

Amendment no. \_\_\_\_

**to the Agreement on data accessing and data reporting**

This amendment to the agreement on data accessing and data reporting (hereinafter referred to as the "Amendment") is concluded today, ..... (the "Signing Date") by and between:

1. **OPERATORUL PIEȚEI DE ENERGIE ELECTRICĂ ȘI DE GAZE NATURALE „OPCOM” S.A.**, a Romanian legal person with its registered office in Bucharest 16-18 Hristo Botev Boulevard, District 3, registered with the Office of Trade Registry attached to Bucharest Tribunal under no. J40/7542/2000, VAT Number 13278352, fiscal attribute RO, IBAN Code RO23 RNCB 0074 0292 1737 0001, opened with BCR, District 3 branch, holder of License no. 407 issued by the Romanian Energy Regulatory Authority for the activity of electricity market operator and of License no. 1798 issued by the Romanian Energy Regulatory Authority for the performance of the activity of administration of the centralized markets in the natural gas area, duly represented by Cristina ȘETRAN, in capacity as General Manager and by Silvia FEDIUC, in her capacity as Economic Manager,

in its capacity as organized market, hereinafter referred to as "OPCOM"

and

2. ....  
..., a legal person functioning according to the laws of ....., with registered office in ....., registered with the Office of Trade Registry attached to .....Tribunal under no. ...., VAT Number ....., fiscal attribute ....., IBAN Code ..... opened with .....  
branch, ..... duly ..... represented ..... by .....  
....., in capacity as .....  
..... and by .....  
....., in capacity as .....,

as the entity that has the obligation to report the details of wholesale energy contracts in accordance with the applicable legal provisions, hereinafter referred to as the "Services Beneficiary",

hereinafter individually referred to as the "Party" and jointly as the "Parties".

Having regard to the following:

- (A) The Parties concluded on \_\_\_\_\_ the Agreement on data accessing and data reporting (hereinafter referred to as the "Agreement") in order to comply with the provisions of the Commission Implementing Regulation (EU) No. 1348/2014 on data reporting implementing Article 8 (2) and Article 8 (6) of Regulation (EU) No. 1227/2011 of the European

Parliament and of the Council on integrity and transparency of the wholesale energy market ("REMIT Implementing Regulation"), according to which market participants must report regularly to the Agency for the Cooperation of Energy Regulatory Authorities ("ACER") the details of wholesale energy contracts, both in terms of the supply of electricity and natural gas respectively, as well as the transport of the respective products,

(B) Pursuant to the Agreement, the Services Beneficiary has opted for OPCOM to provide the Services, as defined in the Agreement;

(C) Currently, the Services Beneficiary wishes to modify the Services provided by OPCOM under the Agreement, meaning that Annex 1 to the Agreement needs to be modified.

The Parties decided to conclude this Amendment to the Agreement and established the following:

1. Pursuant to this Amendment, the Parties agree that OPCOM will provide the Services, as they are modified according to the new request of the Services Beneficiary.
2. In this regard, the Parties decide to modify and replace Annex 1 ("Form - Services Beneficiary Request") to the Agreement, so that the provision of Services by OPCOM is carried out in accordance with the new explicit request thus expressed by the Services Beneficiary.
3. Annex 1 to the Agreement is amended and will have the content provided in this Amendment. Thus, Annex 1 to this Amendment replaces Annex 1 to the Agreement.
4. All other contractual clauses provided in the Agreement remain unchanged. All capitalized terms used in this Amendment have the same meaning as defined in the Agreement.
5. This Amendment is governed and interpreted in accordance with Romanian legislation.
6. In case of any discrepancies between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall prevail.

This Amendment is concluded today \_\_\_\_\_, in 2 (two) original copies, in Romanian language, each Party certifying that they possess one original copy, and it enters into force on the date of \_\_\_\_\_.

OPCOM S.A.

Services Beneficiary

By

By

General Manager

Cristina ŞETRAN

Economic Manager

Silvia FEDIUC

D.I.T. Director

Remus BÂRSĂNESCU

**Appendix 1**  
**Form - Services Beneficiary's Request**

**REQUEST**

To: Operatorul Pieței de Energie Electrică și de Gaze Naturale "OPCOM " S.A.

16-18 Hristo Botev Boulevard, 3<sup>rd</sup> District, Bucharest

1. Company/PFA/Înd/ÎF.....  
 headquartered in .....  
 represented by the legal representative (general manager, administrator, etc., as the case may be)  
 ..... and holding the ACER code  
 ..... requests the provision of the following services by Operatorul Pieței de Energie  
 Electrică și de Gaze Naturale "OPCOM " S.A.

Services		Date
RRM OPCOM administration services		
Reporting services through RRM OPCOM, in the name and on behalf of the Services Beneficiary, of the relevant data according to REMIT Regulation and respectively according to the procedures and standards published by ACER, within the deadlines imposed by ACER. In order to provide Reporting Services, OPCOM will carry out the following operations:  i. Data reporting to ACER, including life cycle events of the following contracts: standard for the supply of electricity and gas established in the markets administered by OPCOM, standard and non-standard for the supply of	Reporting services for contracts established on the OPCOM organized market	
	Reporting services of contracts established outside the OPCOM organized market (reporting services of standard and/or non-standard contracts for the supply of energy established outside the markets administered by OPCOM, respectively bilateral contracts and/or	

<p>electricity and gas established outside the markets administered by OPCOM, respectively bilateral contracts, and/or transactions established on other organized markets, as well as the execution of non-standard contracts reported by OPCOM to ACER and the reporting of fundamental gas data according to Article 9 (9) of the Commission Implementing Regulation (EU) No 1348/2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on the integrity and transparency of the wholesale energy market, for the storage of natural gas and the reporting of details on wholesale energy products in relation to the transport of electricity.</p> <p>ii. Access to data reported by OPCOM to ACER. Such data will be accessible to participants in ACER XML format, through the OPCOM FTPS server;</p> <p>Access to confirmations of successful data reporting received by OPCOM from ACER. They will be accessible to participants in ACER XML format, through the OPCOM FTPS server.</p>	transactions established on other organized markets)	
	Gas Fundamental Data Reporting Services (Gas Fundamental Data Reporting Services pursuant to Article 9 (9) of Commission Implementing Regulation (EU) No. 1348/2014 the Commission Implementing Regulation (EU) No 1348/2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on the integrity and transparency of the wholesale energy market, for natural gas storage	
	Reporting services for electricity transmission contracts established on capacity markets	
Data access services for reporting through other RRM than OPCOM RRM		

Function, legal representative: .....

Name and surname of legal representative: .....

Signature of legal representative: .....