

DECISION NO. 1123/28.07.2017

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

Considering:

- the provisions of Regulation (EU) 459/2017 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013,
- the provisions of Art. 99 (k) and Art. 130 (1) (d¹) of Electricity and Gas Law No. 123/2012, as further amended and supplemented.

Taking into account:

- the final version of the Open Season Rulebook for the Open Season to be jointly performed by the National Gas Transmission Company Transgaz S.A. Medias, Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. and Gas Connect Austria for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems and at the Mosonmagyaróvár interconnection point between the Hungarian and the Austrian gas transmission systems (*the Initial Rulebook*), sent by Transgaz to the National Energy Regulatory Authority by Letter No. DJ/23901/25.05.2017, registered at ANRE under number 37352/26.05.2017,
- that the final version of the Initial Rulebook included the reasonable and justified proposals and comments of the economic operators in the gas sector following the international public consultation, the workshop held on 8 March 2017 at Budapest, the joint work meeting on 11-12 April 2017 in Vienna, and the publication of the final version of the Initial Rulebook on the web sites of Gas Connect Austria, the National Gas Transmission Company Transgaz SA and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT on 16 May 2017,
- that the economic tests in the final version of the Initial Rulebook which were to be performed compliant with the principles established at Art. 22 and Art. 25 of Regulation (EU) No. 2017/459, and the parameters used in the economic tests were set according to Art. 23 and Art. 24 of this Regulation,
- that the economic tests in the final version of the Initial Rulebook contained parameters determined by the technical solution foreseen in the Study for ensuring gas export capacities through the Horia – Csanadpalota interconnection with Hungary and implicitly the related investment effort,
- that the final version of the Initial Rulebook is compliant with the provisions of Art. 28 (1) of Regulation (EU) No. 459/2017,
- that ANRE approved by Decision 772/29.05.2017 the provisions within its competence 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, Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT and Gas Connect Austria for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission

systems and at the Mosonmagyaróvár interconnection point between the Hungarian and the Austrian gas transmission systems,

- that the Hungarian Energy and Public Utility Regulatory Authority (MEKH), at the request of Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT, as a system operator, approved the Open Season Rulebook and the RO HU AT Booking Contract by Decision no. 3640/23.05.2017,
- that by the Letter dated 18 July 2017 FGSZ ZRT notified all parties involved in the execution of the project that it renounces, at least at that moment, to the involvement in the execution of the project on the HU-AT corridor from economic reasons, but remains involved in the RO-HU section of the project, also confirmed by MEKH Decision No. 4013/18.07.2017,
- that due to the current situation, by Letter 34337/20.07.2017, registered at ANRE under no. 49793/20.07.2017, the National Gas Transmission Company Transgaz S. A. Medias, sent the Open Season Rulebook to ANRE for approval and published it at the same time on its own web site for public consultation, for the Open Season procedure to be jointly performed by the National Gas Transmission Company Transgaz S.A. Medias, Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems,
- that the competence of ANRE cannot be extended to the approval of the elements in the Rulebook approved by this Decision, regarding the reserve price, supplements, reserve price evolution and supplements evolution following incremental capacity allocation, parameters used at the substantiation of the economic tests, financial guarantees and incremental capacity booking contracts of Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT., such approval being the competence of MEKH,

Based on

- Art. 28 (2), Art. 30 (1) and Art. 31 of Regulation (EU) 459/2017 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013,
- Art. 5 (1) (d) and Art. 10 (1) (a) and (o) point 2 of Government Emergency Ordinance No. 33/2007 on the organising and functioning of the National Energy Regulatory Authority, approved as further amended and supplemented by Law No. 160/2012,

The President of the National Energy Regulatory Authority adopts the following

DECISION

Art. 1. 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 ZRT. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian Gas Transmission systems (*the Rulebook*) are approved, according to the Annex which is part of this Decision.

Art. 2. If following economic tests III and/or IV the supplements have to be revised, the National Gas Transmission Company Transgaz S.A. Medias shall submit to the National Energy Regulatory Authority the substantiation of the new amount of the supplement until the completion of each of the economic tests at the latest, for endorsement by the decision of the President of the National Energy Regulatory Authority.

Art. 3 If the economic test is positive, the National Gas Transmission Company Transgaz S.A. Medias shall submit to the National Energy Regulatory Authority a detailed report including information related to the performed incremental capacity allocations, within no more than 15 days from the completion of the economic test.

Art. 4 If between the date of the last positive economic test established in the Rulebook and 1 October 2022 the National Gas Transmission Company Transgaz S.A. Medias implements another technical solution, with a reduced level of costs, to offer the same firm annual capacity product, the supplement will be re-calculated in line with the new necessary investment effort and endorsed by the decision of the President of the National Energy Regulatory Authority.

Art. 5 The National Gas Transmission Company Transgaz S.A. Medias sets the 2017 procedure activities calendar in cooperation with Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT., within no more than 60 days from the date of communication based on the public consultation of the parties concerned, and publishes the calendar on its web site.

Art. 6 In case of interpretation discrepancies, the English language will prevail, except for Annex 3 – `Framework Gas Transmission Contract Concluded Subsequent to the Binding Open Season Procedure for Capacity Booking at the Csanadpalota Interconnection Point between the Romanian Gas Transmission System and the Hungarian Gas Transmission System` where the Romanian language will prevail.

Art. 7 (1) The Decision is communicated to the National Gas Transmission Company Transgaz S.A. Medias and it is published on its website.

(2) The National Gas Transmission Company Transgaz S.A. Medias publishes the entire Rulebook in Romanian and English, on its website.

Art. 8 The National Gas Transmission Company Transgaz S.A. Medias will carry out the provisions of the Decision, and the specialist divisions of the National Energy Regulatory Authority will monitor compliance with its provisions.

President
of the National Energy Regulatory Authority
Niculae Havrilet