Annex 3 to the harmonised Allocation Rules Rules for Forward Capacity Allocation

Border specific annex for the border Austria-Switzerland

Article 1

Subject-matter and scope

1. In accordance with Article 4 of the Allocation Rules, regional or border specificities may be introduced for one or more Bidding Zone borders. Rules described in this border specific annex apply to the border Austria-Switzerland.

2. This annex is effective at the date of entry into force of the Allocation Rules subject to an approval of the relevant National Regulatory Authorities. In case this annex needs to be amended based on a decision of the relevant National Regulatory Authorities, Article 68 of the Allocation Rules shall apply.

3. All rights and responsibilities of National Regulatory Authorities, as stated within the Allocation Rules, shall also apply to the equivalent authority in Switzerland.

4. If there is an inconsistency between any of the provisions in the main body of the Allocation Rules and this annex, the provisions in this annex shall prevail.

5. The capitalised terms used in this annex are defined in the Allocation Rules to which this annex is attached unless otherwise specified below.

Article 2

Triggering events of curtailment on Long Term Transmission Rights

1. To ensure operation remains within Operational Security Limits, or in the event of a Force Majeure, the allocated Long Term Transmission Rights can be reduced until the Day Ahead Firmness Deadline which is set at 10:30 a.m. for the border AT-CH. After this deadline, except in Emergency Situations and in case of Force Majeure, Long Term Transmission Rights, including nominated Physical Transmission Rights are firm.

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Article 3

Compensation for curtailments to ensure operation remains within Operational Security Limits

1. In deviation to Article 59 of the Allocation Rules, curtailments are compensated as described in this article.

2. Holders of Long Term Transmission Rights curtailed before the Day Ahead Firmness Deadline shall be entitled to receive a reimbursement equal to the price of the Long Term Transmission Rights set during the Long Term Transmission Rights Allocation Process, which for each affected hour per Registered Participant shall be calculated as

   (a) the Marginal Price of the initial Auction; and

   (b) the volume in MW per hour corresponding to the difference between the Long Term Transmission Rights held by the Registered Participant before and after the curtailment.

3. With reference to Article 48 paragraph 2 the compensation for the non-nominatad Long Term Transmission Rights which are not reallocated at the relevant daily allocation shall be remunerated according to the Article 3 paragraph 2 of this annex.

4. The compensations calculated according to paragraph 3 of this Article which occurred within one calendar moth shall be further subject to a cap. The cap shall be determined as the sum of the part of the yearly Auction revenues corresponding to that month (a twelfth of the revenues raised at yearly Auction on the concerned Bidding Zone border) and the revenues generated by the monthly Auction and congestion income from other long term timeframes which occurred during this month on the concerned Bidding Zone border, deducting all remunerations paid according to Articles 40 and 48 and compensations paid according to Articles 60 and where applicable Article 61.

Article 4

Compensation for curtailments due to Force Majeure or Emergency Situation

1. In deviation to Article 60 and 61 of the Allocation Rules, curtailments due to Force Majeure or Emergency Situation are remunerated as described in this article.

2. In the case of curtailment due to Force Majeure or Emergency Situation, irrespective of the moment of curtailment, holders of curtailed Long Term Transmission Rights shall be entitled to receive a reimbursement equal to the price of the Long Term Transmission Rights set during the Long Term Transmission Rights Allocation Process, which for each affected hour and Registered Participant shall be calculated as:

   (a) the Marginal Price of the initial Auction; and

   (b) the volume in MW per hour corresponding to the difference between the Long Term Transmission Rights held by the Registered Participant before and after the curtailment.

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