These Intraday Allocation Rules enter into force on 31.12.2020, with National Regulatory Authorities approvals.

### **16. List of Annexes**

Annex 1 Contact list  
Annex 2 Registration form  
Annex 3 Curtailment

**Annex 1 — Contact list**

**Intraday Allocation Office (operated by TRANSELECTRICA, by DAMAS system)**

**OPERATIONAL OFFICE (Scheduling, confirmation of capacity):**

Tel.: 004 021 303 5638  
Fax: 004 021 303 5699  
E-mail: [tsoplan@transelectrica.ro](mailto:tsoplan@transelectrica.ro)

**Mr. ANTON Mircea**

Tel.: 004 021 303 5678  
E-mail : [mircea.anton@transelectrica.ro](mailto:mircea.anton@transelectrica.ro)

**Mrs. CONDOVICI Mihaela**

Tel.: 004 021 303 5854  
E-mail : [mihaela.condovici@transelectrica.ro](mailto:mihaela.condovici@transelectrica.ro)

**ALLOCATION OFFICE (Commercial Contact):**

Tel: 004 021 303 5963  
Fax: 004 021 303 5847  
E-mail : [contracte.alocare@transelectrica.ro](mailto:contracte.alocare@transelectrica.ro)

**Mr. BUSCOVEANU Costel**

Tel: 004 021 303 5898  
E-mail: [costel.buscoveanu@transelectrica.ro](mailto:costel.buscoveanu@transelectrica.ro)

**Mrs. TUCEAC Monica**

Tel: 004 021 303 5963  
E-mail: [monica.tuceac@transelectrica.ro](mailto:monica.tuceac@transelectrica.ro)

**Mrs. MATEI Elena**

Tel: 004 021 303 5807  
E-mail: [elena.matei@transelectrica.ro](mailto:elena.matei@transelectrica.ro)

## **Appendix J3 – Intraday Allocation Rules**

### **Annex 2 – Registration form**

#### **Applicant's data**

Company Name:

EIC Code:

Headquarters address:

Tax registration number:

Trade registration number:

Bank name, IBAN:

#### **Contact data:**

Phone:

Fax:

E-mail:

Website:

#### **Applicant's legal representatives:**

Name:

Phone:

E-mail:

#### **Contact persons:**

Name:

Phone:

E-mail:

Name:

Phone:

E-mail:

The applicant declares that he has read the provisions of the procedure and of its annexes, as well as the regulations in force regarding the allocation of the interconnection capacities of the Romanian Power System and fully understands and accepts them.

*Legal representative signature/stamp*

#### **The Balancing Responsible Party assuming the balancing responsibility for the applicant**

Company Name:

Headquarters:

Phone:

Fax:

E-mail:

EIC code of the BRP:

*BRP signature/stamp*

### **Annex 3 – PTRs Curtailment**

The allocated PTRs or PTRs corresponding to the submitted Schedules may be curtailed/reduced in case of Emergency Situation or Force Majeure.

The Curtailment of allocated PTRs can be applied before the Cut-Off Time (COT) for the matching process.

The reduction of Schedules can be applied after the Cut-Off Time (COT) for the matching process.

PTRs curtailment or Schedules reduction shall have as reference a time-period multiple of an hour.

The TSO which requests curtailment shall issue, as soon as possible, a description of reasons (including the triggering event) and effects of curtailment for solving network or system problems, which will be published by both TSOs, on their webpages.

In cases of Curtailment of allocated PTRs or reduction of submitted Schedules, these shall be done in a non-discriminatory manner for each Registered Participant, meaning that intraday PTRs or Schedules, daily PTRs or Schedules and long term (yearly and monthly) PTRs or Schedules will be curtailed/reduced in the same way, proportionally on a pro-rata basis with the owned amount of PTRs/submitted Schedules by each Registered Participant.

After Curtailment of PTRs/reduction of submitted Schedules the holders of PTRs shall be compensated in accordance with the applicable rules.

#### **1. Curtailment before each Cut-Off Time (COT) for the matching process**

Before each COT for the intraday matching process, the PTRs shall be curtailed by the Allocation Office, based on the request of EMS and/or TRANSELECTRICA, according to the present Intraday Allocation Rules.

Curtailment shall be done on a pro-rata basis, by applying the ratio between the amount of long term Schedules, daily Schedules and intraday PTRs that remain after the curtailment triggering event and the sum of all long term Schedules, daily Schedules and intraday PTRs, to long term Schedules, daily Schedules and intraday PTRs allocated in intraday auction process.

The Allocation Office (based on request of EMS and/or TRANSELECTRICA) informs the Registered Participants of a Curtailment of intraday PTRs and submits the values of the curtailed PTRs. The Registered Participants have to submit their Schedules to EMS and to TRANSELECTRICA, taking into consideration the curtailed PTRs.

In case of Curtailment of PTRs from the intraday auction, before the Cut-Off Time for the matching process, the Registered Participant, whose PTRs has been curtailed, will pay only the PTRs which have not been curtailed.

### **2. Curtailment after each Cut-Off Time (COT) for the matching process**

After each COT for the intraday matching process the “use it or lose it” principle applies. It means that Registered Participants who submit Schedules less than their owned PTRs are losing any right over the remaining PTRs.

Curtailment shall be done on a pro-rata basis, by applying the ratio between the amount of long term Schedules, daily Schedules and intraday Schedules that remain after the curtailment triggering event, and the sum of all long term Schedules, daily Schedules and intraday Schedules, to long term Schedules, daily Schedules and intraday Schedules.

In case of Curtailment of PTRs from the intraday auction, after the COT for the matching process, the Registered Participant, whose PTRs has been curtailed, will pay only the PTRs which have not been curtailed.