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**Rules of**

**TransnetBW GmbH (TransnetBW),**

**Amprion GmbH (Amprion),**

**and Swissgrid AG (Swissgrid)**

**Hereinafter collectively called the “auction partners”**

**for participation in the intraday capacity allocation of available transfer capacity in the cross-border electricity trading between the control blocks of Germany and Switzerland (intraday capacity allocation)**

**This English translation is for your information only. For all legal purposes only the German version is binding.**

Supplemental to the auctioning of the **available transfer capacity** of all of the interconnections between the control blocks of Germany and Switzerland for the exchange of electrical energy between the control areas of TransnetBW, Amprion and the control area of Switzerland within the framework of an yearly, monthly and daily auction, the transfer capacity available after the schedules for the following day have been received is offered again via an explicit and implicit capacity allocation to market participants in accordance with the process described in the following.

The intraday capacity allocation is conducted supplemental to the daily, monthly and yearly auctions. The following published rules apply exclusively to the intraday capacity allocation.

**Participation in the intraday capacity allocation requires the legally binding signature of the market participant on the declaration published as Annex 1 of these rules (downloadable form). This declaration must be received by the auction coordinator at least two weeks prior to the intended first participation in the intraday capacity allocation.**

## 1. Definitions

For the purposes of these rules for the intraday capacity allocation, the following definitions apply:

**Trading day** Within the context of these rules, the term **trading day** shall apply to any day of the week, from Monday to Sunday.

**Auction coordinator** TransnetBW is responsible on behalf of the auction partners for coordinating the allocation of available intraday transfer capacity in the cross-border electricity trading between the control blocks of Germany and Switzerland and is thus the **auction coordinator**.

**Market participants** Balancing group supervisors (from Amprion and TransnetBW) and balance group managers (from Swissgrid), which have accepted these rules through their legally binding signature of the declaration in accordance with **Annex 1** and are thus entitled to take part in the intraday capacity allocation, are known as **market participants**. Within the context of the present rules, market platforms and/or central counter parties who can non-discriminatorily participate in auctions for intraday capacity to offer implicitly the intraday capacity in connection with an energy trade are deemed as **market participants**.

**Available transfer capacity** Within the scope of the intraday capacity allocation the **available transfer capacity** of the interconnections between the control blocks of Germany and Switzerland describes the part of the transfer capacity, which is made available after deducting the transmission reliability margins (TRM), which have to be kept in reserve in compliance with the European security standards, the capacity already reserved through existing transfer rights and the capacities nominated for use from the daily, monthly and yearly auction.

## **2. Prerequisites for participating in the intraday capacity allocation and determination of exclusion criteria**

In order to participate in the intraday capacity allocation, the market participants must meet the following prerequisites:

- The market participant has entered into a balancing group contract with the Transmission System Operator (TSO) TransnetBW and/or Amprion
- The market participant has entered into a balance group contract with Swissgrid.
- Prior to participating in an intraday capacity allocation for the first time, the market participant shall return the declaration in **Annex 1** of this rule system, received as a downloadable form, to the auction coordinator filled out in full and with the said participant's legally binding signature.

Only after the completely filled out and legally binding, signed declaration as per **Annex 1** is received shall the market participant be granted access to an Internet platform which exists solely for the intraday capacity allocation. Upon receipt of the declaration as per **Annex 1**, the auction coordinator will, for its part, obtain the required confirmation that the participation prerequisites have been fulfilled in accordance with the first two points in clause 2 from the other auction partners.

Depending on the circumstances of the individual case, if it is discovered that a market participant has not fulfilled its obligations at all or not in a timely manner in accordance with the published rules for the intraday capacity allocation, for example, in the case of

- repeated reservation of transfer capacity within the scope of participating in the intraday capacity allocation and then dispensing with its use,
- omission of the obligatory schedule announcement after the allocation of an available transfer capacity requested by the market partner from the intraday capacity allocation,
- hampering the intraday capacity allocation by using the Internet platform in a way that causes damage to the system,

then the auction partners are entitled to exclude the market participant from further activities for obtaining available transfer capacity within the scope of the intraday capacity allocation.

The said exclusion shall be enforced by the auction coordinator after consultation with the auction partners involved.

### **3. Handling the process for allocating the available transfer capacity within the scope of the intraday capacity allocation**

#### **3.1 General provisions**

The auction coordinator shall be the contact person for all questions in connection with conducting the intraday capacity allocation. The following entity is available to interested market partners as the point of contact for general questions on the intraday capacity allocation, particularly in connection with these published rules

TransnetBW GmbH  
Marktprozesse (Market processes)  
Pariser Platz  
Osloer Straße 15-17  
70173 Stuttgart  
Germany  
Phone: +49 711 21858-3180  
Fax: +49 711 21858-4463  
E-mail: marktfrontoffice@transnetbw.de

For questions on the operational handling of the intraday capacity allocation, the following point of contact is available to the market participants

TransnetBW GmbH  
Übertragungsnetz Systemführung (system management)  
Ohmstraße 4  
73237 Wendlingen  
Germany  
Phone: +49 7024 / 44-2224  
Fax: +49 721-63-193693  
E-mail: fpmbackoffice@transnetbw.de

The market partner, for its part, shall give the name of a contact to the auction coordinator when submitting the declaration in accordance with **Annex 1** for all questions regarding the handling of the business correspondence within the scope of its participation in the intraday capacity allocation.

### **3.2 Use of the available transfer capacity within the scope of the intraday capacity allocation**

After submitting the obligatory schedule announcements by 14:30, the auction coordinator shall determine the available transfer capacity for the intraday capacity allocation of the following day. The available transfer capacity thus determined will be announced to the market participants on a dedicated Internet platform of the Deutsche Börse AG (DB) after 17:30. The Internet platform provided by the DB for the intraday capacity allocation is password-protected. The market participants shall receive all of the necessary information for accessing the DB Internet site after the legally binding, signed declaration as per **Annex 1** is received by the auction coordinator.

Use of the DB Internet platform by the market participants must be done in such a way that eliminates intentional hampering of the intraday capacity allocation by behaviour that damages the system.

The available transfer capacity within the scope of the intraday capacity allocation can be requested by the market participants on the DB Internet platform after 18:00.

The allocation is done free of charge on a “first come, first served” basis. Allocated transfer capacities must be used and they must be immediately reported as per the schedule to the auction partners affected by the use of the available transfer capacity.

The request for available transfer capacity within the scope of the intraday capacity allocation must be made 1 hour prior to the start of the requested use in order to reliably guarantee the required process for creating, coordinating and announcing the schedule for the auction partners.

In the event of a power plant breakdown, the request for available transfer capacity within the scope of the intraday capacity allocation can be made, deviating from the above rules, up to 30 minutes prior to the start of the requested use. In order to be able to announce a schedule on such short notice in Switzerland, it is necessary to conclude an additional control balance group contract.

### **3.3 Schedule announcement**

Corresponding to the capacity allocated in the intraday capacity allocation, the market participant announces its schedules for the cross-border electricity trading between the control blocks of Germany and Switzerland to TransnetBW, Amprion and Swissgrid in accordance with the relevant market rules applicable to the auction partners. The schedule announcement must occur in the control areas for which a portion of the available transfer capacity was allocated within the scope of the intraday capacity allocation.

The schedule notification must not deviate from the amounts of available transfer capacity allocated within the scope of the intraday capacity allocation. In the event that this stipulation is not followed when announcing the schedule, the affected schedule shall be adapted by the relevant auction partners responsible for the control area in accordance with the allocated capacity rights. The market participant shall not be compensated for any costs associated with this adjustment.

### **3.4 Non-availability of the Internet platform**

The auction partners shall not be liable in any way for the conduction of the intraday capacity allocation. The intraday allocation can be deferred, particularly in the event of technical difficulties.

In the event of a potentially longer unscheduled failure of the Internet platform lasting more than three hours for the intraday capacity allocation, the auction coordinator will take measures to carry out the capacity allocation by telephone. In this case, the market participants must immediately contact the point of contact of the auction coordinator named under 3.1 for the operational handling of the intraday capacity allocation.

No intraday capacity allocations will be offered during a period of scheduled non-availability of the Internet platform due to maintenance work. The dates of the scheduled maintenance work will be published on the auction coordinator's website.

#### **4. Liability**

The auction partners shall supply the available transfer capacity to be allocated through the intraday capacity allocation within the scope of their ability. This supply shall occur subject to the technical possibility of transmitting electricity, which can be limited by force majeure or other severe operative conditions (e.g. power plant breakdowns). The limitation shall be repaired only within the scope of technically and economically feasible and sensible measures in accordance with the applicable national and international guidelines.

Otherwise, the auction partners are not liable for any possible damage which may occur to the market participants within the scope of their participation in the intraday capacity allocation.

#### **5. Data exchange and data protection**

The auction partners use and save the technical and commercial information and data given or made accessible to them for the sole purposes of the intraday capacity allocation of the available transfer capacity. The market participants agree to the data exchange between the auction partners.

Passing on the technical and commercial information and data given or made accessible to them to third parties without the express consent of the market participant is strictly prohibited. Notwithstanding the duty of non-disclosure, the auction partners are entitled to pass on confidential information belonging to the market participants to the authorities and courts, provided that they are obliged to do so by law. Any market participant affected by this shall be informed of it immediately.

#### **6. Final provisions**

##### **6.1 Transfer**

Transfer to third parties of the transfer capacities obtained in the intraday capacity allocation by the market participants is prohibited.

## **6.2 Adapting and changing the intraday rules**

These rules for the intraday capacity allocation are based on the commercial and legal conditions at the time of their publication. In the event that these conditions change significantly, in particular due to legal regulations, measures taken by the authorities or agreements between the electricity industry associations, either at a national or international level, these rules shall be adjusted accordingly. The auction partners reserve the right to change these rules and the associated annexes with the aim of optimising the process of the intraday capacity allocation.

Any adaptations and changes made to these rules enter into force when the auction partners publish the said changes. The auction coordinator shall make the market participants aware of the adaptations or changes.

## **6.3 Severability clause**

Should any of these rules for the intraday capacity allocation be or become legally unenforceable, this shall not affect the validity of the other provisions. In this event, the auction partners undertake to replace this legally unenforceable provision with another provision that comes as close as possible to the commercial outcome of the invalid one. This also applies in the event of a loophole needing to be filled in these published rules for the intraday capacity allocation.

## **6.4 Settlement of disputes and jurisdiction**

In the event of disputes over the rights and obligations resulting from these rules for the intraday capacity allocation for the auction coordinator and the market participants, an ordinary court shall pass judgement.

Place of jurisdiction is Stuttgart. All market participants shall be subject to the Law of the Federal Republic of Germany.



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Annex 1: Declaration of the market participant; Date: 31/05/2013

Annex 2: Application for user access to the trading platform Date: 31/05/2013

**Annex 1**

## Declaration of the market participant

Market participant:

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(Name, address)

EIC code no.:

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Display name:

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Specification of the control area(s):  TransnetBW  Amprion  Swissgrid

Default control area  TransnetBW  Amprion  Swissgrid

DB user account

already exists: Yes  No

Contact:

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(Name, address)

Phone:

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Fax:

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E-mail address:

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We hereby declare our intention to participate in the intraday capacity allocation of the available transfer capacity in the cross-border electricity trading between the control blocks of Germany and Switzerland. We have fulfilled the prerequisites for participation in accordance with the published intraday capacity allocation rules.

We fully acknowledge the additional universal stipulations made with the intraday capacity allocation rules, particularly for the exchange of data, and shall adhere to them in the interests of a smooth auction process.

We acknowledge that our authorisation for participation in the intraday capacity allocation shall expire if we no longer fulfil the prerequisites in accordance with clause 2 of the published intraday capacity allocation rules.

\_\_\_\_\_, dated \_\_\_\_\_

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\_\_\_\_\_  
Signature of the market participant

1) Check the applicable option

## Annex 2

### Application for personal user access

Trader: \_\_\_\_\_

Market participant: \_\_\_\_\_

\_\_\_\_\_

(Name, address)

EIC code no.: \_\_\_\_\_

Display name: \_\_\_\_\_

Specification of the control area(s):  TransnetBW  Amprion  Swissgrid

Default control area  TransnetBW  Amprion  Swissgrid

If several borders are dealt with:

Default border (TransnetBW or Amprion):

\_\_\_\_\_

DB user account

already exists:

Yes

No

Phone:

\_\_\_\_\_

Fax:

\_\_\_\_\_

E-mail address:

\_\_\_\_\_