
Regional Specific Annex for CCR SEE to the Harmonised Allocation Rules for long-term transmission rights (ACER Decision 3/2017), in accordance with Articles 51 and 52(3) of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation

31 May 2019

All TSOs of the SEE CCR (South-East Europe Capacity Calculation Region) taking into account the following,

Whereas

- (1) This document is the common proposal developed by the Transmission System Operators of the CCR SEE (hereafter referred to as “**TSOs**”) as defined in the decision No 06/2016 of the Agency for the Cooperation of Energy Regulators of 17 November 2016 pursuant to Article 15(1) of the Commission Regulation (EU) 2015/1222.
- (2) This document constitutes a proposal for a regional specific Annex to the Harmonised Allocation Rules for long-term transmission rights on EU level (hereafter referred to as “**HAR**”) in accordance with Article 51 par. 2 of the FCA Regulation as approved by ACER with its decision No. 03/2017 from 02 October 2017.
- (3) This common proposal sets out specific requirements applicable to the CCR at regional and bidding zones border level pursuant to Article 52(3) of Commission Regulation (EU) 2016/1719 establishing a guideline on Forward Capacity Allocation (hereafter referred to as the “**FCA Regulation**”).
- (4) This proposal includes the following titles:
 - a. The first title covers general provisions of the proposal;
 - b. The second title addresses the applicability of a cap on compensations for curtailments in accordance with Article 59 of the HAR;
 - c. The third title details further regional or bidding zone border specificities applicable to the CCR SEE in accordance with Article 52(3) of the FCA Regulation.
- (5) In accordance with Article 6 of the FCA Regulation, proposals at regional level should be submitted to consultation at least at regional level. Accordingly, the provisions in relation to the applicability of the cap were consulted together with the main body of the HAR proposal (as part of the former Annex I of that proposal) for a period of not less than a month (namely 16 January until 17 February 2017). The other regional or bidding zone border specific rules of this proposal as contained in the third Title, were also consulted upon during the public consultation on the former border/ regional specific Annexes to the HAR.
- (6) This proposal constitutes an amendment to the regional specific Annex to the HAR for the SEE CCR approved by ACER with its decision No. 06/2017. It was consulted from 8 October until 8 November 2018 and it is now submitted for the approval of all National Regulatory Authorities (hereafter referred to as the “**NRAs**”) of the CCR SEE. No observations and comments has been received in the public consultation period.

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

TITLE 1

General provisions

Article 1

Subject matter and scope

1. In accordance with Article 52(3) of the FCA Regulation and Article 4 of the Annex I to the HAR, regional or border specificities may be introduced for one or more Bidding Zone borders. Allocation Rules described in this regional specific Annex apply to the borders of the CCR SEE. This Annex is applied by the following TSOs: Transelectrica, ESO EAD and ADMIE/IPTO.
2. This Annex shall apply to capacity allocation for long term transmission rights, for the delivery period starting from the date provided in paragraph 2 of article 9 of the present Annex and onwards.
3. Unless expressly stated otherwise, this Annex shall govern all rights and obligations in connection with Long Term Transmission Rights acquired before the entry into force of this Annex, but with the delivery period referred to in paragraph 2 of article 9.

Article 2

Definitions and interpretation

1. For the purpose of this regional specific Annex to the HAR, the terms used shall have the meaning of the definitions included in Article 2 of the HAR and Article 2 of the FCA Regulation and Regulation (EC) No 714/2009 and Regulation (EC) No 543/2013.
2. In this proposal, unless the context requires otherwise:
 - a) the singular indicates the plural and vice versa;
 - b) the headings are inserted for convenience only and do not affect the interpretation of the proposal; and
 - c) any reference to legislation, regulations, directives, orders, instruments, codes or any other enactment shall include any modification, extension or re-enactment of it when in force.

Article 3

Language

The reference language for this proposal for regional specific Annex to the HAR shall be English. For the avoidance of doubt, where TSOs needs to translate this proposal into national language(s), in the event of inconsistencies between the English version published by TSOs in CCR SEE in accordance with Article 4(13) of the FCA Regulation and any version in another language the relevant TSOs shall, in accordance with national legislation, provide the relevant national regulatory authority with an updated translation of the proposal for regional specific Annex to the HAR.

TITLE 2

Cap on compensation

Article 4

Bidding zones borders where cap is applicable

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

Article 5

Romania-Bulgaria border (RO-BG)

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

Article 6

Bulgaria-Greece border (BG-GR)

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

TITLE 3

Further regional or bidding zone border specific requirements

Article 7

Types of Long Term Transmission Rights applied in CCR SEE

Types of Long Term Transmission Rights applied in CCR SEE are mentioned in the following document: *“Long Term Transmission Rights design for SEE (South East Europe) CCR in accordance with Article 31 of the Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation”*.

Article 8

Border specificities for the border Bulgaria – Greece (BG-GR)

Temporary arrangement for curtailment deadline on Bulgaria-Greece Bidding Zone Border until Single Day-Ahead Coupling implementation on the Bidding Zone Border

1. According to art. 56 of the HAR, Long Term Transmission Rights irrespectively of the Product Period may be curtailed:
 - Before the Day Ahead Firmness Deadline in the event of Force Majeure, or to ensure operation remains within Operational Security Limits;
 - After the Day Ahead Firmness Deadline in the case of Force Majeure or emergency situation in accordance with Article 72 of Commission Regulation (EU) 2015/1222.

2. Until Single Day-Ahead Coupling will be implemented on Bulgaria - Greece border, the above deadline is set at the deadline for final submission of nominations of Long Term Physical Transmission Rights with the concerned TSOs.

Article 9

Border specificities for the border Romania - Bulgaria

Temporary arrangement for curtailment deadline on Romania - Bulgaria Bidding Zone Border until Single Day-Ahead Coupling implementation on the Bidding Zone Border

1. This Article 9 replaces Article 58 of the Harmonised Allocation Rules.
2. The Allocation Platform shall publish on its website and take into account for the calculation of compensation for curtailed Long Term Transmission Rights the Day Ahead Firmness Deadline which for the purpose of these Allocation Rules is 10:00 (CET) unless otherwise specified in accordance with the process described in Article 69 of the Commission Regulation (EU) No. 2015/1222.
3. The mentioned DAFD will be available until Single Day-Ahead Coupling will be implemented on Romania - Bulgaria border,

Article 10

Entry into force

1. Pursuant to ACER Decision 6/2017, the Harmonised Allocation Rules for long term transmission rights and the SEE CCR Harmonised Allocation Rules Regional Specific Annex Allocation Rules, applying to the borders of the SEE CCR, are in force from 01.01.2019.
2. This Annex, as amended, shall enter into force at the date and time specified in the notice sent to Registered Participants by the Allocation Platform, in accordance with the applicable national regulatory regime and the procedure laid down in Article 68 (2) of the HAR and it is subject to prior approval by the relevant NRAs.
3. This Annex may be further amended pursuant to paragraphs 1 and 2 of Article 68 of the HAR.
4. This Annex shall be periodically reviewed pursuant to paragraph 5 of Article 68 of the HAR.