

Postbus 718, 6800 AS Arnhem, Nederland
Autoriteit Consument en Markt
T.a.v. de heer dr. F.J.H. Don
Postbus 16326
2500 BH DEN HAAG

DATUM 24 mei 2017
UW REFERENTIE
ONZE REFERENTIE REC-N 17-026
BEHANDELD DOOR [REDACTED]
TELEFOON DIRECT [REDACTED]
E-MAIL [REDACTED]@tennet.eu

BETREFT Gecorrigeerd voorstel voor HAR annex voor de Core regio op basis van artikel 52 van de Verordening (EU) 2016/1719 (GL FCA)

Geachte heer Don,

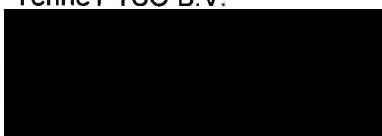
Hierbij ontvangt u een gecorrigeerde versie van het voorstel voor de regionale annex bij de HAR voor de CCR Core die door de gezamenlijke TSO's in de Core regio is opgesteld op basis van de Verordening (EU) 2016/1719 van 26 september 2016 tot vaststelling van richtsnoeren betreffende capaciteitstoewijzing op de langere termijn (afgekort: GL FCA):

- *"Regional Specific Annex for CCR Core to the Harmonised Allocation Rules for long-term transmission rights in accordance with Article 52 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation" d.d. 13 april 2017.*

De versie vervangt de versie die wij u toestuurd op 14 april 2017 als bijlage bij onze brief met kenmerk REC-N 17-017. De aanpassingen ten opzichte van de oorspronkelijke versie betreffen de artikelnummering.

U wordt verzocht dit gecorrigeerde voorstel vast te stellen krachtens artikel 4, vijfde lid, van de GL FCA.

Hoogachtend,
TenneT TSO B.V.



Jan-Paul Dijckmans
Senior Manager Regulation NL

**Regional Specific Annex for CCR Core to the
Harmonised Allocation Rules for long-term
transmission rights in accordance with Article
52 of Commission Regulation (EU) 2016/1719
of 26 September 2016 establishing a Guideline
on Forward Capacity Allocation**

13 April 2017

All TSOs of the CCR Core, taking into account the following,

Whereas

- (1) This document is the common proposal developed by the Transmission System Operators of the CCR Core (hereafter referred to as “**TSOs**”) as defined in the decision No 06/2016 of the Agency for the Cooperation of Energy Regulators of 17 November 2016 pursuant to Article 15(1) of the Commission Regulation (EU) 2015/1222.
- (2) This common proposal sets out specific requirements applicable to the CCR at regional and bidding zone border level pursuant to Article 52(3) of Commission Regulation (EU) 2016/1719 establishing a guideline on Forward Capacity Allocation (hereafter referred to as the “**FCA Regulation**”).
- (3) This document constitutes an Annex to the proposal of the harmonised allocation rules for long-term transmission rights on EU level (hereafter referred to as “**HAR**”) in accordance with Article 51 of the FCA Regulation.
- (4) This proposal includes the following titles:
 - a. The first title covers general provisions of the proposal;
 - b. The second title addresses the applicability of a cap on compensations for curtailments in accordance with Article 59 of the HAR;
 - c. The third title details further regional or bidding zone border specificities applicable to the CCR Core in accordance with Article 52(3) of the FCA Regulation.
- (5) In accordance with Article 6 of the FCA Regulation, proposals at regional level should be submitted to consultation at least at regional level. Accordingly, the provisions in relation to the applicability of the cap were consulted together with the main body of the HAR proposal (as part of the former Annex 1 of that proposal) for a period of not less than a month (namely 16 January until 17 February 2017). The other regional or bidding zone border specific rules of this proposal as contained in the third Title, were also consulted upon during the public consultation on the former border/ regional specific Annexes to the HAR proposal.
- (6) This proposal replaces the former border or regional specific Annexes to the HAR proposal and the information on the applicability of the cap as contained in the former Annex 1 to the HAR proposal.
- (7) This proposal is submitted for the approval of all National Regulatory Authorities (hereafter referred to as the “**NRAs**”) of the CCR Core.
- (8) TSOs understand that for the purposes of the approval or the future amendment of bidding zone border specific requirements of this proposal, only the NRAs of the respective bidding zone border will have to state their explicit approval. Non-concerned NRA(s) of the CCR will be duly informed.

SUBMIT THE FOLLOWING PROPOSAL TO ALL REGULATORY AUTHORITIES OF THE CCR CORE:

TITLE 1
General provisions

Article 1
Subject matter and scope

1. In accordance with Article 4 of the HAR, regional or border specificities may be introduced for one or more Bidding Zone borders. Rules described in this regional specific annex apply to the borders of the CCR Core.
2. This annex enters into force as of the date of entry into force of the HAR in accordance with the applicable national regulatory regime. This annex may be reviewed based on request of the relevant National Regulatory Authorities. In case this annex needs to be amended based on a decision of the National Regulatory Authorities, Article 68 of the HAR shall apply.
3. If there is an inconsistency between any of the provisions in the main body of the HAR and this annex, the provisions in this annex shall prevail. The capitalised terms used in this annex are defined in the HAR to which this annex is attached.

TITLE 2
Cap on compensation

Article 2
Bidding zone borders where cap is applicable

For the purposes of this proposal and the HAR, a cap on compensation shall only apply to the bidding zone borders listed in the present Title.

Article 3
Austria - Czech Republic (AT-CZ)

A cap on compensation shall be applicable to the AT-CZ border in accordance with Article 59(2) of the HAR.

Article 4
Austria - Germany/Luxembourg (AT-DE/LU)¹

A cap on compensation shall be applicable to the AT-DE/LU border in accordance with Article 59(2) of the HAR.

Article 5
Austria - Hungary (AT-HU)

A cap on compensation shall be applicable to the AT-HU border in accordance with Article 59(2) of the HAR.

Article 6
Austria - Slovenia (AT-SI)

A cap on compensation shall be applicable to the AT-SI border in accordance with Article 59(2) of the HAR.

Article 7
Belgium - France (BE-FR)

¹ As soon as the bidding zone border Austria - Germany/Luxembourg becomes effective.

A cap on compensation shall be applicable to the BE-FR border in accordance with Article 59(2) of the HAR.

Article 8
Belgium - Netherlands (BE-NL)

A cap on compensation shall be applicable to the BE-NL border in accordance with Article 59(2) of the HAR.

Article 9
Croatia - Hungary (HR-HU)

A cap on compensation shall be applicable to the HR-HU border in accordance with Article 59(2) of the HAR.

Article 10
Croatia - Slovenia (HR-SI)

A cap on compensation shall be applicable to the HR-SI border in accordance with Article 59(2) of the HAR.

Article 11
Czech Republic - Germany/Luxembourg (CZ-DE/LU)

A cap on compensation shall be applicable to the CZ-DE/LU border in accordance with Article 59(2) of the HAR.

Article 12
Czech Republic - Poland (CZ-PL)

A cap on compensation shall be applicable to the CZ-PL border in accordance with Article 59(2) of the HAR.

Article 13
France - Germany/Luxembourg (FR-DE/LU)

A cap on compensation shall be applicable to the FR-DE/LU border in accordance with Article 59(2) of the HAR.

Article 14
Germany/Luxembourg - Netherlands (DE/LU-NL)

A cap on compensation shall be applicable to the DE/LU-NL border in accordance with Article 59(2) of the HAR.

Article 15
Hungary - Slovakia (HU-SK)

A cap on compensation shall be applicable to the HU-SK border in accordance with Article 59(2) of the HAR.

Article 16
Hungary - Romania (HU-RO)

A cap on compensation shall be applicable to the HU-RO border in accordance with Article 59(2) of the HAR.

Article 17
Poland - Slovakia (PL-SK)

A cap on compensation shall be applicable to the PL-SK border in accordance with Article 59(2) of the HAR.

Article 18
Poland - Germany/Luxembourg (PL-DE/LU)

A cap on compensation shall be applicable to the PL-DE/LU border in accordance with Article 59(2) of the HAR.

TITLE 3

Further regional or bidding zone border specific requirements

Article 19

Constraints of the optimization function for CZ-SK-DE/LU-PL borders

1. The following definition are added:

Technical Profile means a combination of Biding Zone borders which have a common technical limit and represent the limit for commercial transactions on Interconnectors or parts of a national transmission system creating constraint of the optimisation function in form of relevant Offered Capacity in accordance with Article 35(3) of Allocation Rules.

2. Some bidding zone borders and their subsets between Czech Republic, Germany/Luxembourg, Poland and Slovakia have a common technical limit and therefore may create a Technical Profile.

3. Technical Profiles are listed below:

Set of Bidding Zone borders and/or their subsets/ having common technical limit List of responsible TSOs	Technical Profile
Czech Republic (CZ) CEPS <>	PSE->(50Hertz+CEPS+SEPS) (50Hertz+CEPS+SEPS)->PSE
----- Slovakia (SK) SEPS <>	
Poland (PL) PSE <>	
Germany/Luxembourg (DE/LU) 50Hertz <>	50Hertz-> (PSE+CEPS)
Poland (PL) PSE <>	(PSE+CEPS)->50Hertz
----- Czech Republic (CZ) CEPS <>	
Germany/Luxembourg (DE/LU) 50Hertz <>	

Article 20

Border specificities for the border Hungary – Romania

1. Allocation Platform

This Article 20 paragraph 1 supplements Article 3 of the Allocation Rules:

The Allocation Platform on the Bidding Zone border Hungary and Romania shall be MAVIR, the Hungarian TSO.

The responsible TSOs MAVIR and TEL reserve the rights to assign the Joint Allocation Office as the Allocation Platform for the attribution of Long Term Cross Zonal Capacity on the Bidding Zone border Hungary and Romania. In this case the HAR is applicable on this border without this Article 20. In such a case MAVIR and TEL will inform market participants in due time.

2. Submission of information

This Article 20 paragraph 2 replaces Article 9 paragraph 1 letter h) of the Allocation Rules:

h) financial contact person for collaterals, invoicing and payment issues, and their contact details (email, facsimile, postal address and telephone number) for notifications where required in these Allocation Rules in accordance with Article 74; and

3. Form of cash deposit

This Article 20 paragraph 3 supplements Article 20 of the Allocation Rules:

The Registered Participant shall provide the collaterals in the form of a cash deposit in a dedicated ***Business Account at least two (2) Working Days before the Bidding Period closure of the Auction for which it shall be used as collateral or otherwise, it shall be considered for the subsequent Auctions.***

4. Use and remuneration of Long Term Transmission Rights

This Article 20 paragraph 4 supplements Article 45 of the Allocation Rules:

The possibility and any other necessary information related to the reservation of the Physical Transmission Rights for the exchange of balancing energy shall be announced by the Allocation Platform in the Auction Specification referred to in Article 29. The introduction of the possibility of the reservation of the Physical Transmission Rights for the exchange of balancing energy shall be consulted upon and approved by the relevant National Regulatory Authorities, where applicable.

5. Invoicing and payment conditions

a) This Article 20 paragraph 5 (a) replaces Article 65 paragraph 4 of the Allocation Rules:

The Allocation Platform shall send the original invoice by post and a copy of it by e-mail to the Registered Participant at the postal address and e-mail address of the financial contact person submitted in accordance with Article 9(h).

b) This Article 20 paragraph 5 (b) replaces Article 65 paragraph 5 of the Allocation Rules.

In the cases of curtailment of Long Term Transmission Rights, return of Long Term Transmission Rights according to Article 40 or remuneration of Long Term Transmission Rights according to Article 48, the invoices shall take into account any payments to be credited to the Registered Participant. ***The payments to be credited to the Registered Participant shall be settled:***

- ***in case the compensation in respect of curtailment is to be paid for first (original) holder of Long Term Transmission Right by a modified or corrected invoice issued by the Allocation Platform;***
- ***in case the compensation in respect of curtailment is to be paid for the new holder of Long Term Transmission Right after the transfer by an invoice issued by the Registered Participant based on settlement notification of Allocation Platform;***

- ***in case the remuneration in respect of return or resale is to be paid for the holder of Long Term Transmission Right by an invoice issued by the Registered Participant based on settlement notification of Allocation Platform.***

c) This Article 20 paragraph 5 (c) replaces Article 65 paragraph 9 of the Allocation Rules:

If the balance of the payments as set forth in paragraph 3 and 5 of this Article results in a net payment from the Registered Participant to the Allocation Platform, the Registered Participant shall settle this balance within **seven (7) Working Days** after the date of issuance of the original invoice.

d) This Article 20 paragraph 5(d) replaces Article 65 paragraph 10 of the Allocation Rules:

Payments by the Registered Participant as set forth in paragraph 9 of Article 65 of the Allocation Rules shall be collected in a way that the Registered Participant shall ensure payment through a non-automated transaction to the account of the Allocation Platform specified on the invoice by indicating the invoice reference.

e) This Article 20 paragraph 5 (e) replaces Article 65 paragraph 11 of the Allocation Rules:

If the balance of the payments as set forth in paragraph 3 and 5 of this Article results in a net payment from the Allocation Platform to the Registered Participant, the Allocation Platform shall pay this balance within seven (7) Working Days after the:

- ***date of issuance of the corrected invoice issued by the Allocation Platform; or***
- ***date of receipt of the original invoice issued by the Registered Participant***

to the bank account as announced during the accession process in accordance with Article 9 paragraph 1(g) by the Registered Participant who is entitled to the payments at the due date.

6. Notices

This Article 20 paragraph 6 replaces Article 74 paragraph 3 of the Allocation Rules:

All notices or other communications shall be given by letter delivered by hand against receipt or sent by registered mail or courier in the following cases:

- the conclusion of the Participation Agreement in accordance with Article 6;
- the suspension and termination according to Article 71 and Article 72;
- the submission of the bank Guarantee in accordance with Article 21 paragraph 3 and
- ***the original invoices in accordance with Article 20 paragraph 5 (a) and Article 20 paragraph 5 (b) of this annex***