On the basis of the sixth paragraph of Article 242 of the Energy Act (Official Gazette of the Republic of Slovenia, No. 17/14 and 81/15) and upon obtaining consent of the Council of the Energy Agency No. 73-35/2016-03/213, dated 26th October 2016, the transmission system operator, Plinovodi d.o.o., hereby issues

**Rules amending the Rules**

**on terms and conditions for capacity allocation mechanisms at interconnection points of the transmission system through auctions**

**Article 1**

In the Rules on terms and conditions for capacity allocation mechanisms at interconnection points of the transmission system through auctions (Official Gazette of the Republic of Slovenia, No. 67/14), a new indent shall be added in first paragraph of Article 3 reading as follows:

“within-day capacity: means capacity offered and allocated after the closure of day-ahead capacity auctions with respect to that day and booked for the period between the starting hour of the booking and the end of the relevant gas day.”

**Article 2**

Second paragraph of Article 5 shall be amended to read as follows:

“(2) Standard capacity products include an offer of firm and interruptible transmission capacities made with a transport contract for auctioned capacities for standard periods, such as yearly, quarterly, monthly and daily standard capacity products, except for the within-day standard product, which may only include an offer of firm capacities.”

**Article 3**

Fourth paragraph of Article 8 shall be amended to read as follows:

“(4) Monthly capacities, day-ahead daily capacities and within-day capacities shall be offered at rolling auctions taking place once a month, once a day or every hour of a day commencing:

- for monthly capacities: on the third Monday of each month for the next calendar month;
- for day-ahead daily capacities: every gas day at 4.30 p.m. for the next gas day;
- for within-day capacities: every 4 hours up to including 3 and a half hours prior to the desired starting hour of the booking to the end of the gas day.”

Eighth paragraph shall be amended to read as follows:

“(8) Annual, quarterly and monthly capacities shall be allocated at auctions using an ascending-clock auction algorithm pursuant to Article 17 of Commission Regulation (EU) No. 984/2013, while day-ahead daily capacities and within-day capacities shall be allocated using a uniform price auction algorithm pursuant to Article 18 of Commission Regulation (EU) No. 984/2013.”

Legally non-binding translation
Article 4

Second paragraph of Article 13 shall be amended to read as follows:

“(2) A financial guarantee, which is a condition to approach an action, may take the form of a bank guarantee, a guarantee by an insurance company or a cash deposit made by a system user to a special transaction account of the transmission system operator. The system user shall provide the transmission system operator with a financial guarantee in the amount assessed by the system user as necessary for its overall participation at auctions.”

In fourth paragraph, the phrase “deposit account” shall be replaced by “a special transaction account of the transmission system operator.”

Fifth and sixth paragraph shall be amended to read as follows:

“(5) The transmission system operator shall open a special transaction account on its own behalf, publishing it on its website, to which it shall deposit the funds transferred by a system user to provide a suitable financial guarantee. A system user shall be entitled to interest on the funds paid in to the account indicated above, i.e. in the amount recognised by the bank for demand deposits, and shall cover the pertaining costs of the mentioned special transaction account if the pertaining share of interest or costs for a particular user amounts to no less than 10 euros according to the monthly settlement for the special transaction account.”

“(6) If a system user requests the return of its guarantee or the reimbursement of the funds transferred to the special transaction account, the transmission system operator shall grant its request when all due liabilities and other contractual obligations of the system user that will become due in future in relation with the transport contracts concluded for auctioned capacities have been settled.”

Article 5

In seventh paragraph, a new indent shall be added to read as follows:

“- the standard within-day product: in the amount of the planned monthly booking.”

Tenth paragraph shall be amended to read as follows:

“(10) A system user is to ensure promptly and in due time that it has a sufficient available balance of the financial guarantee required at an auction before each auction. A supplementation to the available balance of the financial guarantee shall be taken into account at an auction if the system user submits a new or additional guarantee to the transmission system operator no less than five working days before the start of the auction or if it deposits additional funds to the special transaction account within the same period.”

Article 6

Sixth paragraph of Article 14 shall be amended to read as follows:

Legally non-binding translation
“(6) It shall be deemed that a receivable for the amount of the auction premium for the allocated monthly capacities, day-ahead daily capacities and within-day capacities is incurred on the last day of the settlement month to which the capacity booking refers.”

Article 7

Second paragraph of Article 26 shall be amended to read as follows:

“(2) In the event of a failure of the online booking platform during a rolling auction for daily capacities, the transmission system operator collects binding bids for the booking of transmission capacities between 6 p.m. and 7 p.m. on the day of auctioning and distributes available capacities for a particular auction under the principle of the sequence of received bids based on a timestamp of receipt. System users that wish to book transmission capacities shall send their bids, completed pursuant to the data from paragraph 3 of Article 12 hereunder, in electronic form via the transmission system operator’s web application.”

New third and fourth paragraphs shall be added, to read as follows:

“(3) In the event of a failure of the online booking platform for within-day capacity auctions, the transmission system operator collects binding bids for the booking of transmission capacities that it receives in the period between 180 and 150 minutes prior to the start of the desired booking and distributes available capacities for a particular auction under the principle of the sequence of received bids based on a timestamp of receipt. System users that wish to book transmission capacities shall send their bids, completed pursuant to the data from paragraph 3 of Article 12 hereunder, in electronic form via the transmission system operator’s web application.

(4) The transmission system operator informs bid senders of the result of the allocation of daily transmission capacities and within-day capacities pursuant to this Article with an email 135 minutes prior to the start of the desired booking, whereby it shall be deemed that an individual transport contract has been made. It shall be deemed that a bid by a system user for the booking of a certain amount of the standard capacity product at the booking price has been accepted with the transmission system operator’s email.”

Article 8

In Annex 1, point 1.1.2 shall be amended to read as follows:

“1.1.2 These General Terms and Conditions regulate the procedure for concluding a transport contract for auctioned capacities and lay down the mutual rights and obligations of the transmission system operator and a system user for the booking of transmission capacities at the interconnection points of the transmission system, i.e. for the following standard capacity products that may be the subject of booking at an auction:
- yearly capacities;
- quarterly capacities;
- monthly capacities;
- day-ahead daily capacities and
- within-day capacities.

Standard capacity products are offered for booking as firm and interruptible capacities at interconnection points, while the standard within-day capacity product may only include an offer of firm capacities.”

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Point 2.4.1 shall be amended to read as follows:

“2.4.1 Before attending the first auction, a system user is required to submit a financial guarantee to the transmission system operator, i.e. no less than 5 working days before the start date of the auction, that may, pursuant to Article 11 of this Rules, take the form of:

- an unconditional, irrevocable and first-demand guarantee by a bank or insurance company; or
- a cash deposit that a system user makes to a special transaction account of the transmission system operator.”

Point 2.4.4 shall be amended to read as follows:

“2.4.4 A financial guarantee shall be submitted in due time if the transmission system operator receives the guarantee or funds to the special transaction account prior to the expiry of the deadline. It shall be deemed that the transmission system operator has received a financial guarantee when the guarantee arrives at the transmission system operator’s address or when the funds are received at the special transaction account.”

Point 2.8.4 shall be deleted entirely and the current point 2.8.5 shall be renumbered to 2.8.4.

Point 3.9.1 shall be amended to read as follows:

“3.9.1 The transmission system operator may use the security by drawing the guarantee by a bank or insurance company or offsetting its receivables due from a system user to the debit of the cash deposit made in the special transaction account together with pertaining interest if the system user fails to settle its outstanding liabilities within an additional period of 5 working days following the receipt of a reminder with a warning that security would be drawn in the event of default.”

Article 9

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

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