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**Proposal for nomination rules for Physical Transmission  
Rights for the bidding zone border DE/LU - FR in accordance  
with Article 36 of Commission Regulation (EU) 2016/1719 of 26  
September 2016 establishing a Guideline on Forward Capacity  
Allocation**

[date of approval]

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**DISCLAIMER**

This document is released on behalf of the transmission system operators (“TSOs”) of the bidding zone border DE-FR solely for the purpose of public consultation on their proposal for nomination rules for Physical Transmission Right for the bidding zone border DE-FR in accordance with Article 36 of Commission Regulation (EU) No 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (“FCA Regulation”). This version of the Proposal is a draft proposal and does not constitute a firm, binding or definitive TSOs’ position on the content.

All TSOs of the bidding zone border DE/LU - FR, taking into account the following,

### Whereas

- (1) This document is the common proposal developed by the Transmission System Operators of the bidding zone border DE/LU - FR (hereafter referred to as “TSOs”) for nomination rules for Physical Transmission Rights (hereafter referred to as the “**nomination rules Proposal**”) in accordance with Article 36 of Commission Regulation (EU) 2016/1719 establishing a guideline on Forward Capacity Allocation (hereafter referred to as the “**FCA Regulation**”).
- (2) Article 31 of the FCA Regulation foresees that long-term cross-zonal capacity shall be allocated to market participants in the form of physical transmission rights pursuant to the UIOSI principle or in the form of FTRs — options or FTRs — obligations. This nomination rules Proposal only applies to the physical transmission rights acquired in forward capacity allocation. It lays down the rules for nomination of physical transmission rights for the bidding zone border DE/LU - FR.
- (3) In accordance with Article 36(2) of the FCA Regulation, this nomination rules Proposal is subject to consultation. Article 6 of the FCA Regulation requires that proposals submitted at bilateral or at multilateral level shall consult at least the Member States concerned and that the consultation shall last for a period not less than one month. Accordingly, this nomination rules Proposal was consulted from [●] June 2017 until [●] July 2017.
- (4) This nomination rules Proposal is submitted for the approval of all National Regulatory Authorities (hereafter referred to as the “NRAs”) of the bidding zone border DE/LU - FR.
- (5) TSOs on the bidding zone border DE/LU - FR consider that the FCA Regulation allows the submission of this Proposal on bidding zone border level, since proposals for nomination rules for electricity exchange schedules between bidding zones are not listed in Article 4 of the FCA Regulation. They acknowledge that Article 36(3) of the FCA Regulation requires all TSOs to progressively harmonise the nomination rules on all bidding zone borders on which physical transmission rights are applied. The TSOs therefore undertake to progressively examine the potential and the need for harmonisation of these rules, taking into account their technical nature.
- (6) This nomination rules Proposal generally contributes to the achievement of the objectives of Article 3 of the FCA Regulation. In particular, this nomination rules Proposal serves the objective of promoting effective long-term cross-zonal trade with long-term hedging opportunities for market participants by promoting a transparent framework for the nomination rules for Physical Transmission Rights.
- (7) This nomination rules Proposal contributes to the provision of non-discriminatory access to long-term cross-zonal capacity by detailing the process of nominating the Physical Transmission Rights already allocated in the long-term auctions (or the process of transferring that right in accordance with Article 44 of the FCA Regulation).
- (8) Furthermore, this nomination rules Proposal ensures fair and non-discriminatory treatment of all affected parties, as it sets rules to be applied by all parties. Before being approved, the rules detailed in this Proposal are subject to public consultation in accordance with Article 6 of the FCA Regulation.
- (9) Regarding the objective of transparency and reliability of information on forward capacity allocation, this nomination rules Proposal includes provisions on the necessary exchange of information between the holder of the transmission rights and the nomination platform for executing the nomination.
- (10) In conclusion, this nomination rules Proposal contributes to the general objectives of the FCA Regulation to the benefit of all market participants and electricity end consumers.

SUBMIT THE FOLLOWING PROPOSAL TO ALL REGULATORY AUTHORITIES OF THE BIDDING ZONE BORDER DE/LU - FR:

## **TITLE 1**

### **General provisions**

#### **Article 1**

##### **Subject matter and scope**

1. This nomination rules Proposal contains the terms and conditions for the nomination of Physical Transmission Rights on the bidding zone border DE/LU - FR.
2. Forward capacity allocation on the bidding zone border DE/LU-FR takes place through joint explicit allocation of physical transmission rights through auctions in accordance with harmonised allocation rules for long-term transmission rights developed as per Article 51 of the FCA Regulation (hereafter Allocation Rules), and the proposal for design of Long Term Transmission Rights in accordance with Article 31 of the FCA Regulation (hereafter Long Term Rights Design).
3. In accordance with the FCA Regulation and the applicable harmonised allocation rules for long-term transmission rights developed as per Article 51 of the FCA Regulation, these nomination rules Proposal shall bind the holders of Physical Transmission Rights, their counterparties where applicable, and authorised third parties acting on their behalf.

#### **Article 2**

##### **Definitions and interpretation**

1. Capitalised terms used in this nomination rules Proposal shall have the meaning given to them in Article 2 of Regulation (EC) 714/2009, Article 2 of Regulation (EC) 2013/543, Article 2 of Regulation (EC) 2015/1222, Article 2 of Directive 2009/72/EC, Regulation (EU) 2016/1719 and in the applicable harmonised allocation rules for long-term transmission rights.
2. In addition, the following definitions shall apply:
  - (a) ‘ECAN’ means the ENTSO-E standard protocol for Capacity Allocation and Nomination system;
  - (b) ‘PTRs’ means physical transmission rights as defined in the Allocation Rules and Long Term Rights Design;
  - (c) ‘RTE’ means Réseau de Transport d’Electricité, the French system operator;
  - (d) ‘Amprion’ means the German system operator;
  - (e) ‘XML’ means the Extensible Markup Language.
3. In this nomination rules Proposal, unless the context requires otherwise:
  - a) the singular indicates the plural and vice versa;
  - b) the headings are inserted for convenience only and do not affect the interpretation of the nomination rules Proposal;
  - c) references to an “Article” are, unless otherwise stated, references to an article of this nomination rules Proposal; and

- d) any reference to legislation, regulations, directives, orders, instruments, codes or any other enactment shall include any modification, extension or re-enactment of it when in force.

### **Article 3**

#### **Effective date and application**

This nomination rules Proposal shall enter into force in accordance with the applicable national regulatory regimes. The rules described in this Proposal shall apply to the PTR with a delivery date starting from the 1st of January of the year following the approval of the respective NRAs in accordance with Article 4 of the FCA Regulation. This date will be published by TSOs of the bidding zone border DE/FR - FR on their website.

## **TITLE 2**

### **Nomination rules**

#### **Article 4**

#### **Entitlement of a physical transmission rights holder to nominate electricity exchange schedules**

1. In order to nominate physical transmission rights to Amprion, the holders of PTRs must be a signer of a Balance Responsibility Contract agreed with Amprion.
2. In order to nominate physical transmission rights to RTE, the holders of PTRs must be holder of a Balance Responsibility Contract agreed with RTE and a signer of the French Import/Export Rules in their last applicable version.

#### **Article 5**

#### **Minimum technical requirements to nominate**

1. The minimum technical requirement to nominate to Amprion is to have an internet access.
2. In order to nominate physical transmission rights to RTE, the holders of PTRs access the RTE Information System and use the applications made available to them under the conditions defined by RTE in the IS Rules.
3. The nomination tool of RTE is a web-based application, therefore the minimum technical requirements to nominate to RTE is to have an internet access, a specific certificate provided by RTE and a compatible version of Internet Explorer or Firefox.

#### **Article 6**

#### **Description of the nomination process**

1. For Physical Transmission Rights resulting from long-term cross-zonal capacity allocation the “A to A” nomination principle is applied. The Participant A shall be the eligible person to nominate on exporting and importing side of the bidding zone border DE/FR - FR. The eligible persons shall send electricity exchange schedule(s) to both concerned TSOs before the long term nomination deadline pursuant to Article 7.
2. The Nominations submitted to TSOs shall not exceed the amount indicated in the Rights Documents

## **Article 7**

### **Nomination timings**

1. For nominations of Physical Transmission Rights on the bidding zone border DE/LU - FR a long term nomination deadline of 8:30 a.m. on the day preceding the delivery day shall be applied.
2. The Single Allocation Platform shall publish information on its website on the nomination deadline related to the nomination of long term PTR. In case of any discrepancy between the deadline published by the Single Allocation Platform and those of this valid and legally binding nomination rules Proposal, the latter shall prevail and the Single Allocation Platform shall not be held liable for any damaged due to such a discrepancy.

## **Article 8**

### **Format of nomination and communication**

1. Amprion supports two ways of communication as defined in the Balance Responsibility Contract:
  - (a) ISDN FTP;
  - (b) InternetMail.

When allocated capacity will physically be used it has to be reserved and nominated. Reservation is excel based on D-1, before 8.30h.LT-Nomination has to be integrated in the day-ahead schedule (D-1,1430h) as defined in the Balance Responsibility Contract (ESS 2.3 actually).

2. The nomination tool of RTE supports two ways of communication. Nominations can be:
  - (a) Uploaded manually or by email;
  - (b) Or entered on the web form interface.

The format XML file is defined by XSD charts available on the web site of RTE, which make it possible to validate semantics of a XML message. The structure is based on the ECAN standard provided by the ENTSO-E.

## **TITLE 3**

### **Miscellaneous**

## **Article 9**

### **Amendment of the nomination rules**

Any change of the French Import/Export Rules related to nomination of PTRs on the bidding zone border DE/LU-FR that has an impact on the present nomination rules shall lead to an amendment of the present nomination rules proposal.

## **Article 10**

### **Language**

The reference language for this nomination rules Proposal shall be English. For the avoidance of doubt, where TSOs need to translate this nomination nrules Proposal into their national language(s), in the event of inconsistencies between the English version published by TSOs in accordance with Article 4(13) of the FCA Regulation and any version in another language the relevant TSOs shall, in

accordance with national legislation, provide the relevant NRAs with an updated translation of the nomination rules Proposal.