

ANEXA 2 la procedură

ACORD - CADRU & M 5 70/15.09.2014
PENTRU PRESTARI SERVICII DE
CONTRAPARTE PENTRU PIAȚA
PRODUSELOR PE TERMEN SCURT

## Incheiat intre:

Bursa Romana de Marfuri S.A., avand sediu social in Bucuresti, Str. Buzesti nr. 50-52, etaj 7, Sector 1, Cod 011015, Reg. Com. J40/19450/1992, CIF RO1562694, reprezentata legal de Dl. Gabriel PURICE, Presedinte -Director General, denumita in continuare: BRM

si

"TIBIEL" EOOD, avand sediu social in Bulgaria, Regiunea Pernik, Oras Pernik, PO 2300, Piata "St. Ivan Rilski", nr. 1, Reg. Com: 106588084, CIF: BG106588084, reprezentata legal de Dl. Dimitar Ivanov, denumita in continuare: Participant la Piata produselor pe termen scurt, denumit in continuare Participant,

Denumite in continuare colectiv Partile.

Partile au convenit incheierea prezentului Acord, in urmatoarele conditii:

## 1. Definitii

In prezentul Acord, urmatorii termeni vor fi interpretati dupa cum urmeaza:

- 1.1. Agentul Escrow banca comerciala agreata de BRM, care va deschide la ordinul clientului sau (Participantul la BRM DAY-AHEAD GAZ) Contul escrow în favoarea BRM.
- 1.2. Banca de cont central (BCR) Banca Comerciala Romana S.A., care actioneaza ca institutie colectoare in raport cu BRM si la care BRM are deschis Contul Central aferent BRM DAY-AHEAD GAZ care urmeaza a fi creditat sau a fost creditat cu sumele prevazute in Instructiunile de debitare directa, emise de BRM si debitat cu sumele prevazute in ordinele de plata.

ANNEX 2 to the procedure

FRAMEWORK AGREEMENT FOR THE PROVISION OF COUNTERPARTY SERVICES FOR THE SHORT-TERM PRODUCTS MARKET

## Concluded between:

Bursa Română de Mărfuri S.A., headquartered in Bucharest, 50-52 Buzești Street, 7<sup>th</sup> floor, 1<sup>st</sup> district, zip code 011015, Trade Register Number J40/19450/1992, CIF (tax registration code) RO1562694, legally represented by Mr. Gabriel PURICE, President - General Manager, hereinafter referred to as: the RCE

and

"TIBIEL" EOOD, headquartered in Bulgaria, city of Pernik, "St. Ivan Rilski" squre, № 1, Code 2300, Trade Register No. 106588084, CIF (tax code) BG106588084, legally represented by Mr. Dimitar Ivanov, hereinafter referred to as: the Participant in the Short-Term Products Market, hereinafter referred to as the Participant,

Hereinafter collectively referred to as the Parties.

The Parties have agreed to conclude this Agreement, subject to the following conditions:

## 1. Definitions

In this Agreement, the following terms shall be interpreted as follows:

- 1.1. Escrow Agent the commercial bank approved by the RCE that shall open at its customer's order (the Participant in BRM DAY-AHEAD GAZ) the Escrow account in favour of the RCE.
- 1.2. Central Account Bank (CAB) Banca Comerciala Romana S.A. (Romanian Commercial Bank), that acts as a collecting institution in relation to the RCE and with which the RCE has opened the Central Account related to the BRM DAY-AHEAD GAZ that shall be credited or has been credited with the amounts provided in the

- 1.3. Banca de Decontare Banca comerciala la care Participantul si-a deschis contul care urmeaza a fi debitat sau a fost debitat cu suma prevazuta in instructiunea de debitare directa:
- 1.4. Cont Central aferent Pietei produselor pe termen scurt contul deschis la Banca de cont central in numele BRM, care urmeaza a fi creditat sau a fost creditat cu sumele prevazute in Instructiunile de debitare directa, emise de BRM si debitat cu sumele prevazute in ordinele de plata. Acest cont este utilizat pentru incasarea si efectuarea platilor aferente tranzactiilor incheiate pe BRM DAY-AHEAD GAZ.
- 1.5. Acord prezentul act juridic si anexele sale, care reprezinta acordul de vointa neechivoc si obligatoriu al BRM si al Participantului la BRM DAY-AHEAD GAZ cu privire la serviciile care fac obiectul Acordului.
- 1.6. Contract privind debitarea directa (CDD) acord încheiat între BRM si BCR în calitate de Institutie colectoare, conform prevederilor legislatiei nationale si europene aplicabile privind debitarea directa, precum si acceptul Institutiei colectoare referitor la utilizarea de catre BRM a Instructiunilor de debitare directa in cadrul unei Scheme de debitare directa.
- **1.7. Contul escrow** contul de depozit colateral deschis de Participant la Agentul Escrow.
- 1.8. Data finalizării ziua bancară (z) în care suma prevăzută în Instrucțiunea de debitare directă este creditată în Contul Central aferent Pieței produselor pe termen scurt de către Instituția colectoare. Data finalizării aferente Instrucțiunilor de debitare directă interbancare este aceeași cu data decontării interbancare (data compensării).
- 1.9. Debitare directa modalitate de plata a unei sume de bani convenite intre Participantul cumparator si BRM, care consta in debitarea preautorizata a contului Participantului cumparator de catre Institutia platitoare in baza prevederilor Mandatului de debitare directa, la solicitarea BRM si creditarea corespunzatoare a contului BRM de catre Banca de cont central in baza Contractului privind debitarea directa; aceasta modalitate de plata nu necesita autorizarea prealabila de catre Participantul cumparator a fiecarei instructiuni de debitare directa trasa asupra contului sau, asa cum este reglementat in Regulamentul BNR nr. 2/2016

- Direct Debit Instructions, issued by the RCE and debited with the amounts provided in the payment orders.
- 1.3. Settlement Bank The commercial bank with which the Participant has opened the account that shall be debited or has been debited with the amount provided in the Direct Debit Instruction.
- 1.4. Central Account related to the Short-Term Products Market the account opened with the Central Account Bank on behalf of the RCE, that shall be credited or has been credited with the amounts provided in the Direct Debit Instructions, issued by the RCE and debited with the amounts provided in the payment orders. This account is used to collect and make payments related to transactions concluded on BRM DAY-AHEAD GAZ.
- 1.5. Agreement this legal act and its annexes that represents the unequivocal and binding agreement of will of the RCE and the Participant to BRM DAY-AHEAD GAZ regarding the services that are the object of the Agreement.
- 1.6. Direct debit contract (DDC) agreement concluded between the RCE and the BCR as a Collecting institution, according to the provisions of the applicable national and European legislation on direct debit, as well as the acceptance of the collecting institution regarding the use by the RCE of the Direct Debit Instructions within a Direct debit scheme.
- **1.7. Escrow account** the collateral deposit account opened by the Participant with the Escrow Agent.
- 1.8. Completion date the banking day (z) on which the amount provided for in the Direct Debit Instruction is credited to the Central Account related to the Short-Term Products Market by the Collecting institution. The completion date for the Interbank Direct Debit Instructions is the same as the

privind operatiunile de transfer de credit si debitare directa.

- Participant de a formula o pretenție de rambursare în legatură cu o Instrucțiune de debitare directă (cu exceptia celor din categoria SDD B2B) la Instituția plătitoare care deține contul Participantului și, respectiv, dreptul de a primi întreaga sumă aferentă Instrucțiunii de debitare directă, solicitare care trebuie formulată în condițiile prevăzute în legislația națională aplicabilă.
- 1.11. Identificatorul Platitorului la BRM (Id Platitor) informatie destinata identificarii Participantului platitor de catre BRM (ex: cod de abonat).
- 1.12. Institutie platitoare institutia de credit la care Participantul are deschis contul curent care urmeaza a fi debitat sau a fost debitat cu suma prevazuta in Instructiunea de debitare directa.
- 1.13. Instructiune de debitare directa (IDD) instructiune de plata prin debitare directa formulata de BRM catre Banca de cont central la care BRM are deschis Contul Central aferent BRM DAY-AHEAD GAZ care urmeaza a fi creditat sau a fost creditat de catre institutia platitoare la care Participantul are deschis contul curent care urmeaza a fi debitat sau a fost debitat cu suma prevazuta in respectiva Instructiune de debitare directa.
- 1.14. Instructiune de debitare directa interbancara (IDD interbancara) instructiune de plata prin debitare directa in cadrul careia Banca de cont central este diferita de institutia platitoare la care Participantul are deschis contul curent care urmeaza a fi debitat sau a fost debitat cu suma prevazuta in Instructiunea de debitare directa.
- 1.15. Instructiune de debitare directa intrabancara (IDD intrabancara) instructiune de plata prin debitare directa in cadrul careia banca de cont central este aceeasi cu institutia platitoare la care Participantul are deschis contul curent care urmeaza a fi debitat sau a fost debitat cu suma prevazuta in Instructiunea de debitare directa (Institutia colectoare este identica cu Institutia platitoare).

interbank settlement date (clearing date).

- 1.9. Direct debit – the method of payment of a sum of money agreed between the Buyer Participant and the RCE, which consists in the pre-authorized debiting of the Buyer Participant account by the paying Institution based on the provisions of the Direct debit mandate upon the request of the RCE and the corresponding credit of the RCE account by the Central account bank based on the Direct Debit Agreement; this method of payment does not require the prior authorization by the Buyer Participant of each Direct Debit Instruction drawn on its account, as regulated in the NBR Regulation no. 2/2016 on the credit transfer and direct debit operations.
- Participant to make a claim for reimbursement in connection with a Direct Debit Instruction (except for those in the B2B DDS category) to the Paying Institution holding the Participan'ts account and, respectively, the right to receive the full amount of the Direct Debit Instruction, a request that must be made under the conditions laid down in the applicable national law.
- 1.11. Payer Identifier at the RCE (Payer Id) information intended for the identification of the Paying Participant by the RCE (ex: subscriber code).
- 1.12. Paying Institution the credit institution with which the Participant has opened the current account that shall be debited or has been debited with the amount provided in the Direct Debit Instruction.
- 1.13. Direct Debit Instruction (DDI) direct debit payment instruction issued by the RCE to the Central Account Bank with which the RCE has opened the Central Account related to the BRM DAY-AHEAD GAZ that shall be credited or has been credited by the paying institution with which the Participant has opened the current account that shall be

- 1.16. Limita cuantumul în limita căruia Participantul poate tranzacționa în cadrul ședintelor de tranzacționare, reprezentând, pentru ordinele de cumparare ale Participantului valoarea cumulată a soldului Contului escrow și a sumei acoperite de Scrisoarea de Garanție Bancară (SGB), iar pentru ordinele de vanzare ale Participantului, valoarea stabilita de BRM.
- 1.17. Limita maxima a perioadei transmitere a Instructiunilor de debitare directa - este de cinci zile lucratoare (z-5) si reprezinta numarul maxim de zile inainte de Data finalizarii (z) in care o Instructiune de debitare directa poate fi introdusa in sistemul de decontare al Bancii de cont central; Instructiunile de debitare directa se pot primi de la BRM si anterior limitei maxime a perioadei de transmitere, cu mentiunea ca acestea se incarca in sistemul informatic al Bancii de cont central in asteptare, urmand ca introducerea in sistemul de decontare al Bancii de cont central sa se realizeze in cadrul acestei limite, respectiv incepand cu data (z-5).
- 1.18. Limita minima a perioadei de transmitere a Instructiunilor de debitare directa intrabancara in functie de solicitarea BRM, poate fi de o zi lucratoare (z-1) sau zero zile (z) si reprezinta numarul minim de zile bancare inainte de Data finalizarii la care o Instructiune de debitare directa intrabancara poate fi introdusa in sistemul de decontare al Bancii de cont central.
- 1.19. Limita minima a perioadei de transmitere a Instructiunilor de debitare directa interbancare este de o zi lucratoare (z-1) si reprezinta numarul minim de zile bancare inainte de Data finalizarii la care o Instructiune de debitare directa interbancara poate fi introdusa in sistemul de decontare al Bancii de cont central.
- 1.20. Mandat de debitare directa document care satisface cerintele legale si prin care un Participant acorda o autorizatie permanenta, dar revocabila BRM pentru a emite Instructiuni de debitare directa asupra contului sau curent deschis la Institutia platitoare si, respectiv, dreptul Institutiei platitoare de a-i debita contul curent cu suma prevazuta in Instructiunile de debitare directa emise de BRM.

- debited or has been debited with the amount provided in the respective Direct Debit Instruction.
- 1.14. Interbank Direct Debit Instruction (interbank DDI) Direct debit payment instruction in which the Central Account Bank is different from the paying institution to which the Participant has opened the current account that shall be debited or has been debited with the amount provided in the Direct Debit Instruction.
- 1.15. Intrabank Direct Debit Instruction (Intrabank DDI) Direct debit payment instruction in which the Central bank account is the same as the Paying Institution with which the Participant has opened the current account that shall be debited or has been debited with the amount provided in the Direct Debit Instruction (the Collecting Institution is identical to the Paying Institution).
- 1.16. Limit the amount within which the Participant may trade during the trading sessions, representing, for the purchase orders of the Participant the cumulated value of the Escrow Account balance and the amount covered by the Performance Bond (PB), and for the sale orders of the Participant, the value set by the RCE.
- 1.17. Maximum limit of the transmission period of the Direct Debit Instructions is five working days (d-5) and represents the maximum number of days before the Completion Date (d) when a Direct Debit Instruction can be entered in the settlement system of Central Account Bank; The Direct Debit Instructions may also be received from the RCE before the maximum limit of the transmission period, with the mention that they are uploaded in the computer system of the Central Account Bank pending and they shall be introduced in the settlement system of the Central Account Bank within this limit, respectively starting with the date (d-5).

- 1.21. Nota de decontare zilnica raport emis de BRM pentru Participant, conform prevederilor prezentului Acord.
- **1.22.** Numar unic de inregistrare al mandatului (UMR) identificator unic al mandatului la nivel interbancar.
- 1.23. Punct virtual de tranzactionare (PVT) punct abstract, unic la nivelul Sistemului national de transport, intre punctele de intrare in Sistemul national de transport si cele de iesire din Sistemul national de transport, in care este permis transferul dreptului de proprietate asupra gazelor naturale de la un participant catre alt participant de pe piata gazelor naturale;
- 1.24. Sesiune/sedinta de tranzacționare program de derulare a procesului de tranzacționare în care se pot introduce, modifica, anula sau suspenda oferte de vânzare și /sau de cumpărare și se pot încheia tranzacții, dacă sunt îndeplinite condițiile de corelare Piața produselor pe termen scurt administrată de BRM funcționează 24 de ore/zi, 7 zile pe săptămână;
- 1.25. Scrisoare de Garantie Bancara (SGB) instrumentul financiar prin care se constituie o garantie de plata in favoarea BRM de catre Participant, conform prevederilor acestui Acord.
- 1.26. Schema de debitare directa schema de plati care defineste un set comun de reguli si procese aplicabile operatiunilor de debitare directa. Schema de debitare directa poate fi:
- 1.26.1. Schema de debitare directa Business to Business (SDD B2B) schema de debitare directa accesibila doar clientilor platitori persoane juridice (si conform careia rambursarea unei IDD nu este permisa).
- 1.26.2. Schema de debitare directa CORE (SDD Core) schema accesibila atat platitorilor persoane fizice cat si platitorilor persoane juridice.
- **1.27. Zi de livrare** ziua calendaristica pentru care a fost incheiata o tranzactie.
- 1.28. Zi de tranzactionare orice zi calendaristica in care este initiata o sedinta de tranzactionare , conform programului de tranzactionare stabilit prin Procedura de

- Minimum limit of the transmission period of the Intrabank Direct Debit Instructions depending on the request of the RCE it may be one working day (d-1) or zero days (d) and it represents the minimum number of banking days before the Completion Date when an Intrabank Direct Debit Instruction can be entered in the Central Account Bank's settlement system.
- 1.19. Minimum limit of the transmission period of the Interbank Direct Debit Instructions is one working day (d-1) and it represents the minimum number of banking days before the Completion Date on which an Interbank Direct Debit Instruction can be entered in the settlement system of the Central Account Bank.
- 1.20. Direct debit mandate a document that satisfies the legal requirements and by which a Participant grants a permanent but revocable authorization to the RCE to issue Direct Debit Instructions on its current account opened with the Paying Institution and, respectively, the right of the Paying Institution to debit its current account with the amount provided in the Direct Debit Instructions issued by the RCE.
- **1.21. Daily settlement note** a report issued by the RCE for the Participant, according to the provisions of this Agreement.
- **1.22.** Unique mandate registration number (UMR) a unique identifier of the mandate at interbank level.
- 1.23. Virtual trading point (VTP) an abstract unique point at the level of the National Transmission System, between the entry points in the National Transmission System and the exit points from the National Transmission System, where the transfer of ownership of natural gas is allowed from one participant to another on the natural gas market:
- **1.24. Trading session** the schedule for carrying out the trading process when sale and / or purchase bids may be introduced, modified,