

Rules for the allocation
of the Interconnection Intraday Capacity
at the border of control areas of MAVIR ZRt. (“MAVIR”)
and JP Elektromreža Srbije (“EMS”) for 2014

Version 1.0

November 1, 2013

CONTENTS

Section 0 Terms and definitions

Section 1 Introduction

- 1.1. General context
- 1.2. Allocation procedure
- 1.3. General aspects of Interconnection Intraday Capacity Allocation Rules

Section 2 General provisions

- 2.1. Available Intraday Capacity
- 2.2. Publication of relevant information on EMS website
- 2.3. Basis on which Intraday ATC is offered
- 2.4. Firmness of Allocated Intraday Capacities
- 2.5. Secondary market
- 2.6. Payments

Section 3 Participation requirements

- 3.1. Registration requirements
- 3.2. Notification of changes

Section 4 Exclusion of the User

Section 5 Allocation Platform

- 5.1. General Conditions
- 5.2. Access to Allocation Platform

Section 6 Intraday allocation procedure

- 6.1. Determination and publication of Intraday ATC
- 6.2. Allocation of Intraday ATC
- 6.3. Notification of the allocation results

Section 7 Use of Allocated Intraday Capacity

- 7.1. Nomination of Allocated Intraday Capacities
- 7.2. Intraday procedure deadlines

Section 8 Cancellation of intraday procedure

Section 9 Curtailment of Allocated Capacities

Section 10 Miscellaneous

- Article 10.1 Limitation of liability
- Article 10.2 Force Majeure
- Article 10.3 Severability
- Article 10.4 Confidentiality
- Article 10.5 Amendments and changes
- Article 10.6 Applicable law and disputes
- Article 10.7 Notices
- Article 10.8 List of Annexes

Section 0.
Terms and definitions

In *Interconnection Intraday Capacity Allocation Rules* (including any annexes and forms) the terms defined in this section (where appropriate in plural) shall, for all purposes of *Interconnection Intraday Capacity Allocation Rules* have the meanings specified in this section (unless the context requires otherwise).

Allocated Capacity - *Capacity* allocated in the yearly, monthly and daily allocation procedures.

Allocated Intraday Capacity - *Capacity* obtained as a result of allocation process provided by the *Transmission Capacity Allocator* in the intraday allocation procedure as specified in section 6 of the *Interconnection Intraday Capacity Allocation Rules*.

Allocation Platform – an electronic web-based application with restricted access operated by the *Transmission Capacity Allocator* available at <https://damas.ems.rs>. Intraday allocation provided by the *Transmission Capacity Allocator* is carried out through the *Allocation Platform*.

Available Intraday Transfer Capacity (hereinafter referred to as “**Intraday ATC**”) - The part of Net Transfer Capacity (NTC) that remains available for the intraday allocation after daily allocation procedure and after each phase of the intraday allocation procedure.

Capacity - Cross-border transmission capacity in MW.

Capacity Agreement Identification (hereinafter referred to as “**CAI**”) – An identification that uniquely identifies *Capacity Right*.

Capacity Holder - The legal entity (*User*) which has obtained intraday *Capacity* during intraday allocation process.

Capacity Right (hereinafter referred to as “**CR**”) - right (of the *User*) to use *Allocated Capacity* for electricity transfers expressed in MW.

Cross-border Transaction - The physical exchange of electrical energy between control areas operated by *EMS* and *MAVIR*.

Curtailement of Allocated Capacities- The reduction of *Capacity* in *Emergency Situations*, including, but not limited to, those caused by *Force Majeure*, on the interconnection between Hungary and Serbia where *EMS* and *MAVIR* must act in an expeditious manner.

Cut off time - 45 minutes prior to the beginning of the period (session) for which the intraday *Programmes* are nominated.

Daily Auction – Auction performed in accordance with Daily auction rules for the allocation of capacities on the interconnection between the control areas of JP Elektromreža Srbije and MAVIR ZRt.

EIC-Code – Energy identification code serving to clear the identification of entities in a cross-border trade (see https://www.entsoe.eu/fileadmin/user_upload/edi/library/eic/cds/area.htm)

Emergency Situation – conditions and/or events and/or circumstances which in the professional assessment of *EMS* and/or *MAVIR* put under risk the security of supply, provision or transmission of electricity or the technical safety of a given national transmission system or its significant part such as, but not limited to, those caused by *Force Majeure* and/or unplanned network conditions.

EMS (JP Elektromreža Srbije) – company with registered office at Beograd, Kneza Miloša 11, Serbia and incorporated in the Serbian Business Register with the Company Identification No.20054182.

ENTSO-E – European Network of Transmission System Operators for Electricity – association of *TSOs*

EU Regulation – Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity concerning common rules for internal market in electricity.

First come - First serve method – the allocation method whereby the *Requests of Users*, in the limit of *Intraday ATC*, are served exclusively according to the time of their reception and without applying any other criteria.

Force Majeure – conditions and/or events and/or circumstances which, or the results of which, are beyond the reasonable control of *EMS* and/or *MAVIR*, and which cannot be prevented or overcome with reasonable foresight and diligence, such as but not limited to international superimposed loop flows, atmospheric phenomena considered irresistible due to their cause or on account of their size or duration, unexpected or irresistible generation capacity outages or limitations, if *EMS* and/or *MAVIR* are only able to counteract them by endangering the security of supply, and/or which cannot be solved by measures which are from a technical, financial and/or economic point of view reasonably possible for *EMS* and/or *MAVIR*.

ITR (Interconnection Trade Responsible) – Market participant recognized by *TSOs* (as *Nomination Validators*) for the *Nomination of Allocated Capacity*. It must be identified with an *EIC-code*. On *EMS* side it is the market participant with a valid and effective balance responsibility contract with *EMS*. On *MAVIR* side it is the market participant with a valid and effective balancing contract with *MAVIR* (balance responsible party) and with a valid and effective system usage contract.

Interconnection Intraday Capacity Allocation Rules - Rules for the allocation of the Interconnection Intraday Capacity at the border of control areas of *MAVIR ZRt*. (“*MAVIR*”) and *JP Elektromreža Srbije* (“*EMS*”) for 2014

Intraday Capacity Right (hereinafter referred to as “**ICR**”) - refer to the obligation of the *User* to use *Allocated Intraday Capacity*, in its full amount, for electricity transfers expressed in MW.

MAVIR (MAVIR Zrt.) – company with registered office at H-1031 Budapest Anikó u. 4. Hungary and incorporated in the Business register with the Company Identification No 01-10-044470.

Nomination - the notification to the *TSOs* by a *User* of his *Programmes* relating to the power expressed in MW which he will use within the capacity limit defined by the *CRs* awarded to him, or equal to the *ICRs* awarded to him.

Nomination Validator – a role defined in *ENTSO-E* role model definitions.

Programme - *Cross-border Transaction* nomination made by a *User*, specifying the power in MW for each hour of a day.

Request - the request sent by a *User* to acquire *Intraday ATC*.

Transmission Capacity Allocator - stands for *EMS* (in its function as the *Transmission Capacity Allocator*). *EMS* will be subject to all rights and responsibilities attributed to the *Transmission Capacity Allocator*.

TSO - means a natural or legal person responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and where applicable its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity.

TSOs - Transmission System Operators participating in this common auction procedure, i.e. *EMS* and *MAVIR*.

User - A market participant that fulfills prerequisites for participation in the intraday capacity allocation procedure of at least one of the Parties (*EMS* or *MAVIR*) according to Article 3.1 of these *Interconnection Intraday Capacity Allocation Rules*.

Working Day – the calendar days from Monday to Friday, with the exception of Serbian public holidays.

The headings in *Interconnection Intraday Capacity Allocation Rules* are intended only as a matter of convenience and for reference and shall be given no effect in the construction or interpretation of *Interconnection Intraday Capacity Allocation Rules*.

Section 1 Introduction

Article 1.1. General context

Interconnection Intraday Capacity Allocation Rules set out the terms and conditions agreed between *EMS* and *MAVIR* acting as transmission system operators in their control areas, for the allocation and usage of the *Intraday ATC* in both directions on the Serbian-Hungarian border. Allocation and usage of the *Intraday ATC* is not a commercially motivated activity but one aimed at providing transparent methods of congestion management.

Interconnection Intraday Capacity Allocation Rules govern the allocation and usage of *Intraday ATC* beginning with January 1st, 2014.

The operation of the intraday procedure described in these *Interconnection Intraday Capacity Allocation Rules* is in accordance with the current rules of transmission system security and does not affect the volume and usage of the capacity already allocated in yearly, monthly and daily auctions.

Article 1.2. Allocation procedure

The *Intraday ATC* is allocated in the form of *ICR* which *Capacity Holders* are obliged to use in their full amount. The *Intraday ATC* is allocated by the *Transmission Capacity Allocator* according to the *First come - First serve method* in accordance with Section 6.

In the scope of these *Interconnection Intraday Capacity Allocation Rules* *EMS* acts as the *Transmission Capacity Allocator* for *Capacity* of both *EMS* and *MAVIR*.

Proceedings related to this *Interconnection Intraday Capacity Allocation Rules* may be discontinued or interrupted by *EMS* and/or *MAVIR* at any time without prior notice e.g. in case of technical failures.

All relevant information according to Article 2.2 is made available on the *EMS*' website (<http://www.ems.rs>).

Article 1.3. General aspects of Interconnection Intraday Capacity Allocation Rules

Interconnection Intraday Capacity Allocation Rules describe (among other aspects) the requirements that market participants must fulfill in order to be able to access and use the *Intraday ATC*. Article 10.1 contains a limitation of liability. *Interconnection Intraday Capacity Allocation Rules* may be amended jointly by the *TSOs* along the way in order to improve or clarify provisions and procedures and to fill gaps according to Article 10.5.

General grid access for the use of allocated capacities is not covered by the scope of *the Interconnection Intraday Capacity Allocation Rules* unless otherwise stipulated in the following provisions. *EMS* and *MAVIR* carry out the transmission services in compliance with the legal requirements of grid access in each control area and applicable rules of *EMS* and *MAVIR*.

Section 2 General provisions

Article 2.1. Intraday ATC

Capacity offered in *Daily Auction* which is not allocated is made available to *Users* as *Intraday ATC* in intraday allocations, if this is consistent with a safe and secure operation of the power system. *Capacities* made available in intraday allocation as *Intraday ATC* take into account the netted value of the *nominated* yearly, monthly and daily *CRs*.

Article 2.2. Publication of relevant information on EMS' website

In particular, the following information will be published on *EMS'* website:

- a) *Interconnection Intraday Capacity Allocation Rules* (valid release);
- b) Names, facsimile and telephone number(s), e-mail address(es) of contact persons of *EMS*;
- c) User's Guide for *Allocation Platform*;
- d) Forms to be used by *Users* in alternative procedure;
- e) Other relevant information.

Article 2.3. Basis on which Intraday ATC is offered

Intraday ATC is offered in units of 1 MW with a minimum of 1 MW. *Intraday ATCs* are offered on an hour-by-hour basis per 6 sessions (session as defined in Annex 3).

Article 2.4. Firmness of Allocated Intraday Capacities

Intraday ATC is offered on a firm basis except in case of curtailments due to *Emergency Situation* after taking into account all other available measures according to relevant national and EU legislation.

In case of *Curtailment EMS* and *MAVIR* will reduce *Allocated Intraday Capacity* according to Section 9. The *User* is not entitled to receive any financial compensation related to *Allocated Intraday Capacity*.

Article 2.5. Secondary market

Transfer or resale of the *Allocated Intraday Capacity* is not possible.

Article 2.6. Payments

The *Capacity Holder* does not pay any price for the reservation or use of the *Allocated Intraday Capacity*.

Section 3

Participation requirements

Article 3.1. Registration requirements

In order to participate in intraday allocation process and use the *Allocated Intraday Capacity* resulting from that process, the market participant must comply with all requirements set forth in *Interconnection Intraday Capacity Allocation Rules* and fulfill the following prerequisites:

- **On *EMS* side** – The market participant has a valid and effective balance responsibility contract with *EMS*, i.e. the market participant is *ITR (Interconnection Trade Responsible)*
- **On *MAVIR* side** – The market participant has a valid and effective balancing contract with *MAVIR* or membership of a Hungarian balance-group and a valid and

effective system usage contract, i.e. the market participant is *ITR (Interconnection Trade Responsible)*

- The market participant fulfills the “1:1” – system notification (registered exclusive cross-border partnership) as defined in Article 9.2 in “Yearly and monthly auctions rules for the allocation of transmission capacities at the border of control areas of JP Elektromreža Srbije and MAVIR ZRt. for the year 2014”

The “1:1” – system notification is based on one *EIC-Codes* nomination. Each of the *ITRs* (identified with *EIC-Code*) may be only included as one cross-border partner in exclusive registered couple for the Serbian-Hungarian border. Registered exclusive cross-border partnership is valid for the whole calendar month for use of both *CRs* and *ICRs*.

List of registered *ITRs* eligible for the month M will be published on the EMS’ web site (www.ems.rs) at least three (3) Working Days before the 1st day of the calendar month for which notification is valid.

The market participant must also send to *EMS*, who acts as the *Transmission Capacity Allocator* for both *TSOs*, three signed copies of the Registration Form (Annex 1) which also includes the statement of acceptance of the *Interconnection Intraday Capacity Allocation Rules*.

The three signed copies of the Registration Form have to be delivered to the *Transmission Capacity Allocator* in writing by mail, messenger/courier or personally. The Registration Form has to be delivered to the *Transmission Capacity Allocator’s* address or personally to the filing office of the *Transmission Capacity Allocator* (see Annex 2). The Registration Forms delivered by fax or e-mail will be null and void and rejected by a refusal note. For the avoidance of doubt, the rejected Registration Form shall be considered null and void as of their submission.

The *Transmission Capacity Allocator* may verify information provided in the delivered Registration Forms and in their attachments. The *Transmission Capacity Allocator* is entitled to refuse to register a market participant in case of any discrepancy and/or misrepresentation in the Registration Form.

The *Transmission Capacity Allocator* will confirm registration or refusal by sending a note to market participant no later than three (3) *Working Days* following the receipt of the Registration Form by the *Transmission Capacity Allocator*.

The confirmation or refusal note will be sent by e-mail to the e-mail address filled in the Registration Form. If the *Transmission Capacity Allocator* refuses to register a market participant, the reason(s) will be stated in the refusal note.

All requested documents have to be provided by the market participant at least five (5) Working Days before the intended start of the participation to intraday allocation procedures. If this deadline is missed, the relevant *TSO* cannot guarantee the participation of the market participant.

The registered market participant that fulfills all requirements stated in this Article is regarded as the *User*.

Article 3.2. Notification of Changes

The requirements for participation set forth in *Interconnection Intraday Capacity Allocation Rules* must be fulfilled at all times when participating to intraday allocation proceedings. As a consequence, the *User* shall promptly inform both *TSOs* in writing of any changes effecting fulfillment of the requirements concerned.

Changes concerning the *Users* contact data and statements set forth in the forms submitted by the *User* shall be notified to *TSOs* in writing within seven (7) days.

Section 4 Exclusion of the User

Should the *User* in any manner:

- a) infringe *Interconnection Intraday Capacity Allocation Rules* (especially but not limited to breach of Section 6);
- b) behave in a way which adversely affects or threatens competition in the intraday capacity allocation proceedings;
- c) declare bankruptcy, become insolvent or be granted suspension of payment;
- d) become the object of a petition for bankruptcy, insolvency or suspension of payment.

the *User* will be excluded from intraday allocation procedures by *EMS*, respectively *MAVIR*, after the approval of the other *TSO* without delay. The barring shall promptly be notified to the *User* by both facsimile transmission and mail.

Section 5 Allocation Platform

Article 5.1 General Conditions

The *Transmission Capacity Allocator* will organize and execute the common allocation of the *Intraday ATC* electronically in the user environment of the *Allocation Platform*.

The *Transmission Capacity Allocator* will provide the *Users* with documentation of the *Allocation Platform* (on web site <http://www.ems.rs>), and operational instructions, related to using of the *Allocation Platform* and *Users* support.

The *Transmission Capacity Allocator* reserves the right to change operationally a business regime (to move to alternative procedure) or suspend process in reasonable cases, especially when the following technical problems arise: a general collapse of the Internet, a collapse of all Internet connections of the *Allocation Platform*, or a collapse of *Allocation Platform* (servers, database or *Allocation Platform* application error).

All *Users* of the *Allocation Platform* will be informed, without undue delay, of the actual operational situation.

A data receipt will be valid only if the data had been accepted by the *Allocation Platform* by the deadline.

In order to participate in the allocation procedure, *Request* shall be submitted to the *Allocation Platform*. *Request* which does not fulfill any of the requirements stated in the *Interconnection Intraday Capacity Allocation Rules* shall be rejected. *User* shall receive status message regarding *Request* in *Allocation Platform*. *Allocated Intraday Capacity* cannot be modified or cancelled.

Article 5.2 Access to the Allocation Platform

Each *User* is required to use an electronic certificate (cryptographic hardware token) and *Allocation Platform* User account for the purposes of accessing the *Allocation Platform*.

Transmission Capacity Allocator will provide one (1) token to each *User*.

Those *Users* who have already obtained a token for participation in common auctions organized by *EMS* or for access to *EMS* scheduling system will use that token also for access to the *Allocation Platform* and an additional token will not be issued to them.

Taking over of tokens by the *User* can be performed in the following manner:

- 1. The representative of the *User* could take over the token and the token password and sign three copies of the Declaration on take-over and use of the electronic certificate (see Annex 5) personally at *Transmission Capacity Allocator* premises (Vojvode Stepe 412, Belgrade, Serbia) each *Working Day* from 09:00h till 14:00h CET or
- 2. *Transmission Capacity Allocator* could send the token via express mail and three copies of the Declaration on take-over and use of electronic certificate (see Annex 5) to the official address of the *User*. After receiving the token and documentation, the *User* shall sign all three copies of the Declaration on take-over and use of the electronic certificate (see Annex 5) and send two copies back to the *Transmission Capacity Allocator* (original by mail and scanned copy by fax). One copy of the Declaration on take-over and use of the electronic certificate is kept by the *User*. After receipt of the Declaration on take-over and use of the electronic certificate by the *Transmission Capacity Allocator*, the token password will be sent to the *User* by e-mail to the e-mail address stated in Attachment 1 of the Annex 1.

The *User* shall inform the *Transmission Capacity Allocator* on the preferred manner for token take-over one *Working Day* after receiving the confirmation of registration.

The *Transmission Capacity Allocator* will activate the token after receipt of the signed Declaration on take-over and use of the electronic certificate and send by e-mail the *User* name and initial password for access to the *Allocation Platform* to the *User*. After receipt of information on the *User* name and initial password, the *User* should change the password.

The *User* shall keep all information related to the access to the *Allocation Platform* as personal and confidential and shall be liable for any direct or indirect damages resulting from any unauthorized disclosure of such information. The *Transmission Capacity Allocator* is not liable for any unauthorized use of the token, *User* name and password.

The *Transmission Capacity Allocator* shall be entitled to prevent the *User* from accessing the *Allocation Platform* in the case it finds any discrepancy such as, but not limited to, the following: information on the *User*, the certificate, or expiration of the certificate.

Section 6 Intraday Allocation Procedure

Article 6.1. Determination and publication of Intraday ATC

EMS will determine *Intraday ATC* in each direction and for each hour, which may be used for the intraday allocation according to the methodology described in Article 2.1.

The values of *Intraday ATC* for the day *D* will be available in the *Allocation Platform* not later than 18:00h (CET) on the day *D-1*.

In case of additional limitations in the transmission systems (which could not be foreseen when net transfer capacity was calculated), the values of *Intraday ATC* may be changed. *EMS* is entitled to modify the *Intraday ATC* within the day in the *Allocation Platform*..

The *Intraday ATC* for a certain hour is adjusted following allocation of each *Allocated Intraday Capacity* for that hour and will be published in the *Allocation Platform* continuously.

Article 6.2. Allocation of Intraday ATC

Only *Users* which have successfully registered and fully comply with requirements defined in Section 3 can submit a *Request* for *Intraday ATC*. The submission of the *Request*, as well as taking over of the results is carried out exclusively via the *Allocation Platform*.

The *Request* (for the day *D*) is submitted to *EMS* via *Allocation Platform* starting from 18:00h (CET) on the day *D-1* but not later than 150 minutes before the start of the first session to which the intraday *Cross-border Transaction* relates. The minimum requested capacity is 1 MW, and the maximum is equal to the value of *Intraday ATC*. Within a single *Request*, only one value of the capacity may be requested for one direction and hour for one or more sessions.

Article 6.3. Notification of the allocation results

Request of each *User* will be processed by *Allocation Platform* applying the *First come - First serve method*, and the *User* will be immediately informed about the result through the *Allocation Platform*. In case the *Request* is accepted the *User* will obtain capacity right with *CAI*. *EMS* and *MAVIR* will authorize the *User* with *CAI* to use the *ICR* (by entering the *ICR* into scheduling systems) 150 minutes before the start of the first session to which the intraday *Cross-border Transaction* relates and enable the schedule declaration by the local rules.

General information and results on the allocated capacity for the day D will be published on the EMS' website (www.ems.rs) not later than 18:00h (CET) on the day D+1.

Section 7

Use of Allocated Intraday Capacity

The *Capacity Holder* and his registered exclusive cross-border partner (hereinafter referred to as the Counterpart) are obliged to use the entire amount of *ICR*. In this case the *nominated* amount of capacity is equal to the *ICR* obtained during intraday process for each hour and direction and it is fully matched with *Counterpart* nomination. This obligation is monitored by *Transmission Capacity Allocator*.

If the *Capacity Holder* breaches this obligation at three (3) different business days during one (1) calendar year, the *TSOs* (*MAVIR* and/or *EMS*) have the right to exclude the *Capacity Holder* from intraday capacity allocation process for the period of twelve (12) months. The *Transmission Capacity Allocator* based on the request for exclusion from *TSOs* will submit the notice about exclusion to the *Capacity Holder*. This obligation is breached when the *Capacity Holder* (or his *Counterpart*) does not use (or partially use) capacity at least one (1) hour in the gained period. The exclusion becomes effective with the date set in the notice but not earlier than next day after the *Transmission Capacity Allocator* receives the request for exclusion from *TSOs*.

The use of reserved transmission capacities is done via the delivery of fixed schedules to *MAVIR* and *EMS* in compliance with the legal requirements of grid access in each control area, and applicable market rules of *MAVIR* and *EMS*.

Article 7.1. Nomination of Allocated Intraday Capacities

The *Nomination* of intraday *Programmes* is done by the *Capacity Holder* and his Counterpart through existing scheduling systems of both *TSOs* in accordance with local rules.

The *Nomination* shall be made at least 90 (ninety) minutes prior to the beginning of the first session for which the intraday *Programmes* are nominated. The gate opening depends on local market rules but cannot be later than H-2h20min (H is the first hour of the session). The *Nomination* shall be made separately for each session.

The same rules and data formats are used as for long-term and daily scheduling process.

Article 7.2. Intraday Matching Rules

The intraday matching takes place after each intraday capacity allocation and *Nomination* process.

Matching between *TSOs* will be done between H-1h30min and H-1h00min and the confirmation of the *Nomination* will be done not later than at H-0h45min.

Matching is done on a single time-series basis per each *CAI* i.e. there are no aggregations of time-series. The separate time-series with intraday *Nominations* exist for each intraday time-interval.

In case of non-compliance between the intraday *Programmes* nominated on both sides of electricity border, *EMS* and *MAVIR* are entitled to change and/or set zero values on the nominated intraday *Programmes*. In no event shall *EMS* and/or *MAVIR* be liable for any loss of profit, loss of business, or any other indirect incidental, special or consequential damages of any kind.

MAVIR and *EMS* compare/match submitted individual fixed schedules on common electricity border. Modifications of nominated intraday *Programmes* are not allowed to the *Users*. If there is a difference in notified schedules at the *Cut off time*, the lower value for respective direction of the delivered values is decisive.

Not later than the *Cut off time*, the nominated intraday *Programmes* will be fully accepted, partially accepted to the lower value or rejected in accordance with the matching results.

If matching result is not available till H-0h45min, all not yet matched nominated intraday *Programmes* are set to zero independently by both corresponding *TSOs* and consequently set as faultless.

Section 8

Cancellation of intraday procedure

In case of an *Emergency Situation*, the intraday process can be immediately cancelled by *EMS* and/or *MAVIR* after taking into account all other available measures according to relevant national and EU legislation. It is also possible to reduce the *Intraday ATC* values. In such cases the *Intraday ATC* values for the respective hours are immediately set to 0 or another agreed value. The *Intraday ATC* remains changed until both *TSOs* agree to revoke the cancellation of the intraday procedure or the reduction of the *Intraday ATC*.

The intraday procedure might also be canceled due to the serious disturbance to the functioning of the Internet, *Allocation Platform* and other IT Systems or devices used in the intraday process by *EMS* and/or *MAVIR*. In case of unavailability of *Allocation Platform* for more than 5 days *EMS* will move to alternative procedure described in Annex 4.

In case of exceptional circumstances, *EMS* shall inform all *Users* via publication of the notice on the *EMS* website, if available.

Section 9

Curtailement of Allocated Capacities

In cases of *Capacity Curtailment*, the following priority order is used:

- *Capacity* allocated in intraday allocation process;
- *Capacity* allocated in daily auction;
- *Capacity* promised and allocated in monthly auction;
- *Capacity* promised and allocated in yearly auction.

Within each of the above listed groups of *Capacities*, proportional *Curtailment* will be used, where the curtailed capacity will be rounded to the next higher full MW.

In any case *EMS* and/or *MAVIR* shall inform the affected *Capacity Holder* and his *Counterpart* about the curtailment immediately.

There will be no financial compensation paid to the *Capacity Holder* for the curtailed capacity gained in the intraday allocation process.

Section 10 Miscellaneous

Article 10.1. Limitation of Liability

The *TSOs*, either jointly or separately, shall not be liable to a *Capacity Holder* for any damages resulting from a *Capacity Holder* participating or not being able to participate in an intraday allocation process. The *Capacity Holder* shall hold harmless and indemnify the *TSOs*, jointly and separately, in respect of claims regarding such damages from third parties. In no event shall *EMS* and/or *MAVIR* be liable for any loss of profit, loss of business, or any other indirect incidental, special or consequential damages of any kind.

EMS and/or *MAVIR* undertake to carry out the provisions set out in the *Intraday Capacity Allocation Rules* with the diligence of a careful businessman and control area manager in compliance with the applicable regulations set out by EU law, respectively by the *EU-Regulation*, Hungarian and Serbian law and regulations set out by the Hungarian and Serbian Authorities.

Article 10.2 Force Majeure

EMS and/or *MAVIR* shall not be held liable for non-performance, defective performance or delayed performance of obligations arising from these *Intraday Capacity Allocation Rules* if and to the extent that said non-performance, defective performance or delayed performance is due to circumstances over which the obliged party has no influence, including but not limited to *Force Majeure* or other circumstances the relevant party is not responsible for and which cannot be solved by measures which, from a technical, financial and/or economic point of view, can reasonably be taken by *EMS* and/or *MAVIR*.

Article 10.3. Severability

Notwithstanding special provisions set out in these *Intraday Capacity Allocation Rules* no modification of the contract between *EMS* and/or *MAVIR* on the one hand and the *User* on the other hand shall take effect unless it is in writing, by fax or e-mail confirmed, executed and delivered by *EMS* and/or *MAVIR*. If any part or provision of the *Intraday Capacity Allocation Rules* and/or its annexes are or become invalid, illegal, void and/or unenforceable, the remaining part(s) shall continue to be valid and enforceable and shall not be affected thereby. Any invalid, illegal, void and/or unenforceable part(s) or provision(s) shall be replaced by valid, legal and/or enforceable part(s) or provision(s) in order to achieve the intended economic and legal effect as far as possible.

Article 10.4. Confidentiality

By operation and performance under *Intraday Capacity Allocation Rules EMS* and/or *MAVIR* and its affiliates, if any, may receive or have access to *Users* confidential information. Confidential information shall include all information delivered in writing and designated as “Confidential”, or disclosed other than in writing, information as to which the person to whom such information is disclosed, prior to or essentially concurrent with such disclosure, is made aware that confidential information may be or is being disclosed. *EMS* and *MAVIR* agree to hold the confidential information in confidence and not to disclose without the prior consent of the *User*, or make such confidential information available, in any form, to any third person or to use such confidential information for any purpose other than the contemplation of the provisions of these *Intraday Capacity Allocation Rules* except to public authorities.

The provisions of this Article shall not apply to any information disclosed to *EMS* and *MAVIR* as contemplated by this Article if:

- before such disclosure it was public knowledge or, after such disclosure, becomes public knowledge through no fault of *EMS* and *MAVIR*,
- it was known to *EMS* and *MAVIR* before that disclosure,
- after that disclosure the same information is received by *EMS* and *MAVIR* from a third party owing no obligation of secrecy to the respective *User* in respect to such information.

Article 10.5. Amendments and changes

Any amendments and changes to these *Intraday Capacity Allocation Rules* shall be notified to the *Users* by means of publication of the respective new version of these *Intraday Capacity Allocation Rules* on the websites of *EMS* and *MAVIR*. Such notification shall include reference to the articles amended or changed and the date on which the new version of these *Intraday Capacity Allocation Rules* enters into force. Unless stated in the respective new version of *Intraday Capacity Allocation Rules*, no new registration is required and *Users* accept the new *Intraday Capacity Allocation Rules* by further taking part in the intraday allocation process.

Article 10.6. Applicable law and disputes

All disputes among *EMS* and *Users* arising from these *Intraday Capacity Allocation Rules* are governed exclusively by Serbian law.

Article 10.7. Notices

Except where these *Intraday Capacity Allocation Rules* provide otherwise, any notice given under these *Intraday Capacity Allocation Rules* must be in writing and addressed to the addresses given in Annex 2.

Article 10.8. List of Annexes

Annex 1	Registration Form
Annex 2	List of Contacts
Annex 3	<i>Intraday Sessions and Time Lines</i>
Annex 4	Alternative procedure
Annex 5	Declaration on take-over and use of the electronic certificate

Annex 1 Registration Form

Registration form for the participation in intraday capacity allocation process on Serbian-Hungarian border

Name of the company/entrepreneur	
EIC-Code	
Address, Country	
Commercial/company register No.	
Name of representative	
VAT No.	
E-mail address	
Telephone No.	
Fax No.	

We hereby declare our intention to participate in the intraday capacity allocation process at the Serbian-Hungarian border. We fulfill all participation requirements of the “Rules for the allocation of the Interconnection Intraday Capacity at the border of control areas of MAVIR ZRt. (“MAVIR”) and JP Elektromreža Srbije (“EMS”) for 2014” (hereinafter *Interconnection Intraday Capacity Allocation Rules*). Moreover, we have read and fully accept to abide and to be bound by all rules and regulations and IT requirements of the English version of the *Interconnection Intraday Capacity Allocation Rules*, which have been published on the *TSOs* websites.

We acknowledge that our admission to participate in the intraday allocation process may be withdrawn in case regulations of the *Interconnection Intraday Capacity Allocation Rules* are breached.

For the market participant

Date: _____

Signature

JP Elektromreža Srbije as the *Transmission Capacity Allocator* approves the above-mentioned registration form, and registers this form under registration number:

For JP Elektromreža Srbije

Date: _____

Signature

Annex 1 - Attachment 1

A list of authorized representatives of the User

The *User* appoints the following persons to be authorized to act on behalf of the *User* :

- for signing of the Registration Form

Name	Telephone No.	Mobile phone No.	Fax No.	E-mail

- for submitting *Requests for Intraday ATC* to the *Transmission Capacity Allocator*

Name	Telephone No.	Mobile phone No.	Fax No.	E-mail

Annex 2 - List of Contacts

Registration Forms (see Annex 1) must be delivered by market participants to the *Transmission Capacity Allocator* at the following address:

JP Elektromreža Srbije
Auction Office/Market Division
Vojvode Stepe 412
11040 Beograd
Srbija

For personal deliveries on the above mentioned address, the filing office is open between 09:00h and 14:00h (CET) on *Working Days*

Any confirmation issued by the filing office of the *Transmission Capacity Allocator* confirms only the date and time of receiving of the document - not the document's accuracy or whether or not it is correct.

Users may use for other communication with *Transmission Capacity Allocator* following fax numbers and contacts:

Allocation Rules

Name	Phone No.	e-mail	Fax No.
Ms Jadranka Janjanin	+381 11 39 70 299	jadranka.janjanin@ems.rs	+381 11 39 70 217
Mr Dejan Stojčevski	+381 11 39 70 665	dejan.stojcevski@ems.rs	+381 11 39 70 695

Registration of Users

Name	Phone No.	e-mail	Fax No.
Mr Marko Janković	+381 11 30 91 875	marko.jankovic@ems.rs	
Ms Jelena Pejović	+381 11 39 70 665	jelena.pejovic@ems.rs	+381 11 39 70 695
Mr Jasmin Ličina	+381 11 39 70 665	jasmin.licina@ems.rs	

Questions related to intraday allocation process (00:00-24:00)

	Phone No.	e-mail	Fax No.
Scheduling Department	+381 11 309 1850	schedule@ems.rs	+381 11 3972 954

Annex 3 –Intraday Sessions and Time Lines

In the course of a business day, the intraday capacity allocation is performed in multiple sessions inside the day D (one session for one continuous time-interval). The *Nominations* process is applied for the same sessions defined.

The initial configuration: 6 sessions, standard day with 24 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–4.	(00:00:00–04:00:00)
Session 2.	5.–8.	(04:00:00–08:00:00)
Session 3.	9.–12.	(08:00:00–12:00:00)
Session 4.	13.–16.	(12:00:00–16:00:00)
Session 5.	17.–20.	(16:00:00–20:00:00)
Session 6.	21.–24.	(20:00:00–00:00:00)

The initial configuration: 6 sessions, daylight saving time day with 23 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–3.	(00:00:00–04:00:00)
Session 2.	4.–7.	(04:00:00–08:00:00)
Session 3.	8.–11.	(08:00:00–12:00:00)
Session 4.	12.–15.	(12:00:00–16:00:00)
Session 5.	16.–19.	(16:00:00–20:00:00)
Session 6.	20.–23.	(20:00:00–00:00:00)

The initial configuration: 6 sessions, daylight saving time day with 25 hours (CET):

Intraday Session	Ordinal Number of Hours	Time Interval (CET)
Session 1.	1.–5.	(00:00:00–04:00:00)
Session 2.	6.–9.	(04:00:00–08:00:00)
Session 3.	10.–13.	(08:00:00–12:00:00)
Session 4.	14.–17.	(12:00:00–16:00:00)
Session 5.	18.–21.	(16:00:00–20:00:00)
Session 6.	22.–25.	(20:00:00–00:00:00)

The time line for one intraday session is described below (H is the first hour of the session and D is day of delivery):

Process	Start Time	Closing Time	Responsibility
<i>Intraday ATC</i> is available on Allocation Platform (<i>Note: updates are continuously available</i>)		D-1, 18:00h (CET)	TCA
Request submitting for <i>Intraday ATC</i>		H – 2h30min	<i>ITRs</i>
Publishing of <i>ICR</i>	Request receipt + 00h1min		TCA
<i>Nomination</i> of intraday <i>Programmes</i> per each session	According to local rules (not later than H – 2h20min)	H – 1h30min	<i>ITRs</i>
Confirmation of final <i>Nominations</i>		By H-0h45min	<i>TSOs</i>
Publishing of Intraday allocation results on EMS website		D+1, 18:00h (CET)	TCA

The indicated start and closing times are independent from the changes of day-light saving time.

Annex 4 – Alternative procedure

The intraday allocation procedure executed electronically in the user environment of the *Allocation Platform* set forth by Section 6 of the *Interconnection Intraday Capacity Allocation Rules* may be replaced in case of technical problems with the electronic solution identified by *Transmission Capacity Allocator* by alternative rules specified below in this Annex 4. The *Transmission Capacity Allocator* will notify the use of the alternative intraday allocation procedure to all *Users* by e-mail message.

Users which have successfully registered and fully comply to requirements defined in Section 3 can submit a *Request* for *Intraday ATC*. The submission of the *Request*, as well as taking over of the results is carried out by electronic mail.

The values of *Intraday ATC* for the day D (as defined in this Annex - Attachment A) will be published on the web-site of the EMS (www.ems.rs) not later than 18:00h (CET) on the day D-1.

The *Request* (for the day D) is submitted to *EMS* to the e-mail address stated in this Annex - Attachment B, starting from 18:00h (CET) on the day D-1 but not later than 150 minutes before the start of the first session to which the intraday *Cross-border Transaction* relates. The minimum requested capacity is 1 MW, and the maximum is equal to the value of *Intraday ATC*. Within a single *Request*, only one value of the capacity may be requested for the direction and hour for one or more sessions.

The form of the *Request* which is in "MS Excel" format contains two worksheets as given in this Annex Attachment B, of the *Interconnection Intraday Capacity Allocation Rules* and it may be downloaded from the *EMS*' website (www.ems.rs). The *User* shall complete the first worksheet "RequestIdCR" and insert all the required data in column as follows:

- Date in form dd.mm.yyyy,
- *EIC code* of the *User* and
- Requested values of capacity for each required period (hour).

Name of Excel file shall be in the format as follows:

[yyyymmdd]_IdCR_HU_ [EIC]_10XCS-SERBIATSO8_[n]

where:

[yyyymmdd] – day D for which the *Request* is submitted

[EIC] – *EIC code* of the *User*

[n]– sequence number of *Request* for day D

The *User* shall submit the *Request* with the correct name and correct contents via the official e-mail address given in Attachment 1 of the Registration Form (Annex 1). If the *User* fails to proceed as above mentioned, *EMS* will within 15 (fifteen) minutes as from the *Request* receipt, reject the *Request* and notify the *User* by an e-mail message stating "The Request was rejected due to incorrect file name and/or contents, and/or unofficial e-mail address".

After the verification of the *Request*, *EMS* will process the *Request* of each *User* applying the *First come - First serve method*, and inform the *User* about the result via e-mail within 15 (fifteen) minutes from the *Request* receipt. *EMS* will send to the *User* the notice on the *ICR* by furnishing to the *User* the processed *Request* with the completed columns in the second worksheet of the *Request* named "AllocatedIdCR" which relates to the allocated capacity

rights with *CAI*. *EMS* and *MAVIR* will authorize the *User* with *CAI* to use the *ICR* (by entering the *ICR* into scheduling systems) 150 minutes before the start of the first session to which the intraday *Cross-border Transaction* relates and enable the schedule declaration by the local rules.

General information and results on the allocated capacity for the day D will be published on the *EMS*' website (www.ems.rs) not later than 18:00h (CET) on the day D+1.

Attachment A
Values of Intraday ATC

IdATC	date	dd.mm.yyyy	dd.mm.yyyy
	out-area	10YCS-SERBIATSOV	10YHU-MAVIR----U
	in-area	10YHU-MAVIR----U	10YCS-SERBIATSOV
		RSHU	HURS
	from	to	MW
	0:00	1:00	0
	1:00	2:00	0
	2:00	3:00	0
	3:00	4:00	0
	4:00	5:00	0
	5:00	6:00	0
	6:00	7:00	0
	7:00	8:00	0
	8:00	9:00	0
	9:00	10:00	0
	10:00	11:00	0
	11:00	12:00	0
	12:00	13:00	0
	13:00	14:00	0
	14:00	15:00	0
	15:00	16:00	0
	16:00	17:00	0
	17:00	18:00	0
	18:00	19:00	0
	19:00	20:00	0
	20:00	21:00	0
	21:00	22:00	0
	22:00	23:00	0
	23:00	0:00	0

Attachment B
Request for Intraday ATC

This form shall be delivered to the following e-mail address: schedule@ems.rs

This form can be downloaded from EMS' website: www.ems.rs

File: [yyyymmdd]_IdCR_HU_[EIC]_10XCS-SERBIATSO8_[n].xls

Worksheet: RequestIdCR

RequestIdCR	date	dd.mm.yyyy	dd.mm.yyyy
	out-area in-area	10YCS-SERBIATSOV 10YHU-MAVIR----U	10YHU-MAVIR----U 10YCS-SERBIATSOV
Request for IdCR by Party		EIC	EIC
Ordinal Number of request		n	n
		RSHU	HURS
from	to	MW	MW
0:00	01:00	0	0
1:00	02:00	0	0
2:00	03:00	0	0
3:00	04:00	0	0
4:00	05:00	0	0
5:00	06:00	0	0
6:00	07:00	0	0
7:00	08:00	0	0
8:00	09:00	0	0
9:00	10:00	0	0
10:00	11:00	0	0
11:00	12:00	0	0
12:00	13:00	0	0
13:00	14:00	0	0
14:00	15:00	0	0
15:00	16:00	0	0
16:00	17:00	0	0
17:00	18:00	0	0
18:00	19:00	0	0
19:00	20:00	0	0
20:00	21:00	0	0
21:00	22:00	0	0
22:00	23:00	0	0
23:00	00:00	0	0

File: [yyyymmdd]_IdCR_HU_[EIC]_10YCS-SERBIATSOV_[n].xls

Worksheet: AllocatedIdCR

AllocatedIdCR	date	dd.mm.yyyy	dd.mm.yyyy
	out-area in-area	10YCS-SERBIATSOV 10YHU-MAVIR----U	10YHU-MAVIR----U 10YCS-SERBIATSOV
Result of IdCR by EMS			
CAI	Ordinal Number of request	CAI n	CAI n
		RSHU	HURS
from	to	MW	MW
0:00	01:00	0	0
1:00	02:00	0	0
2:00	03:00	0	0
3:00	04:00	0	0
4:00	05:00	0	0
5:00	06:00	0	0
6:00	07:00	0	0
7:00	08:00	0	0
8:00	09:00	0	0
9:00	10:00	0	0
10:00	11:00	0	0
11:00	12:00	0	0
12:00	13:00	0	0
13:00	14:00	0	0
14:00	15:00	0	0
15:00	16:00	0	0
16:00	17:00	0	0
17:00	18:00	0	0
18:00	19:00	0	0
19:00	20:00	0	0
20:00	21:00	0	0
21:00	22:00	0	0
22:00	23:00	0	0
23:00	00:00	0	0

Annex 5 - Declaration on take-over and use of the electronic certificate

For:

Name of the <i>User</i>	
Address, Country	
Name of the person authorized to sign the Declaration	

I.

Interconnection Intraday Capacity Allocation Rules, Section 5 specify the conditions of use of electronic certificates. This document is made only with the intention to allow the *User* communicate with the *Allocation Platform* while using the electronic certificate.

II.

The electronic certificate does not identify a specific person but it only identifies and recognizes the *User* as a legal person or entrepreneur.

III.

The *User* declares that it has implemented a technical device - communication server (web services client) for the purposes of communication with the *Allocation Platform* by means of web services in order to carry out the transactions and to accept obligations specified in the *Interconnection Intraday Capacity Allocation Rules*.

IV.

As of the signature date of this document by the *User's* representative, all of the *User's* transactions in connection with the use of *Allocation Platform* identified by its electronic certificate bind the *User* as if performed by any of all the Authorized representatives as nominated in Attachment 1 of Annex 1 of the *Interconnection Intraday Capacity Allocation Rules* (Registration Form).

V.

The *User* declares that he took over the following electronic certificate:

Hardware token specification:

Hardware No.: _____

Certificate No. : _____ Valid till: _____

VI.

In case of loss, damage or compromised security of the electronic certificate the *User* is obliged to inform the *Allocation Office* as soon as possible and the *Transmission Capacity Allocator* will revoke the certificate immediately.

Date:

For JP EMS as *Transmission Capacity Allocator*

For the *User*

Signature

Signature