

Regulation of March 31, 2020 on the operation and settlement of the balancing market

ISSUER: ANRE

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Chapter 1 GENERAL DISPOSITIONS

Article 1

This Regulation aims to establish the rules for the purchase and use of electricity necessary for balancing the National Power System in real time in the order of economic priority, through competitive, transparent, public and non-discriminatory mechanisms, as well as for the settlement and payment of appropriate transactions.

Art. 2

This Regulation shall apply to balancing market participants, transmission system operator and electricity market operator.

Art. 3

The abbreviations used in this Regulation shall have the following meanings:

ANRE - National Energy Regulatory Authority;

BNR - National Bank of Romania;

CD - Dispatchable consumer;

RET code - Line code of the Electrical Transport Network;

DD - Availability declaration;

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

EBGL - Commission Regulation (EU) 2017/2195 of 23 November 2017 laying down a guideline on electricity system balancing ID - Settlement interval

FDI - Disposable storage facility NFA - Approved Physical Notification

ODPE - Balancing Market Settlement Operator;

OTS - Transmission System Operator;

Pe - Balancing Market;

PI - intraday market;

PIP - Day-ahead market closure price in the national bidding zone;

EPP - Participant of the balancing market;

Pre-Part responsible for balancing;

PZU - day-ahead market;

PD Regulation - Programming regulation of dispatchable production units, dispatchable consumers and dispatchable storage facilities, approved by order of the president of ANRE;

PRE Regulation - Regulation on the calculation and settlement of imbalances of the parties responsible for balancing, approved by order of the President of ANRE;

PZU Regulation - Regulation of the organisation and functioning of the market for the next day of electricity in compliance with the mechanism of coupling by price of markets, approved by order of the president of ANRE;

Measurement rules - The rules on the measurement of electricity and the use of related information for commercial purposes, approved by order of the ANRE president;

SB - Block change;

Sen - National Power System;

RES - Renewable energy source;

STS - Technological System Services;

UT - Dispatchable Electricity Production Unit;

UT - EE - Dispatchable unit that produces electricity from wind power;

UT - EF - Dispatchable unit that produces electricity from solar energy;

EU - European Union

Art. 4

(1) For the specific purpose of this Regulation, the terms and expressions below shall have the following meanings:

1. Settlement bank - Bank at which an EPP/OTS opened its account from/from which payment obligations/receiving entitlements entered in the settlement notices issued by the ODPE are paid

2. Available band - Power field corresponding to the secondary adjustment in which a UD/CD/IS can respond to both growth and power reduction provisions during an ID

3. PE identification code - alphanumeric code assigned to each EPP by TSOs
4. Balancing Account - Bank account opened by an EPP/OTS with a settlement bank for its exclusive use for payments and receipts for transactions concluded on the EP and penalties for partial delivery of balancing energy
5. Net Consumption - Energy a consumer of electricity takes from the transmission/distribution grids of the SEN
6. EP Participation Convention - Standardised Convention developed by TSOs following a public consultation process, in which mutual rights and responsibilities are provided between TSOs and an EPP as provided for in this Regulation
7. Power increase - Delivery of balancing energy to cover a production deficit/excessive consumption in the SEN by increasing the production of a UD, reducing the consumption of a CD or the power injection by an FDI
8. Energy available for balancing - The amount of balancing energy that can be made available to OTS by a UD, a CD or an ISD in an ID
9. Aggregated entity RES - Result of association between two or more producers of electricity from renewable sources, in order to participate together in the competitive market, in accordance with the provisions of Law no. 220/2008 establishing the system for promoting the production of energy from renewable energy sources, republished, with subsequent amendments and additions
10. Settlement statement for balancing - Situation prepared and updated by the TSOs for each EPP, for the follow-up of the collection rights/obligations and their corresponding receipts/payments, related to final transactions concluded on the EP
11. Settlement of penalties for partial delivery of balancing energy - Situation prepared and updated by the TSOs for each EPP, for the follow-up of its payment obligations and the corresponding receipt, related to penalties applied for the incomplete supply of electricity committed to the EP
12. Repealed.

(at 01-09-2020, Point 12. of Paragraph (1) , Article 4, Chapter 1 was repealed by Point 1, Article 5 of Ordinance No 152 of 24 August 2020, published in the OFFICIAL MONITOR No 779 of 26 August 2020)

13. Delivery month - Month of actual delivery/balancing energy consumption
 14. Time mark - Information in electronic form uniquely attached to a tender, certifying that it was received by TSOs at a well-defined time point
 15. Monthly settlement information note - Information note drawn up by the ODPE, outlining all payment obligations, i.e. collection rights to be paid, i.e. collected through bank accounts opened by each EPP and TSOs
 16. Monthly EP regularisation note - OTS monthly regularisation note, for each EPP, summarising committed transactions and final EPP balancing energy transactions per EP in each calendar month
 17. Offer - Offer for power increase and/or power reduction of a UD/CD/ISD for each ID, specifying the minimum price required by the EPP to increase power in a specified area, i.e. the maximum price offered for power reduction in a specified area
 18. Balancing Market Settlement Operator - Organising entity within the electricity market operator setting out the payment obligations and collection entitlements of the EPP and TSOs, as well as the quantitative and value imbalances of the EPP
 19. Merit Orders - Price-ordering price-to-quantity pairs of validated bids, established and used by the TSOs for determining price-quantity pairs to be accepted for the supply of balancing energy
 20. Price-to-quantity pair - A combination of a price and a quantity, indicating the minimum price at which an EPP intends to sell, in the case of bids for power increase or the maximum price at which it is willing to buy, in case of power reduction offers, a quantity of electricity that will not exceed the specified quantity
 21. Net Production - Electricity that is delivered by a production unit to the transmission or distribution networks of the SEN
 22. Connection Point - The physical point at which a user is connected to the SEN or where its delimitation has been formally agreed through a measuring point
 23. Power Reduction - Delivery of balancing energy to compensate for a surplus of production/consumption deficit in the SEN by reducing the output of a UD/ISD or increasing the consumption of a CD/ISD
 24. Pumping mode - The operating regime of a pumping hydroelectric power plant, characterised by the accumulation of primary hydro energy by raising water from the lower basin to the upper basin, with electricity consumption
 25. Required adjustment - Quantity of balancing energy that TSOs need to select at a certain time in accordance with the provisions of this Regulation
 26. Rapid tertiary adjustment - Adjustment of the active powers of some UD/CD/FDI in order to restore the secondary adjustment reserve
- (at 01-09-2020, Point 26. of Paragraph (1) , Article 4, Chapter 1 was amended by

Point 2, Article 5 of Ordinance No 152 of 24 August 2020, published in the OFFICIAL MONITOR No 779 of 26 August 2020)

27. Slow tertiary adjustment - Adjustment of the active powers of some UD/CD/FDI in order to restore the rapid tertiary adjustment reserve

(at 01-09-2020, Point 27. of Paragraph (1) , Article 4, Chapter 1 was amended by Point 2, Article 5 of Ordinance No 152 of 24 August 2020, published in the OFFICIAL MONITOR No 779 of 26 August 2020)

28. Central regulator - Equipment designed to automatically adjust the frequency in the SEN by generating, in terms of execution size, the distribution signals on selected power stations/groups, the required active power variation

29. Balancing responsibility - The responsibility of each EPP towards TSOs for maintaining the balance between realised and contracted values of own electricity production, consumption and exchange, where appropriate and for financially bearing any imbalances

30. Network Restriction - Synonym with Congestion Terms

31. Reserves - Availability for secondary and tertiary adjustment, at the guaranteed level where TSOs have contracted in advance technological system services with UD/CD/ISD according to the regulations relating to their acquisition or the level resulting from the physical notifications of UD/CD/ISD

32. Price scale - Scope between the lowest and highest price, where the price of offers submitted to the EP must be placed

33. Transaction - Agreement concluded between two parties for the commercial transfer of electricity in accordance with this Regulation

34. Production unit - One assembly of machines designed to convert energy of another form into electricity

35. Thermo dispatchable unit - Dispatchable unit consisting of turbogenerative groups operating on the basis of thermal energy from fossil fuels or biomass, as well as from nuclear fuels

36. Delivery day - The day on which actual delivery/balancing energy consumption takes place
(2) For the purposes of this Regulation, the terms and expressions used shall have the meanings defined in Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market in electricity and amending Directive 2012/27/EU, Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market in electricity (recast), in the Law on Electricity and Gas No 123/2012, as amended and supplemented, in the Technical Code of the Transport Electric Network (Recast), and the Regulation for the measurement of the PU Regulation, and the PU Regulation,

Chapter 2 Centralised Balancing Market Rules Section

2.1. General principles for the functioning of the EP

Article 5

EP rules create the legal framework for the sale and purchase by TSOs of balancing energy required to:

- a) ensuring the flexibility and stability of the SEN; and
- b) solving network restrictions in the SEN.

Art. 6

For each EPP that has contracted reserves with TSOs according to the provisions of STS insurance regulations, it is mandatory to offer on EP the balancing capacity contracted on each type of reserve and each meaning, based on the capacity of the UD/CD/ISD available after the programming according to the provisions of the PD Regulation.

Art. 7

Any EPP shall have the right to offer on the EP the available capacity of the UD/CD/FDI it operates. If a CD has had transactions in a previous PE market with delivery in an ID, on that ID it is no longer permitted to offer on PE based on its task.

(at 01-09-2020, Article 7 of Section 2.1. Chapter 2 was amended by Point 3, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 8

(1) In order to prioritise the selection of tenders at the same price by TSOs, the following categories shall be established for the application of the priority dispatching, in descending order of growth priority, i.e. in the ascending order of the reduction priority:

- a) Wet put into service before 4 July 2019 and which at the date of entry into service were subject to dispatch as a priority contained in the ANRE regulations in force at that date:
- i. WET - EE;
 - ii. WET - EF;
 - iii. Wet for the production of electricity in cogeneration, including RES, for electricity produced from high-efficiency cogeneration, within the limits of the high-efficiency electrical capacity qualified by ANRE;
 - iv. Wet for producing electricity from declared hydroelectric sources with high hydraulicity. A situation of high hydraulicity shall be deemed to be a situation where there is a danger of discharge for that UD;
- b) Wet producing electricity from RES other than those referred to in (a).
- c) Wet using RES and/or high-efficiency cogeneration put into service after 4 July 2019 and having installed power generation capacity of less than 400 kW, for which priority dispatching applies; for electricity produced from high-efficiency cogeneration, priority dispatching is applied within the limits of the high-efficiency electrical capacity qualified by ANRE;
- d) Wet other than those referred to in points (a), b) and c), CD and FDI as well as the UD referred to in points (a) and (b) from the date on which they undergo significant changes determined in accordance with paragraph 2(c).
- (2) TSOs shall develop following a public consultation process, publish on their website and apply procedures to verify:
- a) the electricity falling within the provisions of paragraph (1) a) item iii, corresponding to the updated lists of electricity and heat production capacities in cogeneration, with final and/or preliminary accreditation, approved by ANRE;
 - b) situations of high hydraulicity and related electricity, according to paragraph (1) lett. a) item iv.
 - c) the maintenance of the DU referred to in paragraph 1(a) and (b) in the categories of priority dispatchers as provided for in Article 12(6) of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market in electricity.
- (3) The EPP shall transmit to TSOs the assignment of each UD for which it is responsible in one of the categories referred to in paragraph 1 in accordance with the procedures laid down in paragraph 2 and shall update such information whenever they undergo changes.
- (4) TSOs shall, following a public consultation process, develop a procedure detailing the application of dispatching as a priority on the basis of the hierarchy referred to in paragraph 1 in compliance with the conditions for ensuring the safe functioning of the SEN and publish it on its own website.

Art. 9

The corresponding balancing energy shall be traded on the EP:

- a) Secondary adjustment
- b) Rapid tertiary adjustment
- c) Slow tertiary adjustment Article 10

Where sufficient reserves or balancing energy are not available, TSOs shall take specific actions in accordance with the provisions of the RET Code.

Art. 11

TSOs are responsible for registering EP participants, collecting and verifying offers, as well as for making calculations of quantities necessary to settle the transactions related to the EP.

Art. 12

Pe starts after the approval of physical notifications for the delivery day and ends at the end of the delivery day.

Art. 13

Transactions in the EP are concluded through partial or full acceptance of bids by TSOs. If a transaction concluded on the EP through partial or full acceptance of tenders by TSOs would jeopardise the safety and stability of the functioning of the SEN, the provisions on the resolution of network restrictions in this Regulation shall apply.

Art. 14

Transactions concluded on the EP shall establish the obligation of that EPP to provide the appropriate service to TSOs, in accordance with the specifications in the offer and the dispatcher provisions issued by TSOs. Transactions are specific to a specific ID.

Art. 15

The establishment of payment obligations/receiving rights in the case of transactions concluded on the EP is based on:

- a) the smallest quantity between the quantity accepted by TSOs and the quantity actually delivered by the EPP, and
- b) the marginal price or, in the case of transactions used to resolve network restrictions, the offer price.

Art. 16

TSOs is the contracting party for each EPP in all transactions concluded on the EP. Art. 17

Balancing energy may be used for:

- a) the power increase, which can be provided by increasing the output of a DU/FDI or by reducing the consumption of a CD/FDI;
- b) power reduction, which can be provided by reducing the output of a DU/ISD or increasing the consumption of a CD/FDI.

Art. 18

Pumped storage plants shall be considered CD when operated on a pumping mode.

Art. 19

Balancing energy traded on the EP shall be physically delivered on the day of delivery:

- a) at the connection points where a UD, a CD or an FDI, as appropriate, is connected/connected to the SEN;
- b) at the times for which the dispatcher provisions were issued by TSOs, they must be located in the ID specified in the accepted offer.

Art. 20

TSOs may, in collaboration with TSOs from other countries, develop procedures to enable the mutual use of purchased energy on the EP or through similar mechanisms existing in other countries. These procedures shall be developed in accordance with the provisions of the EBGL.

Section 2.2. Participation in the EP

Art. 21

Market participants shall have the confirmation of TSOs of the capability of the production/consumption units/storage facilities for which they are responsible and for which they wish to participate in the EP to be considered as UD/CD/ISD for the provision of balancing energy corresponding to slow, tertiary rapid tertiary regulation and/or secondary adjustment, as appropriate, on the basis of OTS qualification, certification or assimilated procedures. (at 01-09-2020, Article 21 of Section 2.2. Chapter 2 was amended by Point 4, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 22

(1) Market participants who are responsible for qualified UD/CD/FDI shall register in advance as EPP if they wish to participate in the EP or if they wish to participate in the procurement process carried out by TSOs for ensuring STS in the form of balancing capacity.

(2) The EPP registration made prior to the entry into force of this Regulation shall remain valid and documents issued by TSOs confirming their technical capabilities shall remain valid until a new assessment carried out in accordance with applicable TSO procedures.

(at 01-09-2020, Article 22 of Section 2.2. Chapter 2 was amended by Point 5, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 23

(1) A registered EPP may delegate its rights and responsibilities as such to another EPP by including one or more of the DUs/generating groups that it operates/FDI in one or more UD/ISDs

operated by those PPEs, i.e. by including the CD/ISDs that it operates in the CD/ISD operated by that PPE, in accordance with the provisions of the UD, or the result of the UD.

(2) Where the delegation of rights and responsibilities in accordance with paragraph shall apply.

(1) has the effect of setting up a UD consisting only of generating groups belonging to members of an aggregate RES entity, this UD shall be classified, in accordance with the provisions of Article 8, by the EPP designated by the aggregated entity RES, in the category corresponding to the technology having the highest installed power within the aggregate RES entity.

(3) The designated participant of an aggregate RES entity shall be a manufacturer exploiting the UD and shall have all the responsibilities and rights corresponding to participation in the EP in full.

Art. 24

The following provisions of this Regulation shall apply to the EPP which have not delegated their responsibilities to all the UD/CD/FDI they operate and to those who have explicitly assumed their responsibilities related to UD/CD/FDI formed in accordance with Article 23. By its own UD/CD/FDI, this Regulation shall mean both the UD/CD/FDI which the EPP operates, as well as the UD, CD, or FDI formed in accordance with Article 23, under its responsibility.

Art. 25

Where at least one party denounces the delegation of rights and responsibilities as EPP provided for in the PD Regulation, for certain UD/CD/ISDs or generating/consuming units/storage facilities, it shall forward an information to the TSOs and all responsibilities and rights as EPPs shall be reassigned to each of the parties for each of these units.

Art. 26

If the TSO revokes its agreement to aggregate into a single UD or CD or ISD of more than one DU or CD or ISD, i.e. generating or consuming units or storage facilities operated by different EPPs, it shall communicate to the parties its decision and its reasons, in which case all responsibilities and rights shall be reassigned to the EPP for each of those units it operates; the conditions under which TSOs may revoke its agreement are contained in the procedure on aggregation conditions developed by TSOs in accordance with the provisions of the PD Regulation.

Art. 27

Economic operators who register as EPPs in accordance with the provisions of Article 21 including consumers with CD who wish to register as EPP shall make a written request to OTS. The application shall include a duly completed form, shall be accompanied by all relevant supporting documentation and must be signed by the applicant's legal representative.

Art. 28

The content and format of the form provided for in Article 27, as well as the procedure for transmitting, checking, accepting or rejecting them, shall be developed by OTS. TSOs publish this information on their own website.

Art. 29

TSOs shall establish, following a public consultation process, the framework content of the EP Convention covering the mutual rights and responsibilities of TSOs and each EPP. The framework content of the EP Convention is published by TSOs on their own website.

Art. 30

Registration of a new EPP shall become effective from the date of entry into force of the Convention on Participation in the EP.

Art. 31

An EPP may be withdrawn from the EP on its own initiative by a written notice signed by an authorised representative of the EPP. This notice shall be sent at least one month before the date on which the EPP registration is to be cancelled. Upon receipt of such notification, the

TSOs shall immediately inform the ODPE.

Art. 32

TSOs may revoke the registration of an EPP in any of the following cases:

- a) if the EPP no longer fulfils one or more of the conditions required for registration as EPP at some point;
- b) if the EPP fails to comply with the provisions of the EP Convention;
- c) if the EPP is repeatedly found guilty of failing to comply with the rules applicable to the EP, including settlement rules.

Art. 33

Registration of an EPP shall be automatically revoked with immediate effect if the license of the respective EPP has been withdrawn by ANRE.

Art. 34

If an EPP withdraws from the EP in accordance with the provisions of Article 31 or if the registration of an EPP is revoked by the TSOs in accordance with the provisions of Article 32 or Article 33:

- a) The EPP makes all payments due to TSOs in accordance with the provisions on EP settlement;
- b) TSOs make all payments to the EPP due for the period prior to the withdrawal/revocation of the EPP;
- c) after all payments due by that EPP have been made, the TSOs shall cancel its registration in the EP register, informing the respective EPP and the ODPE of this cancellation.

Art. 35

EPPs that have been accepted by TSOs are registered in the EP register, which shall be drawn up and updated by TSOs.

Art. 36

The EP register shall contain, for each EPP, at least the following information:

- a) full name, registered office and contact details of the EPP;
- b) the date and number of the condition for participation in the corresponding EP;
- c) the EP identification code of the EPP;
- d) the name and contact details of all persons authorised to act on behalf of the EPP;
- e) the name, identification code of the PRE and the contact details for each ERP that has assumed responsibility for balancing for the EPP;
- f) the list of all UD or CD or FDI that are operated by that EPP and the composition of each of them.

Art. 37

Each EPP shall have the right to consult the information contained in the EP register concerning them and to request correction of any inaccuracies found.

Art. 38

The information contained in the EP register shall be made available by TSOs to ODPE and ANRE upon request.

Section 2.3. Tendering on EP Article 39

The EPP may transmit offers at power increase and/or power reduction for each ID of each delivery day and for:

- a) every UD for which it is responsible
- b) every CD for which he is responsible
- c) every FDI he's responsible for.

Art. 40

The EPP shall transmit offers on each ID for any UD/CD/ISD for the amount of balancing energy it wishes to make available, separately for:

- a) power increase
- b) power reduction.

Art. 41

For any UD for which it is responsible, the EPP shall submit a power reduction offer which in relation to the planned production in the NFA reflects the minimum power up to which it is valid and a supply of power which in relation to the planned production in the NFA reflects the maximum power up to which it is valid; these limits shall be within the available production capacity included in the DD realised in accordance with the provisions of the PD Regulation.

Art. 42

For any CD for which it is responsible, the EPP submits a power reduction offer which reflects the maximum consumption up to which the maximum consumption is valid and an offer of power gains that reflect the minimum consumption up to which it is valid in relation to the planned consumption in NFA.

Art. 43

For any FDI for which it is responsible, the EPP shall submit a power reduction offer which, in relation to the planned production/consumption in the NFA, reflects as appropriate the minimum power or maximum consumption up to which it is valid and an offer to increase power which, in relation to the planned production/consumption of the NFA, reflects the minimum consumption or maximum output up to which it is valid.

Art. 44

Each offer may contain no more than 10 price-quantity pairs.

Art. 45

Each price-to-quantity pair in the power increase supply defines the lowest unit price for balancing energy, at which the EPP wishes to increase power, for a quantity not exceeding the quantity specified in that price-to-quantity pair; an offer of power increase at negative price means the desire to deliver that quantity at the same time as the payment of the price in absolute value to TSOs.

Art. 46

Each price-to-quantity pair in the power reduction offer defines the highest unit price for balancing energy, which the EPP is willing to pay when reducing power, for a quantity not exceeding the quantity provided for in the respective price-to-quantity pair; a power reduction offer at negative price means the desire to stop delivering that quantity in the case of UD/ISD or to consume that quantity further in the case of CD/ISD, while receiving the price in absolute value from TSOs.

Art. 47

TSOs shall calculate the energy available for balancing, which is the total amount of balancing energy that is made available by a DU, a CD or an FDI in the ID separately for:

- a) each ID;
- b) each type of balancing energy in accordance with the provisions of Article 9;
- c) power increase, respectively power reduction.

Art. 48

TSOs shall verify that the system service obligations under contracts are complied with.

Art. 49

When determining the energy available for balancing on each type of adjustment, the TSOs shall consider:

- a) the types of adjustment for which the UD or CD or FDI is qualified, as applicable;
- b) in the case of rapid tertiary adjustment, energy which has already been considered as part of the energy available for balancing corresponding to the secondary adjustment;
- c) in the case of slow tertiary adjustment, energy which has already been considered as part of the energy available for balancing corresponding to secondary adjustment and rapid tertiary

adjustment;

Art. 50

When determining the available balancing energy per type of adjustment and meaning, the TSOs shall maximise the available balancing energy corresponding to the secondary adjustment. For remaining energy, TSOs must maximise the energy available for balancing corresponding to rapid tertiary adjustment.

Art. 51

Where TSOs find that the electricity available for balancing corresponding to the offers received is not sufficient to maintain the safety and stability in operation of the SEN taking into account the process of offsetting imbalances with other systems, it may require all or part of the EPP to provide all or part of the unused production capacity or other balancing resources, in addition to offers already submitted; in emergency situations under the applicable legislation announced by TSOs upon request, the EPP shall submit bids for all available energy for balancing.

Art. 52

The EPP may submit offers to OTS at the latest by the closing time of the EP, i.e. by ID-50 minutes of the delivery day. Tenders shall be submitted not later than one week before the day of delivery in question.

Art. 53

Tenders shall be transmitted in electronic form, by means of communication provided by TSOs.

Art. 54

The offer shall be deemed to be officially submitted at the time of entry into the EP system. The time of transmission is expressed by the time mark.

Art. 55

As soon as a new offer has entered the EP system, the TSOs shall acknowledge its receipt to the EPP. This confirmation shall contain the registration number and the time at which this offer entered the EP system.

Art. 56

Before the closing time of the EP, tenders may be changed or cancelled at any time. All changes are temporally marked and recorded in the PE system. Any change sets out a new bid, automatically cancelling the offer that was previously validated for the same ID and the same DU, CD or FDI, as appropriate.

Art. 57

If an EPP does not receive from TSOs within 5 minutes of the submission of a new tender, the confirmation of receipt of that tender shall immediately contact the TSOs.

Art. 58

The format and content of tenders are established by TSOs following a public consultation process. TSOs shall publish this information, such as technical price limits for tenders, on their own website.

Art. 59

The technical price limits for tenders are a minimum price, which is the equivalent in lei at the NBR rate of the day preceding that of delivery of the value of -EUR 99999/MWh and a maximum price, which is the equivalent in lei at the NBR rate on the day before that of delivery of the value of EUR 99999/MWh, including the price of any price-quantity pair of a tender.

Art. 60

For each UD/CD/ISD, the balancing energy offered at growth, i.e. the balancing energy offered at reduction, relative to the planned production or consumption corresponding to the NFA, shall be within the limits contained in the DD, and in the case of UD to comply with the minimum technical power of the UD, i.e. the lowest technical minimum power of the groups in its composition, with the minimum minimum amount of power being offered at least the minimum quantity of the EPP.

Art. 61

Tenders shall contain at least the following information:

- a) the EP identification code of the EPP;
- b) the PE identification code of the UD, CD or FDI for which the offer is made;
- c) the day of delivery for which the offer is valid;
- d) ID for which the offer is valid;
- e) meaning of the tender: on growth or reduction;
- f) at least one, but no more than 10 consecutive price-quantity pairs.

Art. 62

The prices in the offers are expressed in lei/MWh and must fall between the minimum technical limit and the maximum technical limit according to Article 59, which are published daily by TSOs for each delivery day. Prices in consecutive price-quantity pairs must be steadily increasing.

Art. 63

TSOs shall develop the procedure for the validation of tenders in accordance with the provisions of this Regulation and publish it on its own website.

Art. 64

Immediately after introduction and at the latest after the PE closing time, TSOs shall check all offers entered into the PE system. If an offer for a UD, CD or FDI does not comply with the conditions laid down in Article 60 or Article 62, as the case may be, it shall be invalidated and deemed not to be transmitted by the EPP.

Art. 65

TheOTS shall confirm the validation of an offer which it has submitted after its introduction, but no later than ID-45 minutes on the day of delivery. The confirmation shall also contain the registration number for that offer and the time at which it was validated.

Art. 66

If an EPP has not received from TSOs by ID-45 minutes the confirmation of the validation of the submitted bids shall immediately contact the TSOs for clarification.

Art. 67

After all bids have been validated, but no later than the end of the ID, OTS shall transmit the validated offers to the ODPE.

(at 01-09-2020, Article 67 of Section 2.3. Chapter 2 was amended by Point 6, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 68

Validated tenders are firm commitments for that EPP.

Art. 69

If, after ID-45 minutes, TSOs notice from the updated DD of an EPP, a reduction of the available production/consumption capacity of a UD/CD/ISD from the declared maximum, the TSOs shall reduce the validated offer for the DU of that EPP up to the available capacity.

Art. 70

Under the conditions laid down in Article 69, for each relevant ID, TSOs shall reduce the quantity of one or more price-quantity pairs of the validated growth offer, starting with the price-quantity pair with the highest price, until the amount, i.e. the difference between the

power and the planned consumption contained in the NFA and the aggregate amount at increase of that offer becomes equal to the available production capacity and consumption respectively.

Section 2.4. Rules for selecting offers on EP

Art. 71

Balancing energy selection procedures shall be developed by TSOs following a public consultation process in accordance with the provisions of this Regulation. TSOs shall publish these procedures on their own website.

Art. 72

As soon as the tenders have been validated, TSOs may use validated offers for the management of network restrictions at the programming stage, as set out in the network restrictions management provisions of this Regulation. For balancing the SEN at the dispatch stage, TSOs also use validated offers.

Art. 73

When selecting and using balancing energy, in accordance with the selection procedures laid down in Article 71, TSOs shall ensure that the use of balancing energy is technically feasible and within the limits of technical characteristics, And physical notification for all appropriate UD, CD or FDI, as appropriate.

Art. 74

Before ID-40 minutes of the delivery day, TSOs shall establish the required reserve, which is the amount of balancing energy to be available during the respective ID of the delivery day, separated per type of adjustment, at power increase and at reduction. Power and verify its existence. If necessary, TSOs can set different reserves required for different parts of the SEN.

Art. 75

If necessary, TSOs may change the amount set for the required reserve at any time, before or during the delivery day.

Art. 76

The required reserve may exceed the amount of reserves corresponding to that type of balancing energy, for each meaning that the TSOs have contracted for that TSI.

Art. 77

Whenever necessary, TSOs calculate the available secondary adjustment band for a specific ID.

Art. 78

In calculating the available secondary adjustment band, TSOs shall take into account at least the following factors:

- a) the limits defined by the technical characteristics for the respective CD/UD/FDI;
- b) the DU/consumption level of CD or FDI according to the NFA/the corresponding PE reference consumption for it;
- c) for each UD/CD/ISD, the lowest of the sum of the quantities of price pairs offered at growth in the secondary adjustment half-band of the UD/CD/ISD and the sum of the quantities of price-to-quantity pairs offered at discount in the secondary adjustment half-band of the UD/CD/ISD.

Art. 79

For determining the amount of balancing energy corresponding to the rapid tertiary power increase or power reduction adjustment, respectively, which may be made available by a DU, a CD or an ISD, during a TID, the TSOs shall take into account at least the following factors:

- a) the limits defined by the technical characteristics of the respective CD/UD/FDI;
- b) the production level of the DU/FDI or the level of consumption of CD/FDI, in accordance with

the NFA for them;

c) the sum of the quantities of price-to-quantity pairs offered by UD/CD/FDI at growth and reduction respectively;

d) the sum of the quantities of price-quantity pairs offered at growth in the secondary adjustment semi-band of the DU/CD/ISD, respectively the sum of the quantities of the price-quantity pairs offered at discount in the sub-tuning half of the UD/CD/ISD.

Section 2.5. Selection of offers for secondary adjustment

Art. 80

For each ID, the TSO determines the merit order for the balancing energy corresponding to the secondary adjustment, by combining in one offer all equivalent price-quantity pairs of each UD/CD/ISD according to the provisions of Article 81, sorted in increasing order of prices, starting with the lowest price-quantity pair and continuing to the highest price-quantity pair required.

Art. 81

Equivalent price-to-quantity pairs of a UD/CD/FDI made to select the balancing energy corresponding to the secondary adjustment shall be determined as follows:

- a) the minimum between the quantity of the price-price pair at increase at the lowest price and the quantity of the price-to-quantity pair at the highest price shall be calculated;
- b) the quantity referred to in point (a) shall be associated as a price, the difference between the price-quantity-price-to-growth pair and the price of the discount price-quantity pair, while retaining this pair as the first equivalent price-quantity pair of UD/CD/ISD required to select the balancing energy for secondary adjustment;
- c) the price-quantity equivalent pair determined in accordance with point (b) is provisionally deleted and the following equivalent price-quantity pair is similarly identified;
- d) the above process ends when the quantity represented by the lowest amount between the sum of the quantities of price-quantity pairs offered at growth in the secondary adjustment half-band of the DU/CD/ISD and the sum of the quantities of price-quantity pairs offered at discount in the sub-tuning semi-band of the UD/CD/ISD is exhausted.

Art. 82

When establishing the merit order for the balancing energy corresponding to the secondary adjustment, TSOs shall ensure that:

- a) the order of merit shall contain only equivalent price-to-quantity pairs for balancing energy corresponding to the secondary adjustment arising from the validated bids applicable to the TI concerned;
- b) the order of merit shall contain only equivalent price-quantity pairs related to UD/CD/FDI that have been qualified for secondary adjustment in accordance with applicable TSO procedures and synchronised with the SEN;
- c) for each UD/CD/ISD, the aggregate quantity of all equivalent price-quantity pairs entered in the order of merit shall not exceed half the value of the available band value determined for the respective CD/ISD UD.

Art. 83

On the basis of the values established for the required secondary adjustment reserve, TSOs shall accept equivalent price-quantity pairs from the merit order of the balancing energy corresponding to the secondary adjustment according to the following conditions:

- a) TSOs may accept more than one price-quantity pair;
- b) the aggregate quantity of all equivalent price-to-quantity pairs accepted from the order of merit for the balancing energy corresponding to the secondary adjustment shall be half the amount of the required reserve corresponding to the secondary adjustment;
- c) equivalent price-to-quantity pairs can only be accepted with part of the quantity tendered;
- d) when accepting equivalent price-quantity pairs, TSOs shall ensure that the price of any accepted equivalent price-quantity pair is lower than the price of any price-equivalent quantity pair which is part of the order of merit and which has not been accepted. Art. 84

After acceptance of equivalent price-quantity pairs in accordance with Article 83, OTS shall identify the two price-quantity pairs offered for each UD/CD/ISD of each EPP corresponding to an equivalent price-quantity pair which has been accepted in whole or in part and designates them as accepted in whole or in part.

Art. 85

The highest price of a price-quantity pair for balancing energy corresponding to the secondary power growth adjustment, partially or totally accepted in accordance with Article 84, determines the marginal price for balancing energy corresponding to the secondary power growth adjustment. The lowest price of a price-to-quantity pair for balancing energy corresponding to the secondary power reduction adjustment, partially or totally accepted under Article 84, determines the marginal price for balancing energy corresponding to the secondary power reduction adjustment.

Art. 86

Price-to-quantity pairs for balancing energy corresponding to the secondary adjustment, accepted in whole or in part in accordance with the provisions of Article 84, shall establish a firm obligation of the EPP which submitted that offer to provide TSOs with the corresponding amount of balancing energy corresponding to the secondary adjustment in the ID considered.

Art. 87

TSOs shall inform each EPP of the aggregate amount of balancing energy corresponding to the secondary adjustment that has been accepted in accordance with the provisions of Article 84, separately for each of the UD/CD/ISD for which the EPP is responsible. When receiving a request from the TSOs, the EPP shall accordingly set the adjustment band for each UD/CD/ISD qualified for secondary adjustment in the appropriate ID.

Art. 88

UT/CD/FDI which are required to provide a specific adjustment band for secondary adjustment in accordance with the provisions of Article 87 shall provide the balancing energy corresponding to the secondary adjustment, responding to signals proportional to each of the selected bands received from the central regulator of the OTS in real time.

Art. 89

Each signal that a UD/CD/ISD receives from the central regulator of the TSOs in a given ID establishes a transaction between the TSOs, on the one hand, and the EPP that is responsible for the respective DU/CD/ISD, on the other hand, for providing the balancing energy corresponding to the secondary adjustment; the characteristics of this transaction are determined by the signal received from the central regulator of the TSOs, proportional to the adjustment band set for the respective UD/CD/ISD according to the provisions of Article 87 and by the marginal price for balancing energy corresponding to the secondary power growth adjustment or for the balancing energy corresponding to the secondary power reduction adjustment, as appropriate, established in accordance with the provisions of Article 85.

Art. 90

The price-to-quantity pairs for balancing energy corresponding to the secondary adjustment, partially or totally accepted in accordance with the provisions of Article 84, shall be recorded by the TSOs in the EP system, which shall contain at least the following information:

- a) the registration number of the validated offer and the price-to-quantity pair accepted;
- b) the quantity accepted;
- c) the marginal price for balancing energy corresponding to the secondary power growth adjustment established in accordance with the provisions of Article 85;
- d) the marginal price for balancing energy corresponding to the secondary power reduction adjustment, established in accordance with the provisions of Article 85.

Art. 91

Transactions established according to the provisions of Art. 89 determine an adjustment of the physical notification for the respective UD/CD/FDI in accordance with the provisions of the PD Regulation, but only for the respective ID.

Art. 92

TSOs may decide to replace the use of balancing energy corresponding to the secondary adjustment by balancing energy corresponding to the tertiary power growth adjustment if a continuous production deficit in the NES is expected over a longer period of time and if this replacement would lead to lower costs per EP.

Art. 93

TSOs may decide to replace the use of balancing energy corresponding to the secondary adjustment by balancing energy corresponding to the tertiary power reduction adjustment if a continuous surplus of production in the NES is estimated over a longer period of time and if this replacement would lead to lower costs per EP.

Art. 94

TSOs complete the selection and acceptance of price-to-quantity pairs for balancing energy corresponding to the secondary adjustment before the start of the corresponding ID.

Section 2.6. Selection of offers for fast-growing tertiary adjustment

Art. 95

TSOs shall use the balancing energy corresponding to the tertiary rapid power increase adjustment if it estimates a continuous need for power increase or where it considers it necessary to replace the use of the balancing energy corresponding to the secondary balancing energy corresponding to the tertiary power growth adjustment.

Art. 96

Where TSOs have identified the need to use the balancing energy corresponding to the rapid tertiary power increase adjustment in accordance with the provisions of Article 95, it shall establish:

- a) the timeframe during which the use of the balancing energy corresponding to the rapid tertiary power increase adjustment will be required, which shall:
 - i. start at the latest 15 minutes after the dispatcher's disposition is issued, and
 - ii. end no later than the end of the TE related to the commencement of delivery;
- b) the required amount of balancing energy corresponding to the tertiary rapid power increase adjustment, referred to in this section as the required adjustment.

Art. 97

The time limit provided for in Article 96 (a) is referred to in this section as the required interval.

Art. 98

The TSOs shall establish the merit order for the balancing energy corresponding to the rapid tertiary power increase adjustment for the required range, by combining into one offer all price-quantity pairs that are still available and have not been selected for secondary adjustment over the required range, sorted in increasing order of prices, starting with the lowest price-quantity pair and continuing up to the highest price-quantity pair required.

Art. 99

When establishing the merit order for the balancing energy corresponding to the rapid tertiary power increase adjustment, TSOs shall ensure that:

- a) the order of merit shall contain only the price-to-quantity pairs for balancing energy corresponding to the secondary or tertiary rapid power increase adjustment in the validated bids, which are still available within the required range;
- b) the order of merit shall contain only price-quantity pairs corresponding to UD, CD or FDI that have been qualified for secondary or tertiary rapid adjustment in accordance with applicable TSO procedures;
- c) for each UD, CD or FDI, the aggregate quantity of all price-quantity pairs entered in the order of merit shall not exceed the amount of balancing energy corresponding to the rapid tertiary power increase adjustment that can be made available at the beginning of the required range, determined in accordance with the provisions of Article 79. If necessary, the price-quantity pair with the highest price of all the price-quantity pairs related to the respective DU, CD or FDI, which are part of the order of merit, shall be taken into account only with part of the quantity, so that this condition is met.

Art. 100

After determining the necessary adjustment according to the provisions of Art. 96 and the merit order for the balancing energy corresponding to the rapid tertiary power growth adjustment according to the provisions of Articles 98 and 99, OTS accepts price-quantity pairs from the merit order for balancing energy corresponding to the rapid tertiary power growth adjustment, subject to the following conditions:

- a) TSOs may accept more than one price-quantity pair;
- b) the price of any price-quantity accepted pair is lower than the price of any price-quantity pair which is part of the order of merit and which has not been accepted;
- c) the aggregate quantity of all accepted price-to-quantity pairs is equal to the adjustment required;
- d) in the case of the selection of balancing energy related to the increase in power offered at the same price, the provisions of the procedure provided for in Article 8(4) shall apply;
- e) all price-quantity pairs with a price lower than the highest price of an accepted price-quantity pair shall be accepted with the whole quantity offered, provided that the provisions of points f) and g are complied with;
- f) provided that the provisions of point g are complied with), for all price-to-quantity pairs related to DU, FDI or pumped storage plants qualified as CD, with a price equal to the highest price-quantity pair accepted, only one share of the price-to-quantity pair of pumped storage plants qualified as CD, at a price equal to the highest price-quantity pair accepted, shall be accepted so that the relationship is respected:

$$\text{Reg(nec)} = S \cdot Q(\text{whole}) + S \cdot S \cdot Q(\text{last}, j) \\ I.J.$$

where:

- Reg(nec) is the necessary adjustment,
- Q(whole) is the bid quantity corresponding to the price-quantity pair i, which has a price lower than the highest price of an accepted price/quantity pair,
- Q(ultim,j) is the bid quantity corresponding to the price-quantity pair j, which has a price equal to the highest price-quantity pair accepted;
- g) where the application of the relationship referred to in letter f) results in quantities less than 1 MWh/h for a UD/CD/ISD, the selection of balancing energy shall be made giving preference to quantities greater than 1 MWh/h.

Art. 101

The price-quantity pairs accepted in accordance with the provisions of Article 100 establish a transaction committed between TSOs on the one hand and the EPP which has transmitted that offer, on the other hand, for the supply of balancing energy corresponding to the tertiary rapid power growth adjustment, at the price specified in the price-quantity pair with the highest price of those accepted for the respective ID, called in this section the marginal price for rapid tertiary growth adjustment, and for the quantity accepted under the provisions of Art 100.

Art. 102

Committed transactions established in accordance with the provisions of Article 101 shall be registered by TSOs in the EP system, which shall contain at least the following information:

- a) the unique registration number of the validated offer and the price-to-quantity pair that has been accepted;
- b) the range requested;
- c) the quantity accepted;
- d) marginal price for fast-growing tertiary adjustment;
- e) the moment at which the price-quantity pair was accepted.

Art. 103

The quantities of balancing energy corresponding to the tertiary rapid power increase adjustment committed in accordance with the provisions of Article 102 shall be confirmed/adjusted in accordance with the provisions on the settlement of final transactions on the EP.

Art. 104

The price-quantity pairs accepted in accordance with the provisions of Article 100 shall result in a change in the corresponding physical notification of UD, CD or FDI respectively, in accordance with the provisions of the PD Regulation, but only for the respective ID.

Art. 105

Where a transaction concluded in accordance with the provisions of Article 101 results in a network restriction, i.e. whether the use of the accepted price-quantity pair may jeopardise the safety and stability of the SEN operation, the TSOs shall resolve the network restriction in accordance with the provisions of this Regulation relating to the resolution of network restrictions before ordering the supply of balancing energy; in the event of cancellation of a transaction in accordance with Article 143 which would have fixed the marginal price for rapid tertiary adjustment on growth, it shall remain the same as the situation in which it would not have been cancelled.

Art. 106

TSOs may decide to replace the use of balancing energy corresponding to the tertiary rapid adjustment of power gain by balancing energy corresponding to the slow-increasing tertiary power adjustment, as far as possible, if a continuous production deficit in the NES is expected for a longer period of time and if this replacement would lead to lower costs per EP.

Section 2.7. Selection of tenders for tertiary rapid reduction adjustmentArticle 107

TSOs shall use balancing energy corresponding to the rapid tertiary power reduction adjustment if it estimates a continuous need for power reduction or where it deems it necessary to replace the use of the balancing energy corresponding to the secondary balancing energy corresponding to the tertiary power reduction adjustment.

Art. 108

Where TSOs have identified the need to use the balancing energy corresponding to the rapid tertiary power reduction adjustment in accordance with the provisions of Article 107, it shall establish:

- a) the timeframe during which the use of the balancing energy corresponding to the rapid tertiary power reduction adjustment will be required, which shall:
 - i. start at the latest 15 minutes after the dispatcher's disposition is issued
 - ii. end no later than the end of the TE related to the commencement of delivery;
- b) the amount of balancing energy corresponding to the rapid tertiary power reduction adjustment required, referred in this section as the required adjustment.

Art. 109

The time limit provided for in Article 108 (a) is referred to in this section as the required interval.

Art. 110

The TSOs shall establish the merit order for the balancing energy corresponding to the rapid tertiary power reduction adjustment for the required range, by combining into a single offer all price-quantity pairs that are still available and have not been selected for secondary adjustment over the requested range, sorted in descending order of prices, starting with the highest price-quantity pair and continuing to the lowest price-quantity pair required.

Art. 111

When establishing the merit order for the balancing energy corresponding to the rapid tertiary power reduction adjustment, TSOs shall ensure that:

- a) the order of merit shall contain only the price-to-quantity pairs for the balancing energy corresponding to the secondary or tertiary rapid power reduction adjustment in the validated bids, which are still available within the required range;
- b) the merit order contains only price-quantity pairs corresponding to UD, CD or FDI that have been qualified for secondary or tertiary rapid adjustment in accordance with the RET Code;
- c) for each UD, CD or FDI, the aggregate quantity of all price-quantity pairs entered in the order of merit shall not exceed the amount of balancing energy corresponding to the rapid tertiary power reduction adjustment that can be made available at the beginning of the required range, determined in accordance with the provisions of Article 79. If necessary, the price-quantity pair with the lowest price of all the price-quantity pairs related to the respective DU/CD/ISD, which are part of the order of merit, shall be taken into account only with part of the quantity, so that this condition is met.

Art. 112

After determining the necessary adjustment according to the provisions of Article 108 and the merit order for the balancing energy corresponding to the rapid tertiary power reduction adjustment according to the provisions of Articles 110 and 111, TSOs accept price-quantity pairs from the merit order for the balancing energy corresponding to the rapid tertiary power reduction adjustment, subject to the following conditions:

- a) TSOs may accept more than one price-quantity pair;
- b) the price of any price-quantity accepted pair is higher than the price of any price-quantity pair which is part of the order of merit and which has not been accepted;
- c) the aggregate quantity of all accepted price-to-quantity pairs is equal to the adjustment required;
- d) in the case of the selection of balancing energy related to the reduction of power tendered at the same price, the provisions of the procedure laid down in Article 8(4) shall apply;
- e) all price-quantity pairs with a price higher than the lowest price for an accepted price-quantity pair shall be accepted with the whole quantity offered, provided that the provisions of points f) and g) are complied with;
- f) provided that the provisions of point g) are complied with, for all price-quantity pairs related to DU, FDI or pumped storage plants qualified as CD, with a price equal to the lowest price-quantity pair accepted, only one S (0<lt; S-1) quota of the quantity offered will be accepted so as to comply with the relationship:

$$\text{Reg}(\text{nec}) = S Q(\text{whole}) + S.S Q(\text{ultimate}, j) \text{ and } j)$$

where:

Reg(nec) is the necessary adjustment,

Q(whole) is the bid quantity corresponding to the price-quantity pair i, which has a price higher than the lowest price-quantity pair accepted, and Q(ultimate,j) is the bid quantity corresponding to the price-quantity pair j, which has a price equal to the lowest price-quantity pair accepted,

g) where the application of the relationship referred to in letter f) results in quantities less than 1 MWh/h for a UD/CD/ISD, the selection of balancing energy shall be made giving preference to quantities greater than 1 MWh/h.

Art. 113

The price-quantity pairs accepted in accordance with the provisions of Article 112 shall establish a transaction committed between TSOs on the one hand and the EPP which has transmitted that offer, on the other hand, for the supply of balancing energy corresponding to the rapid tertiary power reduction adjustment, at the price specified in the price-quantity pair with the lowest price of the respective ID, called in this section the marginal price for rapid tertiary adjustment at the discount, and for the quantity accepted under the provisions of Art. 112;

Art. 114

Committed transactions established in accordance with the provisions of Article 113 shall be registered by TSOs in the EP system, which shall contain at least the following information:

- a) the unique registration number of the validated offer and the price-to-quantity pair that has been accepted;
- b) the range requested;
- c) the quantity accepted;
- d) marginal price for rapid tertiary adjustment at discount;
- e) the moment at which the price-quantity pair was accepted.

Art. 115

The balancing energy quantities corresponding to the rapid tertiary power reduction adjustment committed under Article 114 shall be confirmed/adjusted in accordance with the provisions on settlement of final transactions on the EP.

Art. 116

The price-quantity pairs accepted in accordance with the provisions of Article 112 shall result in a change in the corresponding physical notification of UD, CD or FDI respectively, in accordance with the provisions of the PD Regulation, but only for the respective ID.

Art. 117

Where a transaction concluded in accordance with the provisions of Article 113 results in a network restriction, i.e. whether the use of the accepted price-quantity pair may jeopardise the safety and stability of the SEN operation, the TSOs shall resolve the network restriction in accordance with the provisions of this Regulation relating to the resolution of network restrictions before ordering the supply of balancing energy; in the event of cancellation of a transaction in accordance with Article 143 which would have fixed the marginal price for rapid tertiary adjustment at discount, it shall remain the same as the situation in which it would not have been cancelled.

Art. 118

TSOs may decide to replace the use of balancing energy corresponding to the rapid tertiary adjustment of power reduction by balancing energy corresponding to the slow tertiary power reduction adjustment, as far as possible, if a continuous production deficit in the NES is expected for a longer period of time and if such replacement would result in lower costs per EP.

Section 2.8. Selection of tenders for slow growth tertiary adjustmentArticle 119

TSOs shall use the balancing energy corresponding to the slow tertiary adjustment of power increase if they estimate a continuous need for power increase over the duration of an ID, starting no earlier than the end of the current ID.

Art. 120

Where TSOs have identified the need to use balancing energy corresponding to the slow tertiary power adjustment in accordance with the provisions of Article 119, it shall specify:

- a) ID during which the use of balancing energy corresponding to the slow tertiary power increase adjustment will be required;
- b) the amount of balancing energy corresponding to the slow tertiary adjustment of the required power increase, referred in this section as the required adjustment.

Art. 121

After determining the balancing energy demand corresponding to the tertiary slow power increase adjustment in accordance with the provisions of Article 120, TSOs shall accept price-quantity pairs for power increase from validated offers, subject to the following conditions:

- a) TSOs shall take into account only the price-quantity pairs of validated offers applicable to the ID referred to in Article 120 (a);
- b) TSOs may accept more than one price-quantity pair;
- c) the choice of price-quantity pairs shall comply with the following conditions:
 - i. the price of any price-quantity pair accepted shall be lower than the price of any price-quantity pair which is part of the order of merit and which has not been accepted, subject to the provisions of Articles 122 and 123;
 - ii. it is technically feasible, within the limits of the technical characteristics for the respective DU, CD or FDI;
- d) the aggregate quantity of all accepted price-quantity pairs shall be equal to the adjustment required for the ID referred to in Article 120;
- e) CD price-to-quantity pairs other than pumped storage plants can only be accepted with the full quantity offered;
- f) price-to-quantity pairs related to DU, FDI or pumped storage plants qualified as CD can be accepted with part of the bid;
- g) in the case of the selection of balancing energy related to the increase in power offered at the same price, the provisions of the procedure provided for in Article 8(4) shall apply;
- h) following acceptance of the price-quantity pairs in accordance with the provisions of Art. 121:
 - i. the aggregated available band for all UD/CD/FDI for which validated bids with price-to-quantity pairs for secondary adjustment energy have been submitted shall not be reduced below the amount of reserve required for secondary adjustment during the ID;
 - ii. the remaining amount of balancing energy corresponding to the rapid tertiary power increase adjustment shall not be reduced below the amount of reserve required for rapid tertiary power growth adjustment during the DI.

Art. 122

If OTS cannot establish a choice of price-quantity pairs that satisfy both the conditions laid down in Art. 121 letter h), in a first phase it shall be considered only to comply with the condition laid down in Art. 121 let. h) item i. If it fails to determine a choice of price-quantity pairs in accordance with the provisions of Art. 121, it shall be considered that none of the conditions laid down in Art. 121 let. h) applies. If even this does not allow it to accept price-quantity pairs for a sufficient amount of balancing energy corresponding to the slow tertiary power increase adjustment, the TSOs will only accept the maximum available amount of balancing energy corresponding to the slow tertiary power increase adjustment.

Art. 123

If the TSO has failed to accept price-quantity pairs for a sufficient amount of balancing energy corresponding to the slow tertiary power increase adjustment, or if acceptance of price-quantity pairs results in a breach of the conditions laid down in Article 121 h), it may:

- a) explore the possibilities of increasing the balancing energy corresponding to the rapid power increase secondary and/or tertiary adjustment by sending requests to the EPP to offer additional UD/CD/FDI to the EP and/or
- b) take the measures it deems necessary, in accordance with the provisions of the RET Code, to ensure that a reasonable amount of balancing energy corresponding to the rapid power-increasing secondary and/or tertiary adjustment is restored.

Art. 124

Where the use of one or more price-quantity pairs accepted under Article 121 results in a network restriction, i.e. if the use of that price-quantity pair jeopardises the safety and stability of the SEN operation, the TSOs shall resolve this network restriction in accordance with the provisions of this Regulation.

Art. 125

The price-quantity pairs accepted under the provisions of Article 121 establish a transaction committed between the TSOs, on the one hand, and the EPP which submitted that offer, on the other hand, for the supply of balancing energy corresponding to the slow tertiary power adjustment, during the period required under the provisions of Art. 120, at the price specified in the price-quantity pair with the highest price of the accepted ones, named in this section marginal price for slow tertiary adjustment in accordance with the provisions of Art. 121.

Art. 126

Committed transactions established in accordance with the provisions of Article 125 shall be registered by TSOs in the EP system, which shall contain at least the following information:

- a) the unique registration number of the validated offer concerned;
- b) in the case of a tender:
 - i. the price-quantity pair that has been accepted;
 - ii. all transaction specifications engaged in accordance with the provisions of Art. 125.
- c) the moment at which the price-quantity pair was accepted.

Art. 127

The quantities of balancing energy corresponding to the tertiary slow power increase adjustment committed in accordance with the provisions of Article 126 shall be confirmed/adjusted in accordance with the provisions on the settlement of final transactions on the EP.

Art. 128

The price-quantity pairs accepted in accordance with the provisions of Article 121 shall result in a change in the corresponding physical notification of UD, CD or FDI respectively, in accordance with the provisions of the PD Regulation, but only for the respective ID.

Art. 129

Where a transaction concluded in accordance with Article 125 results in a network restriction, i.e. whether the use of the accepted price-quantity pair may jeopardise the safety and stability of the functioning of the SEN, the TSOs shall resolve the network restriction in accordance with the provisions of this Regulation before ordering the supply of balancing energy; in the event of cancellation of a transaction in accordance with Article 143 which would have fixed the

marginal price for the slow-growing tertiary adjustment, it shall remain the same as the situation in which it would not have been cancelled.

Section 2.9. Selection of tenders for tertiary slow reduction adjustmentArticle 130

TSOs use the balancing energy corresponding to the slow tertiary power reduction adjustment if it estimates a continuous need for power reduction during an ID, starting no sooner than the end of the current ID.

Art. 131

Where TSOs have identified the need to use balancing energy corresponding to the slow tertiary power reduction adjustment in accordance with the provisions of Article 130, it shall specify:

- a) ID during which the use of balancing energy corresponding to the slow tertiary power reduction adjustment will be required;
- b) the amount of balancing energy corresponding to the slow tertiary power reduction adjustment required, referred in this section as the required adjustment.

Art. 132

After determining the balancing energy demand corresponding to the slow tertiary power reduction adjustment in accordance with the provisions of Article 131, TSOs shall accept price-quantity pairs for power reduction from validated offers, subject to the following conditions:

- a) TSOs shall take into account only the price-quantity pairs of validated offers applicable to the ID referred to in Article 131 (a);
- b) TSOs may accept more than one price-quantity pair;
- c) the choice of price-quantity pairs shall comply with the conditions:
 - i. the price of any price-quantity pair accepted is higher than the price of any price-quantity pair which is part of the order of merit and which has not been accepted, subject to the provisions of Articles 133 and 134;
 - ii. it is technically feasible, within the limits of the technical characteristics for the respective DU, CD or FDI;
- d) the aggregate quantity of all accepted price-quantity pairs shall be equal to the adjustment required for the ID provided for in Article 131;
- e) CD price-to-quantity pairs other than pumped storage plants are accepted only with the entire quantity offered;
- f) price-to-quantity pairs related to DU, FDI or pumped storage plants qualified as CD may be accepted with part of the bid;
- g) in the case of the selection of balancing energy related to the reduction of power tendered at the same price, the provisions of the procedure laid down in Article 8(4) shall apply;
- h) following acceptance of the price-quantity pairs in accordance with the provisions of Art. 132:
 - i. the aggregated available band for all UD/CD/FDI, for which validated bids with price-to-quantity pairs for secondary adjustment energy have been submitted, shall not be reduced below the amount of reserve required for secondary adjustment during the DI;
 - ii. the remaining amount of balancing energy corresponding to the rapid tertiary power reduction adjustment shall not be reduced below the amount of reserve required for rapid tertiary power reduction adjustment during the TE.

Art. 133

If OTS cannot establish a choice of price-quantity pairs that satisfy both the conditions laid down in Art. 132 lett. h), in a first stage only the observance of the condition laid down in Art. 132 lett. h) item i. If it fails to determine a choice of price-quantity pairs in accordance with the provisions of Art. 132, it shall be considered that none of the conditions referred to in Art. 132 letter h) applies. If even this does not allow it to accept price-quantity pairs for a sufficient amount of balancing energy corresponding to the slow tertiary power reduction adjustment, the TSOs only accept the maximum available amount of balancing energy corresponding to the slow tertiary power reduction adjustment.

Art. 134

If the TSOs have failed to accept price-quantity pairs for a sufficient amount of balancing energy corresponding to the slow tertiary reduction adjustment, or if acceptance of price-quantity pairs results in a breach of the conditions laid down in Article 132 h), the TSO may

take the measures it deems necessary, in accordance with the provisions of the RET Code, to ensure that a reasonable amount of balancing energy corresponding to the secondary and/or tertiary rapid reduction power is restored.

Art. 135

Where the use of one or more price-quantity pairs accepted under Article 132 results in a network restriction, i.e. if the use of that price-quantity pair jeopardises the safety and stability of the SEN operation, the TSOs shall resolve this network restriction in accordance with the provisions of this Regulation.

Art. 136

The price-quantity pairs accepted in accordance with the provisions of Article 132 establish a transaction committed between the TSOs on the one hand and the EPP which has transmitted that offer, on the other hand, for the supply of balancing energy corresponding to the slow tertiary power reduction adjustment, at the price specified in the price-quantity pair with the lowest price of the accepted price, named in this section the marginal price for slow tertiary reduction adjustment and the quantity accepted in accordance with the provisions of Article 132;

The transactions established in accordance with the provisions of Article 136 are registered by TSOs in the EP system, which shall contain at least the following information:

- a) the unique registration number of the validated offer concerned;
- b) in the case of a tender:
 - i. the price-quantity pair that has been accepted;
 - ii. all transaction specifications engaged in accordance with the provisions of Article 136;
- c) the moment at which the price-quantity pair was accepted.

Art. 138

The balancing energy quantities corresponding to the slow tertiary power reduction adjustment committed under Article 137 shall be confirmed/adjusted in accordance with the provisions on settlement of final transactions on the EP.

Art. 139

The price-quantity pairs accepted in accordance with the provisions of Article 132 result in a change in the physical notification corresponding to UD, CD or FDI, but only for the respective ID.

Art. 140

Where a transaction concluded in accordance with Article 136 results in a network restriction, i.e. whether the use of the accepted price-quantity pair may jeopardise the safety and stability of the functioning of the SEN, the TSOs shall resolve the network restriction in accordance with the provisions of this Regulation before ordering the supply of balancing energy; in the event of cancellation of a transaction in accordance with Article 143 which would have fixed the marginal price for the slow-cutting tertiary adjustment, it shall remain the same as the situation in which it would not have been cancelled.

Art. 141

(1) In any ID where there is equilibrium at SEN level and in order of merit to growth there is a price-quantity pair at price below the price of a price-quantity pair in order of merit at declining order, TSOs are entitled to accept these countermeasures, within the smallest quantity of these price-quantity pairs.

(2) TSOs may partially revoke the acceptance of a price-quantity pair only for the remainder of an ID if the meaning of the adjustment requirement changes during the respective ID.

(at 01-09-2020, Article 141 of Section 2.9. Chapter 2 was amended by Point 7, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 142

TSOs publish on their website the marginal prices established in accordance with the provisions

of Art. 85, Art. 101Art.113, Art. 125 and Art. 136, observing the provisions of Art. 144 or Art. 147 if applicable, within 30 minutes after the respective ID has been completed. The obligation to publish may be fulfilled by explicitly indicating on its own website a link to a website where they are published.

Section 2.10. Rules on the management of network restrictions through re-dispatch Article 143
Where TSOs find that a transaction committed to balancing the system, established in accordance with the provisions relating to the selection of tenders for quick or slow tertiary adjustment, results in the emergence of a network restriction that jeopardises the safety and stability of the functioning of the SEN, it shall:

- a) cancel the appropriately committed transaction by marking it in the EP system as cancelled due to a network restriction;
- b) replace the balancing energy lost due to the cancellation of that transaction committed by accepting other price-to-quantity pairs with the same amount of balancing energy in accordance with the provisions relating to the selection of tenders for secondary and tertiary regulation rapidly, provided that the balancing energy so accepted does not lead to any network restriction.

Art. 143A1

Where the TSOs find that there is no offer in the balancing market by which to replace the balancing energy lost by the cancellation of a transaction committed under the terms of Article 143 (a), it shall establish a transaction outside the EP with a DU or a CD or FDI which does not lead to a network restriction, on the basis of the lowest financial compensation that it has to pay, subject to compliance with the EU market rules and the re-issuing of the internal energy rules of the European Parliament, which are not based on the European Parliament's market, and on the basis of the internal market rules laid down in Article 5 of the European Parliament. (at 01-09-2020, Section 2.10 of Chapter 2 was completed by Point 8, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 144

After the conclusion of the ID for which the TSOs carried out the operations referred to in Article 143, it shall restore the process of establishing the transactions engaged in each type of adjustment in the event that the price/quantity pair(s) had not been cancelled, marked as cancelled/assigned because of a network restriction, without including transactions outside the EP with compensation, and the resulting marginal price for each type of adjustment and meaning shall be used as a marginal price for transactions engaged in accordance with the provisions of Articles 113, 125.

(at 01-09-2020, Article 144 of Section 2.10. Chapter 2 was amended by Point 9, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 145

Each of the quantity-price pairs selected to replace the balancing energy lost as a result of the cancellation of a transaction in accordance with Article 143 and which are in addition to those resulting in Article 144 shall establish a transaction committed between the TSOs on the one hand and the EPP which has transmitted that offer, at the price specified in the price/quantity pair and the accepted quantity, which will be identified as the replacement transaction of the cancelled one; Transactions carried out pursuant to Article 143A1^{shall} be identified as replacement transactions with compensation, automatically modify the approved NF of the PRE to which the market participant responsible for the respective UD/CD/FDI is a party and shall be recorded separately with the amount committed, and as a price, with the corresponding unit compensation, to which a positive sign is given in the case of the provisions for growth and negative sign in the case of provisions on reduction.

(at 01-09-2020, Article 145 of Section 2.10. Chapter 2 was amended by Point 10, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 146

If TSOs find, from the analysis of the physical notifications submitted by the EPP related to the availability of network elements, that an ID will show a network restriction that puts

at risk the safety and stability of the functioning of the SEN and notice that it could be

avoided by using one or more price-quantity pairs which, however, would not be the premiums

accepted, in whatever sense, in order of merit, according to the provisions relating to the selection of tenders for secondary, tertiary or slow adjustment, it accepts in whole or in part, where appropriate, the respective price-quantity pair(s) and establishes transactions committed with corresponding EPPs at the price of the respective price-quantity pair, which it marks in the EP system as being used to resolve network restrictions.

Art. 146A1

If the TSOs find that there is no offer in the balancing market which would avoid network restrictions resulting from accepted NFs transmitted by the EPP, it shall establish a transaction/transactions outside the EP with UD/CD/ISD, whatever the meaning, which does not lead to/does not lead to a network restriction, on the basis of the lowest financial compensation that they have to pay to it/the latter under the conditions of compliance with the rules of priority dispatching of the European Union and the re-issuing of the internal market of the European Parliament, and the re-improvement of the internal market. each of these transactions is identified as the compensation transaction used to resolve network restrictions, automatically amends the approved NF of the PRE to which the respective SU/CD/FDI is a party and are recorded separately with the amount committed, and as a price, with the corresponding unit compensation, which is assigned a positive sign in the case of the provisions for growth and negative sign in the case of reduction provisions.

(at 01-09-2020, Section 2.10 of Chapter 2 was completed by Point 11, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 147

After the conclusion of the ID for which the TSOs carried out the operations referred to in Article 146, it shall restore the process of establishing the transactions engaged in each type of adjustment if the marked/marked price/quantity pair(s) had not been selected as being used/used to resolve network restrictions or would not have carried out transactions identified as compensation transactions used to resolve network restrictions, and the resulting marginal price for each type of adjustment and meaning, without using the price, shall be used in accordance with the provisions of the EP113.

(at 01-09-2020, Article 147 of Section 2.10. Chapter 2 was amended by Point 12, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 148

Transactions resulting from the process provided for in Art. 147 and which are additional to those engaged in accordance with the provisions of Art. 85, Art. 101, Art. 113, Art. 125 and Art. 136 are marked distinctly by the PE system, with the amount and marginal price resulting under Art. 147 and are identified as virtual transactions.

Art. 149

Where TSOs have to resolve a network restriction by re-dispatching, it shall retain all the information to be included in the report referred to in Article 13(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market in electricity (recast).

Art. 150

To the extent possible, TSOs shall resolve any network restriction found after the approval of physical notifications, primarily by using the balancing energy corresponding to the slow tertiary adjustment. Where this is not possible, TSOs shall resolve as far as possible network restrictions using the balancing energy corresponding to the rapid tertiary adjustment.

Section 2.11. Transactions committed to EP Article 151

Transactions committed to the EP and/or outside the EP to compensate for the resolution of network restrictions that are concluded in accordance with provisions relating to the selection of offers on the EP or the management of network restrictions and which are not cancelled in accordance with the provisions of this Regulation shall be executed by the TSOs by issuing the corresponding dispatcher provisions to the respective EPP/market participant responsible for the UD/CD/ISD in accordance with the provisions of the RET Code.

(at 01-09-2020, Article 151 of Section 2.11. Chapter 2 was amended by Point 13, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 152

Compliance with the dispatcher provisions issued by TSOs is mandatory for PE participants/market participants responsible for the UD/CD/ISD concerned.

(at 01-09-2020, Article 152 of Section 2.11. Chapter 2 was amended by Point 14, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 153

On the first working day following the relevant delivery day, TSOs shall prepare committed transaction confirmations for all committed balancing energy transactions that have been concluded on the EP and/or outside the EP with compensation for the resolution of network restrictions. For each delivery day and for each DU, CD or FDI, as appropriate, it shall provide separate committed transaction confirmations to the EPP/market participant responsible for the relevant UD/CD/ISD.

(at 01-09-2020, Article 153 of Section 2.11. Chapter 2 was amended by Point 15, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 154

Each committed transaction confirmation shall contain at least the following information:

- a) the EP identification code of the EPP;
- b) the PE identification code of UD, CD or FDI, as appropriate;
- c) delivery day;
- d) all transaction specifications according to the provisions of Article 90, for the balancing energy corresponding to the secondary adjustment;
- e) all transaction specifications engaged in accordance with the provisions of Article 102, balancing corresponding to the rapid tertiary power growth adjustment; for energy for energy for energy
- f) all transaction specifications committed in accordance with the provisions of Article 114, balancing corresponding to the rapid tertiary power reduction adjustment; for energy for energy
- g) all transaction specifications committed according to the provisions of Article 126, balancing corresponding to the tertiary slow power increase adjustment; energy
- h) all transaction specifications committed according to the provisions of Article 137, balancing corresponding to the slow tertiary power reduction adjustment.

Art. 155

In committed transaction confirmations, TSOs shall distinguish between each replacement transaction, including, where appropriate, and marking each compensatory transaction in accordance with Article 145, as well as each transaction used to resolve network restrictions in accordance with the provisions of Article 146, including, where appropriate, and marking each compensation transaction used to resolve network restrictions in accordance with the provisions of Article 146A1.

(at 01-09-2020, Article 155 of Section 2.11. Chapter 2 was amended by Point 16, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 156

With the transmission to the EPP/market participant responsible for the UD/CD/ISD, the committed transaction confirmations shall be transmitted by the TSOs and to the ODPE. TSOs shall also transmit to the ODPE engaged transaction confirmations for each transaction in the EP that has been cancelled in accordance with the provisions relating to the resolution of network restrictions, including its marking as cancelled.

(at 01-09-2020, Article 156 of Section 2.11. Chapter 2 was amended by Point 17, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 157

Appeals to the content of the committed transaction confirmations shall be accepted only in the case of errors resulting from TSOs' shares.

Art. 158

Any dispute over the content of an undertaking transaction confirmation shall be submitted to the TSOs by the responsible EPP not later than 2 working days after the TSOs have submitted that committed transaction confirmation.

Art. 159

TSOs shall inform the EPP of the acceptance or rejection of the respective appeal no later than 2 working days after the deadline laid down in Article 158. In the event of acceptance of a challenge, the TSOs shall submit a corrected confirmation of the committed transaction to the EPP.

Art. 160

If complaints are approved to the agreed transaction confirmations concluded in the EP, the TSOs shall submit the corrected committed transaction confirmations to the ODPE no later than 5 working days after the day of delivery.

Art. 161

If, within the period provided for in Article 158, an EPP does not submit any objection to the agreed transaction confirmations received, they shall be deemed to have been accepted.

Art. 162

Any challenge submitted shall not exempt that EPP from the obligations arising from the contested committed transactions.

Art. 163

Procedures for non-functioning situations for the EP are developed by TSOs and published on its own website.

Art. 164

The procedures for non-functioning situations for the EP shall be used of TSOs and EPP in the case of for the occurrence of non-functioning conditions as follows:

- a) total or partial incapacity or other malfunction of another computer system used by the TSOs for receiving, checking and EP; of the EP system or
- b) total or partial incapacity of operation or other malfunction of another IT system used by TSOs as well for the processing and validation of offers on as for issuing the provisions of selection of dispatcher; of the
- c) disruption of communication lines OTS. of the EP system or of the offers on the EP,

Art. 165

- (1) Procedures for non-functioning situations for the EP may provide for the use of alternative means of communication, as well as the extension or delay of any deadlines to be met by the TSOs and the EPP, including the closing time of the EP.
- (2) Both the TSOs and each EPP shall specify in the convention to participate in the EP one or more contact persons in the event of a non-functioning situation, as well as the appropriate telephone and fax numbers. Both TSOs and each EPP shall inform each other if such information is modified.

Art. 166

TSOs shall publish the offers and transactions committed to the EP of each EPP for each ID on its own website, on the first working day of the second month following the month of delivery, for each ID of the month of delivery.

Art. 167

Final transactions concluded on the EP, characterised by price, quantity and name of the EPP are

published on the OTs' own website on the first working day of the second month following the delivery month, for each ID of the month of delivery.

Chapter 3 REGULATION for the settlement of transactions on the balancing market and of penalties for the partial delivery of balancing ENERGY

Section 3.1. General provisions

Art. 168

The settlement rules shall provide a framework for settlement of transactions and the establishment of payment obligations and collection entitlements resulting under this Regulation between an EPP and TSOs.

Art. 169

The rules for settlement lay down the principles and conditions underpinning the calculations for settlement, for transactions concluded on the EP, including the application of penalties for partial delivery of balancing energy.

Art. 170

In order to facilitate an orderly, transparent and non-discriminatory settlement process, these rules for settlement shall further create the framework for:

- a) establishing a programme for determining, confirming/disputing and transmitting the information necessary for billing and settlement on the EP;
- b) making calculations for the establishment of collection entitlements and payment obligations related to transactions concluded on the EP;
- c) informing the parties of their payment obligations, i.e. their collection rights;
- d) invoicing and making payments;
- e) the establishment and use of guarantees;
- f) measures in cases of failure to fulfil obligations.

Art. 171

The ODPE and TSOs shall develop procedures for the performance of settlement-specific functions under each responsibility under these Settlement Rules and following a public consultation process. ODPE and TSOs shall publish these procedures on their own websites.

Art. 172

The ODPE shall establish the standard format for all settlement information notes following a public consultation process. The ODPE publishes this information on its own website.

Art. 173

The ODPE is responsible for the calculation of the settlement and issuing the information notes for the monthly settlement.

Art. 174

The TSOs and the EPP shall, within the time limits laid down in this Regulation, pay reciprocal payment obligations in accordance with invoices issued on the basis of the information notices for settlement.

Section 3.2. Settlement sheets and bank accounts

Art. 175

The TSOs shall separately pursue each category of payment obligations/receiving rights in its relationship with the EPP, by setting up the following types of settlement sheets:

- a) Settlement forms for balancing for each EPP;
- b) Penalty settlement sheets for partial delivery of balancing energy for each EPP.

Art. 176

Each EPP shall be the holder of the corresponding settlement statement established by TSOs in

accordance with Article 175.

Art. 177

The TSOs shall establish the settlement forms provided for in Article 175 for the corresponding holder of the fiche, after its registration as EPP, but no later than the date on which its registration as EPP becomes effective.

Art. 178

Payment obligations and collection rights registered by TSOs in a settlement statement for balancing or in a penalty settlement form against partial supply of balancing energy shall be based on the contractual relationship between TSOs on the one hand and the fiche holder, on the other hand, documented by the signature of the EP Participation Convention, whose provisions reflect the provisions of this Regulation.

Art. 179

Each economic operator that registers as EPP shall open a bank account for balancing with a commercial bank, hereinafter referred to as the settlement bank.

Art. 180

For the purpose of fulfilling its obligations under this Regulation, TSOs shall open with a commercial bank in Romania a balancing bank account for receipts and payments related to transactions concluded on the EP and for penalties for partial supply of balancing energy.

Art. 181

Account holders shall ensure the solvency of bank accounts for their own balancing on the due dates set in accordance with this Regulation.

Art. 182

The bank accounts provided for in Art. 179 and Art. 180 are opened in the national currency of Romania.

Section 3.3. Guarantees for payment of EP obligationsArticle 183

TSOs are entitled to require the lodging of a guarantee before the operator is registered as EPP; if the EPP has not delegated its responsibility to balancing another ERP and has not taken over other participants in the ERP registered by it in accordance with the provisions of the ERP Regulation, TSOs may accept a common guarantee for the operator's payment obligations as both the EPP and the ERP.

Art. 184

TSOs shall, following a public consultation process, draw up the procedures for determining the required needs and types of guarantees, the procedures for establishing and verifying the provision of guarantees and their supplementation, where appropriate, and the procedures for using the remaining available of the guarantee lodged by the EPP. The level of collateral requested shall take into account the likelihood that the difference between the payment obligations and the monthly EPP collection entitlements to TSOs will be positive and shall be adapted in accordance with possible payment delays in previous periods. TSOs shall publish these procedures on their own website.

Section 3.4. Determination of electricity on IDs corresponding to transactions committed to PE
Art. 185

In compliance with the conditions set out in this Section, TSOs shall develop detailed procedures for calculating the balancing energy quantities to be delivered by an EPP/market participant responsible for UD/CD/ISD in accordance with committed transactions concluded on the EP/non-EP and for the calculation, on the basis of the measured values of electricity delivered/consumed by each DU, CD or ISD , of energy quantities of energy of effective balancing delivered by a UD, a CD or FDI, on each type of adjustment and in every sense of it. TSOs shall publish these procedures and any changes thereto on their own website.

(at 01-09-2020, Article 185 of Section 3.4. Chapter 3 was amended by Point 18, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 186

The amount of balancing energy to be delivered by an EPP/participant at the market responsible for UD/CD/FDI shall be determined taking into account any transaction in which a

that EPP/market participant in charge of the UD/CD/FDI in accordance with the transactions committed to the committed transaction confirmations, separately for each ID and for each DU, CD or FDI, as applicable.

(at 01-09-2020, Article 186 of Section 3.4. Chapter 3 was amended by Point 19, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 187

TSOs determine the amount of balancing energy to be delivered for secondary adjustment during ID(i) as an algebraic sum of the amounts resulting from the integration into ID(i) of the orders received by UD/CD/ISD from the central secondary frequency-power regulator.

Art. 188

TSOs shall determine the amount of balancing energy to be delivered for rapid and/or slow tertiary adjustment during ID(i), in accordance with the transactions committed to the transaction confirmations committed as follows:

$EE^{T(i)} = \pm Lent(i) \pm Rapid(ii)$,

Where: - $EE^{T(i)}$, is the amount of balancing energy that was supposed to be delivered for rapid and/or slow tertiary adjustment during ID(i); - $Lent(i)$ is the amount of balancing energy corresponding to the tertiary adjustment to be delivered during ID(i), determined as algebraic amount of the amounts in the transaction confirmations committed; - $Rapid(i)$ - the amount of balancing energy corresponding to the corresponding amount of third party transfers, which must be confirmed by the time of the third-party transfer.

Art. 189

Balancing energy shall be expressed in positive values in case of power increase and negative values in case of power reduction.

Section 3.5. Determination of actual electricity delivered on EP Article 190

The amount of balancing energy actually delivered by a UD, a CD or an FDI shall be determined by the TSOs on the basis of NFA prior to the selection for the supply of balancing energy in the EP and/or outside the EP of UD or FDI or the net electricity consumption corresponding to the reference EP of CD, the amount of balancing energy contained in the committed transaction confirmations and the net production or net consumption of that DU, CD or ISD, after the case, The amount of balancing energy actually delivered to each ID shall be determined separately for each DU, CD or FDI, as appropriate.

(at 01-09-2020, Article 190 of Section 3.5. Chapter 3 was amended by Point 20, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 191

All provisions received for secondary adjustment of UD/CD/ISD from the central frequency-power regulator shall be considered to be effectively achieved according to the records.

Art. 192

The quantities of balancing energy for power increase or actual power reduction delivered by a UD for tertiary adjustment within the EP and/or outside the EP with compensation shall be determined on the basis of the following rules:

- if on the ID respectively UD has been selected for secondary adjustment, to the amount on ID of electricity resulting from the NFA before any selection on PE//non-EP with compensation, the balance of electricity from the secondary adjustment shall be added, which shall be determined by considering all the provisions received by UD from the central frequency-power regulator as recorded;
- if the difference between the measured value of the electricity delivered by UD in the respective ID and the resulting value under subparagraph a) is positive and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed

outside the EP with compensation in the respective ID is positive, then the lowest value of the two shall be considered as effective balancing energy delivered at growth for tertiary adjustment by UD;

c) if the difference between the measured value of the electricity delivered by UD in the respective ID and the resulting value under subparagraph a) is positive and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative, then the balancing energy actually delivered at subtraction for tertiary adjustment by UD shall be considered as zero;

d) if the difference between the measured value of the electricity delivered by UD in the respective ID and the resulting value under subparagraph a) is negative and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive, then the balancing energy actually delivered at growth for tertiary adjustment by UD shall be considered as zero;

e) if the difference between the measured value of electricity delivered by UD in the respective ID and the value resulting from the provisions of point a) is negative and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative, then the lowest value in the mode between the two shall be considered as effective balancing energy delivered at subtraction for tertiary adjustment by UD.

(at 01-09-2020, Article 192 of Section 3.5. Chapter 3 was amended by Point 21, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 193

The quantities of balancing energy for power increase or actual power reduction delivered by a tertiary adjustment CD within the EP and/or outside the EP with compensation shall be determined on the basis of the following rules:

a) if the DI and CD have been selected for secondary adjustment, to the net electricity consumption corresponding to that of the reference EP, the balance of electricity from the secondary adjustment shall be added, which shall be determined by taking into account all the provisions received by the CD from the central frequency-power regulator, as recorded;

b) if the difference between the measured value of the net electricity consumption of CD in the respective TE and the resulting value under subparagraph a) is negative and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive, then the lowest value of the two, compared in absolute value, shall be considered as balancing energy actually delivered for growth for tertiary adjustment by CD with positive sign;

c) if the difference between the measured value of the net electricity consumption of CD in the respective TE and the resulting value in accordance with point a) is negative and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative, then the balancing energy actually delivered at decrease for tertiary adjustment by CD shall be considered zero;

d) whether the difference between the measured value of the net electricity consumption of the CD in the respective ID and the resulting value under subparagraph a) is positive and the algebraic sum

the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive, then the balancing energy actually delivered at growth for tertiary adjustment by CD shall be considered zero;

e) if the difference between the measured value of the net electricity consumption of CD in the respective TE and the resulting value under subparagraph a) is positive and the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative, then the lowest value of the two, compared in absolute value, shall be considered as balancing energy actually delivered at subtraction for tertiary adjustment by CD with negative sign.

(at 01-09-2020, Article 193 of Section 3.5. Chapter 3 was amended by Point 22, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 194

Where the CD is the result of the aggregation of several places of consumption and has participated in the EP through an EPP involved in the aggregation, then the net consumption values referred to in Article 193 shall be determined by summing up the measured net consumption of the respective EPP offer and the net consumption corresponding to that of the EP reference shall be determined by summing up the corresponding EP reference consumption values of the respective places of consumption.

(at 01-09-2020, Article 194 of Section 3.5. Chapter 3 was amended by Point 23, Article 5 of

Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 195

The quantities of balancing energy for power increase or actual power reduction delivered by an FDI for tertiary adjustment in the EP and/or outside the EP with compensation shall be determined on the basis of the following rules:

a) if the FDI or FDI has been selected for secondary adjustment at net production, considered positive, or the net consumption, considered with a negative sign, of electricity, as appropriate, from NFAs prior to any selection on PE//non-EP with compensation, algebraically the balance of electricity made in secondary adjustment, which shall be determined to be satisfied, shall be considered to have all the provisions received by FDI from the central frequency-power regulator as recorded;

b) if both the value determined in accordance with point (a) is production and the measured value of electricity is production and if:

(i) the algebraic sum of the quantities accepted in the EP for rapid and/or slow and/or arranged outside the EP with compensation in the respective ID is positive and the difference between the measured value of electricity delivered by FDI and the resulting value under the provisions of point a) is positive, then the lowest value of the two algebraic amounts is considered as balancing energy actually delivered at growth for tertiary adjustment by ISD with positive sign;

(ii) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive and the difference between the measured value of electricity delivered by FDI and the resulting value under subparagraph a) is negative, then the balancing energy actually delivered at growth for tertiary adjustment by ISD shall be considered as zero;

(iii) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative and the difference between the measured value of electricity delivered by FDI and the resulting value under subparagraph a) is positive, then the balancing energy actually delivered at subtraction for tertiary adjustment by ISD shall be considered zero;

(iv) the algebraic sum of the quantities accepted in the EP for rapid and/or slow and/or arranged outside the PE with compensation in the respective ID is negative and the difference between the measured value of electricity delivered by FDI and the resulting value under the provisions of point a) is negative, then the lowest of the two algebraic amounts, compared in absolute value, is considered as balancing energy actually delivered at subtraction for tertiary adjustment by ISD with negative sign.

c) if the value determined in accordance with point (a) is production and the measured value of electricity is of consumption and if:

(i) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive, then the balancing energy actually delivered at growth for tertiary adjustment by FDI shall be considered zero;

(ii) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative, then the lowest value between it and the sum of the measured absolute value of the electricity consumed by FDI and the resulting value under the provisions of point a), compared in absolute value, is considered as effective balancing energy delivered at subtraction for tertiary adjustment by ISD with negative sign.

d) if both the value determined in accordance with point (a) represents consumption and the measured value of electricity shall be of consumption and if:

(i) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in that TE is positive and the difference between the measured value of the net electricity consumption of FDI and the resulting value under subparagraph a) is positive, then the balancing energy actually delivered at growth for tertiary adjustment by FDI the lowest of the two algebraic amounts with positive sign;

(ii) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective TE is positive and the difference between the measured value of the net electricity consumption of FDI and the resulting value under subparagraph a) is negative, then the balancing energy actually delivered at growth for tertiary adjustment by FDI shall be considered zero;

(iii) algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective TE is negative and the

difference between the measured value, in absolute value, of the net electricity consumption of FDI, and the resulting value according to the provisions. a) absolute value is positive, then it is considered as effective balancing energy delivered at subtraction for tertiary adjustment by FDI the lowest of the two algebraic amounts, compared in absolute value, with a negative sign; (iv) algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative and the difference between the measured value, in absolute value, of the electricity consumed by the FDI and the value of produced according to the provisions of letter a), in the absolute value, it is negative, then the energy of effective balancing delivered at drop for tertiary adjustment by FDI shall be considered zero.

e) if the value determined in accordance with point (a) is consumption and the measured value of electricity is production and if:

(i) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is positive, then it is considered to be effective balancing energy delivered at growth for tertiary adjustment by FDI, which is the lowest of the above algebraic sum and the sum of the measured value of electricity delivered by the FDI and the value resulting under point a) with a positive sign;

(ii) the algebraic sum of the quantities accepted in the EP for rapid and/or slow tertiary adjustment and/or disposed outside the EP with compensation in the respective ID is negative and the measured value of the electricity is production, then the balancing energy effectively delivered at subtraction for tertiary adjustment by FDI shall be considered zero.

(at 01-09-2020, Article 195 of Section 3.5. Chapter 3 was amended by Point 24, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Section 3.6. Establishment of definitive transactions on EP Article 196

Where the quantity corresponding to the increase in tertiary adjustment power actually delivered in an ID by a DU, a CD or an FDI, as applicable, is less than the quantity to be delivered in accordance with the provisions of Articles 192 or 193, only those transactions to deliver the power increase for tertiary adjustment quickly and/or slowly from the lowest marginal price determined in accordance with Articles 101 and 125 shall be considered to be carried out only those transactions for the delivery of the power gain actually replaced by the amount of the increase in realisation.

(at 01-09-2020, Article 196 of Section 3.6. Chapter 3 was amended by Point 25, Article 5 of Ordinance No. 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26

August 2020)

Art. 197

Where the DU/CD/FDI concerned has also had growth transactions ordered outside the EP with compensation, the method provided for in Article 196 shall be used taking into account the corresponding unit compensation and the corresponding unit compensation, determined taking into account the quantities actually delivered by each component of the DU in the case of aggregated participation.

(at 01-09-2020, Article 197 of Section 3.6. Chapter 3 was amended by Point 26, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 198

Where the quantity corresponding to the power reduction actually delivered in a DUI, CD or FDI, as applicable, is less than the quantity to be delivered in accordance with the provisions of Articles 192 or 193, only those transactions to deliver the power reduction for tertiary adjustment quickly and/or slowly starting with the highest marginal price determined in accordance with Articles 113 and 136 and/or bid shall be deemed to have been carried out in the event of the actual amount of replacement transactions being carried out, or the amount of the network being effectively delivered with the corresponding amount of networking; or only for the purposes of this Article, the quantity corresponding to the power reduction shall be expressed in positive terms.

(at 01-09-2020, Article 198 of Section 3.6. Chapter 3 was amended by Point 27, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 199

Where the DU/CD/FDI concerned has also had discounted transactions arranged outside the EP with compensation, the method provided for in Article 198 shall be used taking into account the corresponding unit compensation and the corresponding unit compensation, with a negative sign, determined taking into account the quantities actually delivered by each component of the DU in the case of aggregated participation.

(at 01-09-2020, Article 199 of Section 3.6. Chapter 3 was amended by Point 28, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 200

The quantities corresponding to the power increase and reduction 194 shall be expressed in MWh to 3 decimal places. The power referred to in Article 191 has been amended by Point 29, (at 01-09-2020, Article 200 of Section 3.6. Chapter Article 5 of Ordinance No 152 of 24 August 2020, published 26 August in OFFICIAL MONITOR No 779 of 2020)

Art. 201

The quantities of balancing energy for power increase or actual power reduction delivered by a DU, CD or FDI, as appropriate, shall be considered as the balancing energy quantities related to the final transactions on the balancing market or outside the EP with compensation, together with the prices determined in accordance with Articles 196 to 199, respectively with the corresponding unit compensation.

(at 01-09-2020, Article 201 of Section 3.6. Chapter 3 was amended by Point 30, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 202

The quantities and prices corresponding to the final transactions per EP and/or outside the EP with determined compensation for each ID for each DU, CD or FDI shall be transmitted monthly by the TSOs to each PPE/market participant responsible for them and to the ODPE included in the monthly EP regularisation notes provided for in Article 206, no later than 2 working days after the deadline for receiving the measured values of electricity delivered by each UD/CD/ISD established in accordance with the measuring rules.

(at 01-09-2020, Article 202 of Section 3.6. Chapter 3 has been amended by Point 31,

Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020

Art. 203

In the case of a transaction marked as cancelled due to network restrictions, the amount of balancing energy actually delivered by UD/CD/FDI shall be considered zero.

Art. 204

TSOs shall develop procedures for monitoring and testing the compliance of an EPP with its obligations to provide balancing energy to TSOs under time and technical limitations in accordance with the RET Code and under the terms of transactions in which that Party entered the EP.

Art. 205

TSOs shall establish the contractual obligations committed for the delivery of balancing energy and the quantities actually delivered separately for each ID of the delivery month, for each EPP and for each transaction per EP that the EPP has concluded during the delivery month.

Art. 206

For each EPP/market participant responsible for the UD/CD/ISD, the TSOs shall draw up a monthly EP regularisation note, comprising all the balancing energy quantities that were required to be delivered according to the committed transaction confirmations and those actually delivered by that EPP/market participant responsible for UD/CD/ISD's, as well as the corresponding marginal prices, or, in the case of transactions marked as used to resolve the relevant network restrictions, and the respective network restrictions, where the relevant network restrictions are to be resolved by the relevant network restrictions. The monthly EP regularisation note shall contain at least the following information:

- a) the amount of balancing energy to be delivered by the respective EPP/market participant responsible for the UD/CD/ISD to TSOs, determined in accordance with Articles 187 and 188; this quantity is broken down by type of balancing energy, separately for power increase and power reduction, for each committed transaction that the EPP/market participant responsible for UD/CD/ISD has concluded on the EP/outside EP with compensation during the month of delivery and for each ID of the month of delivery; For each transaction committed, the price fixed in accordance with Articles 85, 101, 113, 125 and 136, in conjunction with the provisions of Articles 144 and 145 and/or Articles 146 and 147, where applicable, and the corresponding unit compensation, as appropriate, determined in accordance with Articles 145 and 146A1, and in addition, the corresponding UD, CD or FDI shall be specified;
- b) the amount of balancing energy that has actually been delivered by that EPP/market participant responsible for the UD/CD/ISD to TSOs resulting from the algorithm provided for in Articles 191 to 195; this quantity is broken down by type of balancing energy, for each final transaction that the EPP/market participant responsible for UD/CD/FDI has concluded on the EP/outside the EP with compensation during the delivery month and for each ID of the month of delivery; for each definitive transaction it shall be specified the price, fixed in accordance with Articles 196 to 199, as appropriate, and whether it has resulted from a transaction which has been used to resolve network restrictions carried out in the EP or outside the EP with compensation and, in addition, the corresponding DU, CD or FDI;
- c) the information referred to in point (a), aggregated on a monthly basis on each UD, CD or FDI of the EPP, as appropriate;
- d) the information referred to in (b) aggregated on a monthly basis on each UD, CD or FDI of the PPE, as appropriate.

(at 01-09-2020, Article 206 of Section 3.6. Chapter 3 was amended by Point 32, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 207

The TSOs shall transmit the EPP/market participants responsible for the UD/CD/ISD the monthly regularisation notes on the EP referred to in Article 206, within 2 working days of receipt of the measured values.

(at 01-09-2020, Article 207 of Section 3.6. Chapter 3 was amended by Point 33, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 208

Art. 209

Art. 210

Art. 211

Art. 212

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Art. 213

Section 3.7. Determination of undelivered balancing energy and the corresponding penalty Article

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or reduction, as follows:

*Rycres_{RD,i} ~ tcres % ech, not delivered
Kdj QcU*

*Ryred_{IdJ} ~ t m/ & ech.ne' vat
Kd and HdJ.*

where: The specific penalty applied for the partial delivery of balancing energy on day d and in Id_i, at the rate of increase and at the reduction respectively, • - q_d, and non-delivered - undelivered balancing energy, equal to the difference between the electricity which was to be delivered to the EP in Id_i on day d, as determined by the sum of the quantities determined in accordance with the provisions of Article 187 and in accordance with Article 188 and laid down in the regularity of the provisions of the European Parliament and laid down in the provisions of the European Parliament and laid down in the provisions of the European Parliament. (at 01-09-2020, Article 214 of Section 3.7. Chapter 3 was amended by Point 38, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

Art. 215

The specific penalty k_{ores}(d,i), i.e. k_{red}(d,i), provided for in Article 214, which applies for the partial supply of growth balancing energy, respectively at the reduction, on day d and in the ID(i), shall be determined as follows:

$K^{cres}(d,i) = a * (|P_{Def}(i) + |P_{Def}(i) - P^{cres}(MAX,i)|) k_{ored}(d,i) = a * (|P_{Exc}(i) + |P_{Exc}(i) - P^{red}(min,i)|)$ where:

a is a constant, established by ANRE; a = 0,1;

P_{cres}(MAX,i) - the highest price of the respective DU, CD or FDI offers, selected for the supply of balancing energy/management of network restrictions, corresponding to tertiary adjustment to increase power in DI(i) of day d;

P_{red}(min,i) - the lowest price of the respective DU, CD or FDI offers, selected for the supply of balancing energy/management of network restrictions, corresponding to tertiary adjustment at power reduction in DI(i) of day d;

P_{Def}(i) - deficit price in DI(i) of day, determined in accordance with the provisions of the ERP Regulation;

P_{Exc}(i) - surplus price in ID(i) of day d, determined in accordance with the provisions The PRE regulation.

Art. 216

For each EPP, the ODPE shall determine the monthly amount of the penalty for the partial supply of balancing energy by summing up all the penalties that the EPP has to pay during the month of delivery, determined in accordance with the provisions of Article 214.

Art. 217

For each EPP, the ODPE shall draw up an information note for monthly settlement, containing at least the following information:

a) monthly statement of the amount of balancing energy delivered by the EPP to TSOs, broken down by type of balancing energy, separately for power increase and power reduction, as well as the corresponding values;

(at 01-09-2020, Letter a) of Article 217, Section 3.7. , Chapter 3 has been amended point 39, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

b) the amounts of daily amounts payable and separately of those receivable corresponding to transactions in electricity on EPs, determined in accordance with the provisions of Article 212;

c) the amount of monthly collection entitlements for balancing and monthly payment obligations for balancing, determined in accordance with the provisions of Article 213;

d) the penalties to be paid by that EPP for the partial delivery of the balancing energy to the EP, separately for each ID of each calendar day of the month of delivery and summed separately for each day of the month of delivery, determined in accordance with Article 214.

(at 01-09-2020, Letter d) of Article 217, Section 3.7. , Chapter 3 has been amended point 39, Article 5 of Ordinance No 152 of 24 August 2020, published in OFFICIAL MONITOR No 779 of 26 August 2020)

e) the amount of the monthly payment penalty, determined according to the provisions of Art. 216.

Art. 218

(1) The ODPE shall make available to the corresponding EPP and TSOs, in the dedicated IT platform, the information notes for the monthly settlement established in accordance with the provisions of Article 217, no later than 3 working days after receiving the monthly adjustment note on the EP provided for in Article 210.

(2) The dedicated IT platform shall record and retain the date on which any note drawn up by the ODPE in accordance with the provisions of this Regulation was made available to the parties concerned.

Section 3.8. Invoicing of EP obligations Article 219

TSOs shall issue invoices to each EPP containing the amounts related to the payment obligations of the respective EPP to TSOs according to the information note for the monthly settlement provided for in Article 217.

Art. 220

Each EPP shall issue an invoice to TSOs containing the amounts corresponding to the payment obligations of the TSOs to that EPP, as provided for in the information note for monthly settlement provided for in Article 217.

Art. 221

Invoices issued on the first working day after making available on the dedicated IT platform of the information note for monthly settlement shall be paid within 7 working days from the date of issue. Payments shall be deemed to be made on the date on which the corresponding amounts were debited or credited to the bank account opened by the EPP and the TSOs respectively.

Section 3.9. Payment, enforcement of guarantees and late penalties on EP Article 222

TSOs shall develop, following a public consultation process, the procedures for making payments in accordance with the provisions of Article 221 and shall publish them on their own website.

Art. 223

The procedures developed in accordance with the provisions of Art. 222 include ways of confirming payments and mentions regarding the execution of guarantees in case of late payments.

Art. 224

Each party receiving an invoice shall pay the amount contained in that invoice at the deadline for payment, irrespective of whether or not there is a dispute over the corresponding amounts.

Art. 225

Any EPP and TSOs shall pay a late penalty to the other Party in any of the following cases:

- a) if the EPP or TSO has not paid the amounts due by the deadline for payment;
- b) whether the EPP or TSO has to make a payment corresponding to the settlement of a dispute resulting in late payments;
- c) whether the EPP or TSO has to make a payment corresponding to the settlement of a dispute in respect of which the amounts subject to the dispute have been paid on time but justifiedly challenged by the other party.

Art. 226

In the situations provided for in Art. 225 letters a) and b), the penalty shall represent an additional payment to the amount due, to be made, and shall include the accrued interest for any amounts due and unpaid, starting the day immediately following the closing date on which the payments should have been made, and ending on the day preceding that on which the outstanding amounts were actually paid.

Art. 227

In the situation provided for in Article 225 (c), the penalty is an additional payment to the amount paid, but justified, challenged by the other party, and includes the interest corresponding to these payments, starting the day immediately following the date on which the payments were made by the other party, and ending with the day preceding that on which the contested amount, including the corresponding interest, is actually returned.

Art. 228

The interest rate applicable in all cases provided for in Article 225 for each day of delay from the first working day after the payment deadline shall be equal to the level of the late payment penalty charged for non-payment on term of obligations to the state budget, provided that the total amount of penalties does not exceed the amount due.

Art. 229

An EPP shall be in a situation of fulfilment of obligations in any of the following cases:

- a) if it does not meet the requirements for guarantees;
- b) if it fails to fulfil its obligations arising from the settlement in accordance with the provisions of this Regulation by the corresponding deadlines;
- c) if he goes bankrupt or loses his license.

Art. 230

TSOs shall develop following a public consultation process the applicable infringement procedures. This could include instructions for increasing the guarantee, blocking payments due to that party, or clearing the payment obligations with the rights receivable, using the guarantee available to ensure payments or any other appropriate measures.

Art. 231

TSOs shall publish on their website the procedures elaborated in accordance with the provisions of Art. 230. Art. 232

Each fiche holder shall be entitled to at any time request information from in connection TSOs for the status of any of its own fiches set up by TSOs. After registration with such a 3 of requests, the TSOs shall forward to the fiche holder the information day requested in a maximum of work, information which may include the balance of last 3 months the respective sheet(s) for and any amounts debited or credited to a statement, reasons together with the dates and transactions.

Art. 233

TSOs may also fulfil the obligations laid down in Article 232 by adopting the technical measures necessary for each holder of the fiche to have direct access to all relevant information in relation to any of his own fiches.

Section 3.10. Appeals to the regularisation notes and/or information notes for monthly settlement

Art. 234

If a settlement information note or a settlement note transmitted or posted on the dedicated IT platform by the ODPE or TSOs, as appropriate, as required by this Regulation, is incorrect, any of the parties involved may contest it to the issuer, i.e. the OTS or ODPE, as appropriate, and may call into question any element or calculation contained in that note.

Art. 235

Any appeal will have be transmitted by the party concerned by written notice. Notification to specify the issue clearly the period of time concerned, such as delivery day, ID, date of that is the case, notes, contested element, reason for challenge, value required, if and it will be the accompanied by any available evidence which may support challenge.

Art. 236

Any party involved may contest a settlement information note or a settlement note issued in accordance with this Regulation within one working day from the date on which the contested note was transmitted or posted on the dedicated ODPE or OTS computer platform.

Art. 237

If an interested party has not submitted any objection in connection with a settlement information note or a settlement note issued in accordance with this Regulation within the period provided for in Article 236, that note shall be deemed to have been accepted by the party concerned.

Art. 238

OTS or ODPE, as the case may be, shall consider any appeal submitted in accordance with the provisions of Article 236, no later than one working day from its receipt.

Art. 239

When verifying a settlement information note or a contested settlement note, the issuer may request additional information from the parties concerned. If the additional information requested is not provided by the party concerned, the issuer shall be entitled to reject that challenge.

Art. 240

The issuer shall inform the parties concerned of the outcome of the checks carried out. If a contested note has been incorrect, the issuer will restore the calculations and send a corrected note to all parties involved.

Art. 241

If the ODPE or OTS, as appropriate, finds that there is erroneous information in a settlement information note or in a settlement note transmitted or posted on the dedicated IT platform as required by this Regulation, the issuer shall restore the calculations and transmit a corrected note to all parties concerned as soon as possible but not later than 10 working days from the date on which the erroneous note was transmitted to the EPP and/or published by the ODPE or OTS.

Art. 242

In the event of a participant finding, following the terms of appeal provided for in Article 236 or Art. 241, of errors in the settlement process, caused by errors of aggregation of data, interruptions in the functioning of the information systems of the operators concerned or calculations made by OTS or ODPE, he may request settlement correction within 6 months of receipt of the settlement information note. To this end, the Participant shall request in writing TSOs correction, providing the necessary arguments and evidence.

Art. 243

(1) Within 3 working days, TSOs shall inform the ODPE and the parties directly involved in the processing of incorrect information, namely OR, OM, PRE, OTS, as appropriate, requesting the submission of a point of view within 10 working days to the parties concerned, and publish the request on their website, together with the related argumentation.

(2) Within 5 working days of receiving the views of the parties involved, the TSOs together with the ODPE shall analyse the documents received and decide on the acceptance or rejection of the request for correction, by publishing the decision, arguments and documents received on the website of OTS.

(3) Within 5 working days of publication of the decision on the website, any participant or market operator may submit a reasoned challenge to TSOs, which shall be published on the website of the TSOs within one day of receipt.

(4) Within 3 working days, TSOs and ODPE shall analyse the appeals received and publish the final decision on the OTS website, together with its motivation.

(5) In case of an atypical situation, TSOs may request the point of view of ANRE, which will be published on the OTS website.

(6) Settlement correction shall be carried out in January, May and September of a calendar year, taking into account all favourable decisions taken prior to those months.

Art. 244

TSOs and ODPE are required to update and publish on their websites an assessment of the amount of own costs arising from the settlement correction.

Art. 245

In the event of failure to comply with the deadlines for issuing, contesting, verifying, correcting and transmitting and/or publishing the settlement notices or information notices for settlement provided for in this Regulation, operators shall notify the ANRE in writing within 3 working days of the date of finding such deviations.