

DECISION NO. 241/20.02.2019

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

- the provisions of Regulation (EU) No. 459/2017/16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing **Regulation (EU) No. 984/2013**,
- the provisions of Art. 99 (k) and Art. 130 alin. (1) (d¹) of Electricity and Gas Law 123/2012, as further amended and supplemented,
- the provisions of Decision No. 1123/28.07.2017 of the ANRE President on the approval of the provisions within the competence of the National Energy Regulatory Authority established in the binding Open Season Rulebook for the Open Season to be jointly performed by the National Gas Transmission Company Transgaz S. A. Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems,
- the provisions of Decision No. 1397/26.09.2017 of the ANRE President on the amendment of the binding Open Season Rulebook for the Open Season to be jointly performed by the National Gas Transmission Company Transgaz S. A. Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems approved by the Decision of ANRE President no 1123/2017,

Taking into account:

- the electronic message, registered with ANRE under number 1.3624/15.02.2019, sent on 12.02.2019 to S.N.T.G.N. TRANSGAZ SA. by the representative of Földgázszállító Zártkörűen Működő Részvénytársaság - FGSZ Ltd., according to which the request of OMV Petrom SA for the extension of Bid Submission Window III for the submission of bids within the Open Season was analyzed and there were no objections to it. At the same time, S.N.T.G.N. TRANSGAZ S.A. reported that FGSZ Ltd. considered appropriate that all participants were informed as soon and as clearly as possible, especially in the

light of the competition law, and requested TRANSGAZ's agreement on the text of the report, for publication in parallel,

- both S.N.T.G.N. TRANSGAZ S.A. and Földgázszállító Zártkörűen Működő Részvénytársaság - FGSZ Ltd. published on 14.02.2019 on their own websites the announcement regarding the consideration of the possibilities to extend Bid Submission Window III according to which *"In the recent days, our companies received several inquiries from network users to extend the Bidding Window III of RO-HU Open Season procedure. Based on the requests, FGSZ and Transgaz started to examine the possibility of extending Bidding Window III and initiated consultation on this topic with the national regulatory authorities"*.
- Transgaz letter no. 9344/14.02.2019 registered with ANRE under no. 13605/15.02.2019 pursuant to which:
 - The exercising of the step-back right by one of the bidders declared successful within the ROHU Binding Open Season led to a negative economic test result;
 - According to the Procedure timeline, within Bid Submission Window III, the bidders may submit new additional bids for the remained available capacity during 05.02.2019-25.02.2019;
 - Transgaz and FGSZ received several requests from the bidders to extend the Bid Submission Window III of the ROHU Binding Open Season Procedure;
 - As a result of the performed analysis, Transgaz reached the conclusion that the extension of the Bid Submission Window III deadline until 30.05.2019 would not affect the deadlines related to the achievement of the investment works and the offering of the transmission capacities under this procedure starting with 01.10.2022;
 - Transgaz requests that the possibility to extend Bid Submission Window III deadline until 30.05.2019 should be considered,
- The importance of the Bulgaria-Romania-Hungary-Austria (BRUA) project for Romania and for the entire region, reflected in the significant interest of the regional players in this binding open season procedure as well as,
- The fact that a great number of registered participants may contribute to obtaining potential potentially positive outcomes as far as the successful completion of the ROHU Binding Open Season procedure is concerned, from an early stage,

Pursuant to:

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

The President of the National Energy Regulatory Authority adopts the following

DECISION

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

Chapter 3.4 – “Binding Open Season Procedure Overview” shall be amended and replaced by the Annex hereto.

Art. II – (1) This Decision is communicated to the National Gas Transmission Company Transgaz S.A. Medias and it is published on its website.

Art. III – By 15.03.2019, the National Gas Transmission Company Transgaz S.A. Medias in collaboration with Földgázz szállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT shall set the timeline of the activities related to the conduct of the open season procedure subsequent to the bid submission window III and shall send it to the National Energy Regulatory Authority for approval

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

President
of the National Energy Regulatory Authority
Dumitru CHIRIȚĂ

Binding RO-HU Open Season Procedure Timeline

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

Milestone	Date
Announcement of the Binding Open Season Procedure	16.10.2017
Customer Registration	16.10.2017 – 03.11.2017
Confirmation Customer Registration (TSOs)	by 15.11.2017
Bid submission window I: Submission of Bids	15.11.2017 – 19.12.2017
Economic Test I	19.12.2017 – 29.12.2017
TSOs to publish aggregated allocation results	29.12.2017
<i>In case of <u>positive</u> Economic Test I:</i>	
TSO to send acceptance of Bids in form of contract duly signed by TSO to Successful Bidders and inform Bidders about aggregate allocation results	by 15.01.2018
Successful Bidders to return countersigned contract to TSO	by 29.01.2018
<i>In case of <u>negative</u> Economic Test I:</i>	
Bid submission window II: TSOs to submit updated requirements to Bidders	by 28.02.2018
Bid submission window II: Bidders may submit updated Bids to TSOs	19.03.2018 – 06.04.2018
Economic Test II	06.04.2018 – 10.04.2018

TSOs to publish aggregated allocation results	11.04.2018
<i>In case of negative Economic Test II:</i>	
TSO to inform Bidders about terminated Open Season procedure	by 12.04.2018
<i>In case of <u>positive</u> Economic Test II:</i>	
TSOs to send acceptance of Bids in form of contract (duly signed by TSO) to Successful Bidders	by 12.04.2018
Successful Bidders to return countersigned contract to TSO	by 25.04.2018
Bidders' latest execution date of step back right from contracts concluded upon positive Economic Test I or II	14.12.2018
<i>In case of step back right not being executed:</i>	
Successful completion of the Open Season procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 16.12.2018
<i>In case of step back right being executed:</i>	
TSOs to inform Bidders that an additional Economic test needs to be performed	16.12.2018
Economic Test III	07.01.2019 – 21.01.2019
TSOs to publish aggregated allocation results	28.01.2019
<i>In case of <u>positive</u> Economic Test III:</i>	

Successful completion of the OS procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 28.01.2019
<i>In case of negative Economic Test III:</i>	
Bid submission window III: TSOs to submit requirements to Bidders	by 04.02.2019
Bid submission window III: Bidders may submit new additional Bids for the remaining available capacity	05.02.2019 – 30.05.2019
Economic Test IV	(...)
TSOs to publish aggregated allocation results	(...)
<i>In case of <u>positive</u> Economic Test IV:</i>	

<p>Successful completion of the OS procedure (contracts concluded before 14.12.2018 remain in place, TSOs to inform Successful Bidders), TSOs to send acceptance of Bids in form of contract (duly signed by TSO) to Successful Bidders</p>	<p>by (...)</p>
<p>Successful Bidders to return signed contract to TSO</p>	<p>by (...)</p>
<p><i>In case of negative Economic Test IV:</i></p>	
<p>TSO to inform Bidders about terminated OS procedure and termination of the contracts</p>	<p>by (...)</p>

