

INTRADAY EXPLICIT CAPACITY ALLOCATION RULES between the
control areas
of

Hrvatski operator prijenosnog sustava d.o.o. (“HOPS”)

and

ELES, d.o.o. (“ELES”)

Content:

- TITLE 1 Introduction** 4
 - Article 1 Subject matter and scope 4
 - Article 2 Definitions and interpretation..... 5
 - Article 3 Effective date and application 6
- TITLE 2 General provisions**..... 6
 - Article 4 Available Intraday Capacity 6
 - Article 5 Capacity Allocation Procedures 6
 - Article 6 Firmness of Allocated Intraday Capacities..... 7
 - Article 7 Transparency 7
- TITLE 3 Participation Requirements**..... 8
 - Article 8 Registration Requirements..... 8
 - Article 9 Requirements in respect of access and use of the Capacity Allocation Platform ... 9
 - Article 10 Suspension, withdrawal and termination of User’s participation by the TSOs 9
 - Article 11 Termination of User's participation by the User 10
- Title 4 Intraday Allocation procedure** 10
 - Article 12 Capacity calculation procedure 10
 - Article 13 Intraday Capacity Allocation 11
 - Article 14 Unavailability/Cancelation of intraday Allocation 12
- Title 5 Capacity Usage Rules** 12
 - Article 15 Usage of intraday capacities 12
 - Article 16 Matching of Exchange Programming Authorization 13
- Title 6 Miscellaneous** 13
 - Article 17 Limitation of Liability 13
 - Article 18 Force Majeure 14
 - Article 19 Confidentiality 14
 - Article 20 Amendments and changes 15
 - Article 21 Governing law..... 15
 - Article 22 Language..... 15

THE TRANSMISSION SYSTEM OPERATORS (TSOs) OF THE SLOVENIA-CROATIA BORDER, TAKING INTO ACCOUNT THE FOLLOWING,

Whereas

1. This document sets out the rules for explicit intraday access to transmission rights on Slovenia-Croatia border (hereinafter referred to as "Rules") in accordance with Article 64 of Commission Regulation (EU) 2015/1222 establishing a guideline on Capacity Allocation and congestion management (hereinafter referred to as the "CACM Regulation").
2. This Rules were made in accordance with Article 64 of CACM regulation where it is stated: »Where jointly requested by the regulatory authorities of the Member States of each of the bidding zone borders concerned, the TSOs concerned shall also provide explicit allocation, in addition to implicit allocation, that is to say, capacity allocation separate from the electricity trade, via the capacity management module on bidding zone borders.«
3. ELES and HOPS received a joint request from National Regulatory Authorities of Slovenia and Croatia from 27 June 2018 to maintain an intraday explicit allocation method in parallel to the implicit allocation on the bidding zone border between Slovenia and Croatia.
4. Article 64(3) of the CACM Regulation gives the provisions about the explicit allocation that this proposal shall take into account:
When establishing the capacity management module, discrimination shall be avoided when simultaneously allocating capacity implicitly and explicitly. The capacity management module shall determine which orders to select for matching and which explicit capacity requests to accept, according to a ranking of price and time of entrance.
5. Article 66 of the CACM Regulation gives the provisions relating to intraday arrangements:
 - a. Market participants shall ensure the completion of nomination, clearing and settlement related to explicit allocation of cross-zonal capacity.
 - b. Market participants shall fulfil any financial obligations, relating to clearing and settlement arising from explicit allocation.
 - c. The participating TSOs shall publish relevant information on the interconnections to which explicit allocation is applicable, including the cross-zonal capacity for explicit allocation.
6. Article 67 of the CACM Regulation defines the following:
A request for explicit cross-zonal capacity may be submitted by a market participant only for an interconnection where the explicit allocation is applicable. For each request for explicit capacity the market participant shall submit the volume to the capacity management module. The volume of explicit allocated capacity shall be made publicly available by the relevant TSOs.
7. These Rules contain the terms and conditions for the Intraday Explicit Allocation of available intraday Interconnection Capacity, which is jointly offered in form of physical transmission rights (PTRs) by ELES and HOPS, with regard to the interconnections between Slovenia and Croatia in both directions.
8. These Rules also describe (among other aspects) the requirements that Users must fulfil to participate in Explicit Intraday Allocations, the Intraday Allocation proceedings, the awarding of PTRs as a result of Intraday Allocation, and the utilization of Interconnection Capacity after the PTRs Allocation.

9. In parallel to the Intraday Explicit Allocation, available intraday capacities are provided to a mechanism for Implicit Allocation, in accordance with Article 58 of the CACM Regulation via Single Intraday Coupling Process. The implicit allocation process is not part of these Rules and will only be described in extracts where needed for better understanding of these Rules.

10. These Rules contribute to and do not in any way hinder the achievement of the objectives of Article 3 of the CACM Regulation:

- Article 3(b) of the CACM Regulation aims at ensuring optimal use of the transmission infrastructure. These Rules serve this objective by allowing the market participants to use the remaining cross-zonal capacity after the day-ahead market coupling.
- Article 3(d) of the CACM Regulation aims at optimising the calculation and allocation of cross-zonal capacity. These Rules serve this objective by coordinating the capacity allocation procedures.
- Article 3(e) of the CACM Regulation aims at ensuring fair and non-discriminatory treatment of TSOs, Nominated Electricity Market Operators (NEMOs), the Agency, regulatory authorities and market participants. These Rules serve this objective by establishing a clear and consistent framework in the intraday allocation timeframe.
- Article 3(f) of the CACM Regulation aims at ensuring and enhancing the transparency and reliability of information. These Rules serve this objective by providing the market participants the same reliable information on cross-zonal capacity for the intraday allocation in a transparent way and at the same time as the TSOs.
- Article 3(j) of the CACM Regulation aims at providing non-discriminatory access to cross-zonal capacity. These Rules serve this objective by providing an equal access to cross-zonal capacity.

11. In conclusion, these Rules contribute to the general objectives of the CACM Regulation.

SUBMIT THE FOLLOWING EXPLICIT ALLOCATION RULES FOR INTRADAY CAPACITY ON SLOVENIAN - CROATIAN INTERCONNECTION TO THE SLOVENIAN AND CROATIAN NATIONAL REGULATORY AUTHORITIES:

TITLE 1

Introduction

Article 1

Subject matter and scope

1. The Rules are the common proposal from TSOs of the Slovenian-Croatian border in accordance with Article 64(2) of the CACM Regulation.
2. These Rules apply to Users taking part in intraday explicit capacity allocation on Slovenian-Croatian interconnection.

Article 2 Definitions and interpretation

1. Terms used in these Rules shall have the meaning given to them in Article 2 of Regulation (EU) 2019/943, Article 2 of Regulation (EC) 2013/543, Article 2 of Regulation (EU) 2015/1222, Article 2 of Directive 2009/72/EC, and in Regulation (EU) 2016/1719.
2. In addition, the following definitions shall apply:
 - a. Allocation - means the process by which PTRs are attributed to Users based on Users' request.
 - b. ATC – Available Transmission Capacity – the capacity made available for each timeframe by the respective TSOs
 - c. CACM – Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management
 - d. Capacity Allocation Platform – is the capacity management module that is part of the Single Intraday Platform. For Explicit Intraday Allocation it can be accessed via GUI or via CATRINA (Capacity Trading Interface for Applications).
 - e. First Come First Serve principle – it is a principle of allocation based on the timestamp of the Users' request.
 - f. IDCZGOT – Intraday Cross-Zonal Gate Opening Time.
 - g. Intraday Explicit Allocation – means the allocation in the intraday timeframe where only Capacity is allocated.
 - h. Nomination – means the notification of Users Programming Authorization to the TSOs, relating to the power, expressed in MW.
 - i. PTR – Physical Transmission Rights – Right to use cross-border capacity for electricity transports expressed in MW.
 - j. Single Intraday Platform - means the software and ICT applications (including hardware if any), as well as all the relevant documentation pertaining thereto, developed by the Service Provider based on the requirement provided by certain NEMOs and TSOs, which is to be used for the performance of the Single Intraday Coupling to interact with amongst others NEMOs' local trading systems and TSOs' systems. It consists of the two main modules, amongst others:
 1. A shared order book that collects and matches energy orders of the connected NEMOs depending on the availability of intraday Capacity.
 2. A capacity management module that processes available capacities given by TSOs, doing the Allocation (implicit and explicit), updating of available capacity and publishing these, informing PTR Holders about their positions, sending these information to affected TSOs.
 3. The Capacity Allocation Platform is the capacity management module. A connection to this module enables to operate the Explicit Intraday Allocation which is only offered at borders where requested by National Regulatory Authorities.
 - k. Single Intraday solution – is the single intraday coupling mechanism defined in CACM and implemented in XBID system.
 - l. TSO – Transmission System Operator
 - m. User - means a legal person, which participates, intends to participate or has participated in the Intraday Explicit Allocation by submitting one or more Requests and which has been registered for that purpose in accordance with the procedures and requirements set forth in these Rules.

Article 3
Effective date and application

1. These Rules come into force at the time Slovenian-Croatian border joins Single Intraday solution.
2. These Rules are of indefinite duration but may be modified jointly by the TSOs with the aim of clarifying them or supplementing them.
3. The Intraday Capacity Access Rules between the control areas of HOPS d.o.o. and ELES, d.o.o. will continue to apply only insofar as necessary to settle any dispute pursuant the Allocations conducted before the Single Intraday Platform Go-Live-Date.

TITLE 2
General provisions

Article 4
Available Intraday Capacity

1. Available Intraday Capacity in form of PTRs is the Interconnection Capacity available at the border between Croatia and Slovenia according to criteria defined by ENTSO-E. Intraday ATC is published on Transparency platform and visible to explicit market participant within Capacity Management Module (hereinafter: CMM). After the day ahead nominated PTRs are successfully matched, netting of counter-schedules is applied. Based on the netted schedules, Intraday ATC is published on both Transparency platform and CMM.
2. Available Intraday capacity is offered in form of PTRs in units of 0.1 MW and as hourly products.
3. Transfer or Resale of the allocated Intraday PTRs is not possible.

Article 5
Capacity Allocation Procedures

1. The Explicit allocation of available Intraday Capacity as defined in Article 4 of these Rules is done in the form of PTRs that PTR holders are obliged to use in their full amount. The available Intraday Capacity is allocated by Capacity Allocation Platform, on behalf of ELES and HOPS, on a coordinated basis according to the First Come First Serve principle.
2. The Capacity Allocation Platform is an integral part of the Single Intraday Platform responsible for Explicit Allocation of capacities at bidding zone borders where requested by NRAs. According to the First Come – First Served Principle explicit capacity requests compete with requests for capacities coming from the shared order book which processes local energy bids of connected NEMOs.
3. Capacity is Explicitly Allocated to the Users only for intraday trading purposes.

Article 6 Firmness of Allocated Intraday Capacities

1. Intraday ATC is offered on a firm basis except in case of curtailments due to circumstances of Force Majeure or emergency where each TSO have the right to curtail allocated cross-zonal capacity.
2. If allocated capacity is curtailed because of force majeure or an emergency situation User is reimbursed or compensated according to Article 72 of the CACM Regulation where it states:
 - a.) in the event of force majeure, if capacity is allocated via explicit allocation, market participants shall be entitled to reimbursement of the price paid for the capacity during the explicit allocation process;
 - b.) in an emergency situation, if capacity is allocated via explicit allocation, market participants shall be entitled to compensation equal to the price difference of relevant markets between the bidding zones concerned in the relevant time-frame; or
 - c.) in an emergency situation, if capacity is allocated via explicit allocation but the bidding zone price is not calculated in at least one of the two relevant bidding zones in the relevant time-frame, market participants shall be entitled to reimbursement of the price paid for capacity during the explicit allocation process.
 - d.) For the avoidance of doubt, the price of the capacity is zero. In case of introduction of intraday capacity pricing during continuous trading this will be stated in these rules sufficiently prior to such introduction.

Article 7 Transparency

1. The following information will be published on the TSO websites:
 - a. These Rules (valid release);
 - b. contact persons of ELES and HOPS (telephone number(s), e-mail address(es));
 - c. Forms to be used by Users;
 - d. Other relevant information.
2. The Capacity Allocation Platform publishes:
 - a. Initial ATC for Intraday allocation;
 - b. Remaining ATC overview in real time (updated after each allocation);
 - c. Reports available for download for respective Balance Group;
 - d. Message section with all necessary information related to the status of concerned border.

TITLE 3

Participation Requirements

Article 8

Registration Requirements

1. In order to participate in explicit intraday allocation process, the User must comply with all the requirements set forth in these Rules.
2. The requirements in respect of grid access are:
 - a. In Croatia: the User must have a signed Balance Responsibility Agreement with HOPS and Electricity Market Participation Agreement with the Croatian Energy Market Operator (HROTE);

or
 - b. In Slovenia: the User must have signed a valid and effective balancing contract with Slovenian Market Operator (User has to be recognized as Balance responsible party) or signed and effective Contract for Settlement of Imbalances with a Balance responsible party in Slovenia.
3. User has to submit signed and completed Statement of Acceptance form given in Appendix 1 either to ELES or to HOPS, depending on User's desired country of registration (This Statement of Acceptance is specific to these Rules. In no way shall the signature of the Statement of Acceptance allow the User to participate in any other Allocations than the Intraday Explicit Allocations for concerned border). After submitting the completed Statement of Acceptance, TSO will perform next steps needed in order to provide the User with the access to the Capacity Allocation Platform. Upon the successful completion of the process, the User will be informed and provided with required certificates by the concerned TSO.
4. The Statement of acceptance form mentioned in point 3 of this Article is valid for an indefinite number of Intraday Explicit Allocations, notwithstanding the obligation for the User to inform the TSOs forthwith of any changes that could impact the proper execution of the present Rules and notwithstanding the right of the TSOs to request a renewal of the registration and/or the documents to be submitted.
5. All requested documents have to be provided by the User at least five (5) Working Days before the intended start of the participation in explicit intraday allocation procedures. If this deadline is missed, the relevant TSO cannot guarantee the participation of the User.
6. Changes concerning the Users' contact data and statements set forth in the form submitted by the User shall be notified by submitting new Statement of Acceptance form within seven (7) days.

Article 9

Requirements in respect of access and use of the Capacity Allocation Platform

1. Since the Capacity Allocation Platform can be accessed by the Internet (web based applications), it is of fundamental importance that the User complies with the following security principles:
 - a. The User shall comply with any specific requirements imposed by the Service Provider as specified in the handbooks containing technical details on the functioning of the Capacity Allocation Platform which is available on TSOs websites, and communicated to the User upon signature of Statement of acceptance (e.g. requirements regarding use, data transmission or security).
 - b. The User shall ensure, by using state of the art virus protection software, that its IT system or software that connects to the Capacity Allocation Platform does not contain any malicious code or any program parts that could damage such environments of the Service Provider.
 - c. In the event of unauthorized access to the Capacity Allocation Platform or if the User has reason to believe, that a password or credential has been compromised, it should inform the TSOs immediately by E-Mail or Phone of any errors, malfunctions or damages to the Capacity Allocation Platform as well as of any unauthorized access to the system or compromised password or other credentials it has knowledge of.

Article 10

Suspension, withdrawal and termination of User's participation by the TSOs

1. At all times, Users must refrain from any action or behaviour which adversely affects or threatens to adversely affect competition in the Request proceedings or which aims at gaming or which in any other way disrupts or threatens to disrupt the Intraday Allocation proceedings, or the transparency, cost-effectiveness or fairness thereof. This includes every type of behaviour that leads to a systematic blocking of Capacity for other Users or third-parties acting via the implicit intraday allocation. Blocking can mean, for example, the repeated occurrence by the same User of a Request of Capacity in one direction followed by the corresponding Allocation of Capacity but without effectively using the Allocated capacity, and instead performing a Request of capacity followed by the corresponding Allocation for the same delivery time in the other direction. This includes also action or behaviour which hampers the Intraday Capacity Allocation by using the Capacity Allocation Platform in a way that causes damage to the environments of the Service Provider or Single Intraday Platform.
2. Users who act or behave or have acted or behaved (or on which behalf it is acted or behaved or it has been acted or behaved) in violation of the first paragraph or with any other provision of these Rules may be suspended in the conditions in the following paragraphs.
3. Should the User in any manner, not fulfil any material obligations of the Rules, TSOs may jointly suspend the User's participation in the Intraday Allocation, as long as the User does not prove that he complies with the Rules. To this end, the TSO(s) should first notify the violation to the User and give him a reasonable time to remedy this violation. If after this time for remedy the User still does not comply with the Rules, then the TSOs are entitled to suspend the participation of the User. The TSO(s) shall then notify in writing to the User the suspension of its participation. This notification of suspension indicates:

- a. the reasons for the suspension of the User's participation; and
 - b. the date and time of the suspension of the User's participation after which the User is not entitled to request Intraday Capacity anymore.
4. The TSO(s) shall notify the User about the end of the suspension and the date of the Intraday Allocation he will be allowed to participate in.
5. The TSO(s) shall also notify the competent regulatory authority(ies) the reason and the date and time of the suspension as well as the date of the Intraday Allocation the User will be allowed to participate in.
6. Users' participation may be definitively withdrawn by any TSO in case:
 - a. the User declares bankruptcy or is declared bankrupt by a court ruling,
 - b. reception by the TSOs of a decision by a competition or regulatory authority stating that the User has committed a misusing or fraudulent act with regard to the Allocation of Capacities and is requested to withdraw,
 - c. registration requirements are not fulfilled anymore,
 - d. if a malfunction or disturbance of the Intraday Allocation system is caused by the User or its IT applications;

Article 11

Termination of User's participation by the User

A User may at any time terminate its participation to these Rules by sending the TSOs a request by registered mail. This does not dismiss the User of any kind of obligations set in these Rules.

Title 4

Intraday Allocation procedure

Article 12

Capacity calculation procedure

1. The basis for the determination of the available intraday capacity are agreed NTC values and confirmed netted Day Ahead schedules. Intraday ATC is published on D-1 at 22:00.
2. After each successful reservation Intraday ATC values are automatically reduced and netted in the opposite direction.
3. The capacity calculation methodology according to Article 29 of the CACM will replace paragraph 1 of this Article when fully implemented in line with Intraday capacity calculation methodology of the Core Capacity Calculation Region in line with ACER decision on Core CCM: Annex II issued on 21st of February 2019.

4. The intraday cross-zonal gate opening time is defined according to ACER Decision No. 04/2018 of 24 April 2018 ON ALL TRANSMISSION SYSTEM OPERATORS PROPOSAL FOR INTRADAY CROSS-ZONAL GATE OPENING AND INTRADAY CROSS-ZONAL GATE CLOSURE TIMES.

IDCZGOT for the delivery day D (00:00 till 24:00) is on D-1 at 15:00.

Article 13 Intraday Capacity Allocation

1. Capacity is requested and allocated through the Capacity Allocation Platform. The explicit participant Public Message Interface functionality allows User to subscribe to a border they are registered for. Once a subscription to the border is done the User can:
 - a) Receive capacity information based on predefined triggering events,
 - b) Send allocation requests in XML format,
 - c) Receive allocation confirmation in XML format,
 - d) Request and receive allocation reports.
2. Requested intraday capacity is allocated in accordance with First Come First Serve principle to the maximum of available intraday capacity. This means that available intraday Capacity is allocated according to the reception time of Request. Each capacity Request receives a unique timestamp by the application server.
3. Capacity Requests can be sent to the Capacity Allocation Platform for one hour or block of hours. User can choose whether the Capacity is Allocated according to three types of Request:
 - a. Immediate Or Cancel (IOC): the Request is checked against the available capacity, and can be partially accepted.
 - b. All or Nothing (AON): the Request is checked against the available capacity, and cannot be accepted partially.
 - c. All Contracts Equal (ACE) (for multiple contracts only): the Request is checked against the available capacity. The maximum possible capacity value available across all the contracts is Allocated to all.
4. The Capacity Allocation Platform is open to the submission of Capacity Requests from the time defined in Article 12 of these Rules. The Capacity Allocation Platform will automatically decline to process capacity Request(s) which is (are) not filed by the User in accordance with these Rules.
5. A capacity request has to be submitted to the Capacity Allocation Platform no later than one hour before the relevant intraday market time unit (MTU). The Capacity Allocation Platform will automatically decline all submitted request after abovementioned deadline.

Article 14

Unavailability/Cancelation of intraday Allocation

1. In case of maintenance or technical difficulties of Capacity Allocation Platform or of the information systems of TSOs or of the Nomination systems of TSOs, intraday allocation may be cancelled or temporarily unavailable. This Article only concerns not allocated capacity.
2. In cases of planned maintenance of the IT systems or devices used in intraday process intraday allocation will be stopped for one or more market time units.
3. In cases of not-planned unavailability or technical difficulties, allocation will be stopped for one or more market time units.
4. In cases of emergency in the transmission grid, intraday ATC values will be set to 0 or other agreed value until the situation is stabilized.
5. In any such event mentioned in this Article the User has no right to claim compensation for any kind of damage arising out of the above-mentioned unavailability or cancelation.
6. The Users will be informed by email or on TSOs' web pages and within Capacity Allocation Platform about the planned and not-planned unavailability of intraday process if possible. The TSOs will use their best effort to minimize the disturbance caused to Users.

Title 5

Capacity Usage Rules

Article 15

Usage of intraday capacities

1. The User is obliged to use all allocated intraday capacity.
2. After successful allocation process, User will be able to receive the Programming Authorization from the Capacity Allocation Platform which are binding. Programming Authorization file document is similar to already established processes and contains unique Capacity Agreement Identification (CAI), which must be used for nomination of schedule. Programming Authorization file corresponds with the rules set in Implementation Guide (IG), the only difference being code of Capacity Contract Type (CCT). CCT code is always A07 (Intraday). Supported files are described in detail in the provided documentation published on concerned TSOs' websites. For the purpose of nominating the schedule same CAI code has to be used throughout the whole delivery day and the version of times series must be increased with each performed nomination.
3. The User is obliged to submit the nomination to the respective TSOs' Scheduling system within 30 minutes after the successful allocation process within the Capacity Allocation Platform. Nominations made during matching period are postponed until the end of matching period.

Users shall take into account that there could be a 15 minutes delay in receiving a Programming Authorization from Capacity Allocation Platform towards TSOs' Scheduling Systems.

4. Nominations shall be submitted in the formats specified by the relevant TSO(s) and in accordance with the current standard (IEC 62325-451-2: Scheduling Business Process and Contextual Model for European Market).
5. Cross nominations will be done according to principle (a:b). With the submission of the Statement of Acceptance form the User is obliged to provide both TSOs the counterparty for nomination. The change of counterparty can be done via submitting new Statement of acceptance form according to defined process in Article 8 of these rules.
6. The TSO Scheduling system will acknowledge receipt of each Nomination to the relevant User by a message indicating that the Nomination has been correctly registered to the system. User shall not modify nominated schedules for delivery starting with relevant intraday MTU after the scheduling nomination deadline for relevant intraday MTU has passed.
7. In the event of a communication problem between the User and the respective TSO's Scheduling System, the User may contact the relevant TSO(s) to request, in respect of Nominations periods for which Nomination Gate closure has not occurred, the possibility to communicate applicable Nominations by phone.

Article 16

Matching of Exchange Programming Authorization

1. ELES and HOPS will carry out matching cycles every 15 Minutes. All nominations submitted to TSOs will be included in Scheduling Area Schedule (SAS) and compared during the matching cycle.
2. There is no possibility for modifying values, all values stated in Programming Authorization files are binding for Users.
3. ELES Scheduling system will send out confirmations of each matching cycle to the relevant User by a message indicating that the Nomination has been correctly matched with the neighbouring TSO. In case of a mismatch TSOs will take immediate actions in order to properly address mismatch. Negative confirmations will be sent out as well and immediate actions shall be performed by the User.

Title 6

Miscellaneous

Article 17

Limitation of Liability

The TSOs, either jointly or separately, shall not be liable to a PTR holder for any damages resulting from a PTR holder participating or not being able to participate in an explicit intraday allocation process. PTR holder shall hold harmless and indemnify the TSOs, jointly and severally, in respect of claims regarding such damages from third parties. In no event shall ELES and/or

HOPS be liable for any loss of profit, loss of business, or any other indirect incidental, special or consequential damages of any kind.

ELES and/or HOPS undertake to carry out the provisions set out in these Rules with the diligence of a careful businessman and control area manager in compliance with the applicable regulations set out by European law, respectively by the EU-Regulation, Slovenian and Croatian law and regulations set out by the Slovenian and Croatian Authorities.

Article 18 Force Majeure

No Party shall be liable for delay or failure to fulfil its obligations under these Rules if the delay or failure results from "Force Majeure" (meaning any unforeseeable event or situation beyond the reasonable control of the Party, and not due to a fault of such Party) which cannot reasonably be avoided or overcome, and which makes it impossible for such Party to fulfil temporarily or definitively, its obligations under these Rules.

Article 19 Confidentiality

1. The TSOs shall treat all information disclosed to each other pursuant to these Rules as confidential and they will refrain from disclosing such information to any third party without the prior consent of the User concerned.
2. Paragraph (1) shall not apply to:
 - a. enquiries of regulators, governments and/or other administrative authorities,
 - b. enquiries of courts of law and arbitrators for technical or security reasons,
 - c. relevant TSOs and the provider of the Capacity Allocation Platform,
 - d. NEMOs connected to the Single Intraday Platform, in case of disturbances of the system in connection with the suspicion that a User breaches Article 10,
 - e. circulation to consultants to the ones assigned by TSOs or one of the above institution who are subject to confidentiality undertakings or professional confidentiality obligations.
3. Moreover, the obligations arising from this Article shall not apply:
 - a. if the Party which receives the information can prove that, at the time of disclosure, such information was already publicly available;
 - b. if the receiving Party provides proof that, since the time of disclosure, the said information has been legally received from a third party or has become publicly available;
 - c. to confidential information communicated, in accordance with the legal and regulatory provisions, in an incorporated form from which no item of information specific to a market participant can be deduced;
 - d. to information whose publication is explicitly provided for by these Rules.

Article 20

Amendments and changes

1. These Rules can be amended according to Article 9 of the CACM Regulation. Moreover, these Rules are subject to legal and technical conditions at the time of their creation. In the event of a material change in these conditions, particularly following legal requirements, government action or rules imposed by regulatory authorities, or if improvements are made to the Intraday Allocation process, the Rules will be modified as appropriate.
2. Any amendments and changes to these Intraday Rules shall be notified to the Users by means of publication of the respective new version of these Rules on the website of TSOs. Such notification shall include reference to the articles amended or changed and the date on which the new version of these Rules enters into force.
3. Unless stated in the respective new version of Rules, no new registration is required and Users accept the new Rules by further taking part in the intraday allocation process.

Article 21

Governing law

For any disputes between the Parties arising out of or in connection with the Agreement the Parties shall use their reasonable best efforts to reach an amicable settlement. In case the Parties fail to settle a dispute by mutual agreement, the dispute shall be resolved by the competent court of defending Party. National law of deciding court shall be applied.

Article 22

Language

The applicable language for these Rules shall be English. For the avoidance of doubt, where TSOs need to translate these Allocation Rules into their national language, in the event of inconsistencies between the English version and any version in another language, the English version shall prevail.

Appendix 1

Statement of Acceptance form for the participation in intraday explicit capacity allocation process on border between Slovenia and Croatia (hereinafter *Form*)

Name of the company /Entrepreneur	
EIC-Code	
Official address, Country	
Commercial/Company registration No.	
VAT No.	
Party for nomination in Croatia*	
EIC code of the Croatian party	
Party for nomination in Slovenia*	
EIC code of the Slovenian party	

* Nominations on SI-HR border has to be done according to a:b principle.

We hereby declare our intention to participate in the intraday explicit capacity allocation process at the border between Slovenia and Croatia. We fulfill all participation requirements of the "Intraday explicit capacity allocation rules" (hereinafter *Rules*). Moreover, we have read and fully accept to abide and to be bound by all rules, regulations and IT requirements of the *Rules*, which have been published on the TSO's websites.

The *User* appoints the following persons to be authorized to act on behalf of the *User* for communication of *Nominations* by phone in case of issues:

Name	Phone No.	24 h available phone No.	E-mail

The *User* is obliged to inform the *TSO* promptly in case of any changes identified in the table above according to provisions set in the *Rules*.

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

For the market participant
Legal representative/stamp

Name

Signature

Date: _____