Second Amendment to the Single Day-Ahead Coupling Operations Agreement (DAOA)

Between

the Transmission System Operators

<u>and</u>

the NEMOs

This second amendment agreement to the DAOA dated 1 September 2022 (hereafter the "**Second DAOA Amendment**") is entered into by and between:

On the one hand:

AFFÄRSVERKET SVENSKA KRAFTNÄT (**"SVENSKA KRAFTNÄT**"), a Swedish state utility, with V.A.T. number SE202100428401, having its registered office at Svenska kraftnät, P.O. Box 1200, SE-172 24 Sundbyberg, Sweden, registered under number 202100-4284;

AMPRION GmbH ("**AMPRION**"), a company incorporated under the laws of Germany, with V.A.T. number DE813761356, having its registered office at Robert-Schuman-Straße 7, D-44263 Dortmund, Germany, registered in the commercial register at the Amtsgericht Dortmund under number HRB 15940;

AS "Augstsprieguma tīkls" ("**AST**"), a company incorporated and validly existing under the laws of the Republic of Latvia, with V.A.T. number LV40003575567, having its registered office at Darzciema Street 86, Riga, LV-1073, Latvia, and registered with the Commercial Register of the Republic of Latvia with the registration number 40003575567;

AUSTRIAN POWER GRID AG ("**APG**"), a company incorporated under the laws of Austria in the form of an AG, with V.A.T. number ATU46061602, with registered office at IZD Tower, Wagramer Str.19, 1220 Wien, Austria, registered with Commercial Court in Vienna with number FN 177696v;

Baltic Cable AB ("**BALTIC CABLE**"), a company organised and existing under the laws of Sweden, having its registered office at Gustav Adolfs Torg 47, SE-211 39 Malmö, Sweden and registered with Bolagsverket under the number 556420-6026 and VAT n° SE556420602601;

ČEPS, a.s. (**``ČEPS**"), a company incorporated under the laws of Czech Republic, with V.A.T. number CZ25702556, having its registered office at Elektrárenská 774/2, 101 52 Praha 10, Czech Republic, and incorporated in the Commercial Register kept by the Municipal Court in Prague, Section B, Entry 5597, with the Company Identification No. 25702556; CREOS Luxembourg S.A. ("**CREOS**"), a public limited liability company incorporated under the laws of Luxembourg, with V.A.T. number LU10320554, having its registered office at 105, rue de Strassen in L-2555 Luxembourg, registered in the commercial register at Luxembourg under number B. 4513;

Croatian Transmission System Operator Ltd. ("**HOPS**"), a company incorporated under the laws of Croatia, with V.A.T. number 13148821633, having its registered office at Kupska 4, 10 000 Zagreb, Croatia, registered in the commercial register at Commercial Court in Zagreb under number 080517105;

EIRGRID plc ("**EIRGRID**"), a company incorporated under the laws of the Republic of Ireland, with V.A.T. number IE6358522H, having its registered office at the Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4, Ireland, registered in the under the number 338522;

ELECTRICITY SYSTEM OPERATOR EAD ("**ESO**"), a company incorporated under the laws of BULGARIA, in the form of an EAD (sole-owner joint stock company), having its registered office at 201, Tsar Boris III Blvd., 1618 Sofia, Bulgaria, registered with the General Commercial Register under the number 175201304, with VAT identification number BG 175201304;

ELERING AS ("**Elering**"), a company incorporated under the laws of Estonia, with V.A.T. number EE100889639, having its registered office at Kadaka tee, 42, 12915 Tallinn, Estonia, registered in the commercial register at Estonia under number 11022625;

ELES, Ltd., Electricity Transmission System Operator ("**ELES**"), a company incorporated under the laws of Slovenia, with V.A.T. number SI20874731, having its registered office at Hajdrihova, Ulica 2, 1000 Ljubljana, Slovenia, registered at the District Court of Ljubljana under entry number 1-09227-00 and registration number 5427223000;

ELIA TRANSMISSION BELGIUM SA/NV ("**ELIA**"), a company incorporated under the laws of Belgium, with V.A.T. number BE731.852.231, having its registered office at Boulevard de l'Empereur, 20, 1000 Brussels, Belgium, registered in the commercial register at Brussels under number 0731.852.231 (legal successor of ELIA SYSTEM OPERATOR SA/NV);

Energinet Systemansvar A/S ("**ENERGINET**"), a company incorporated under the laws of Denmark, with V.A.T. number 39314959, having its registered office at Tonne Kjærsvej 65, 7000 Fredericia, registered in the commercial register at Commercial Register in the Danish Business Authority under number 39314959;

FINGRID OYJ ("**FINGRID**"), a company incorporated and existing under the laws of Finland, with V.A.T. number FI10728943, having its registered office at Läkkisepäntie 21, P.O.Box 530, FI-00101 Helsinki, with Commercial Register in Helsinki no 1072894-3;

Independent Power Transmission Operator S.A. ("**ADMIE**" or "**IPTO**"), a company incorporated under the laws of Greece, registered in the General Commercial Registry under number 4001001000, the head offices of which are located at 89 Dyrrachiou & Kifisou Str. 10443, Athens – Greece, with EU Community VAT identification number: EL 099877486;

Kraftnät Åland Ab ("**Kraftnät**"), a company incorporated under the laws of Finland, registered with V.A.T. number 1068562-1, having its registered office at Dalvägen 3, 22150 Jomala, Finland, register in the Patent- och registerstyrelsen under the number 1068562-1;

LITGRID AB ("Litgrid"), a limited liability company, incorporated under the laws of the Republic of Lithuania, with V.A.T number LT 100005748413, having its registered offices at Karlo Gustavo Emilio Manerheimo st. 8, 05131 Vilnius, Lithuania, having the registration number 302564383 in the Register of Legal Entities;

MAVIR Hungarian Independent Transmission Operator Company Ltd. ("**MAVIR**"), a company incorporated under the laws of Hungary, with V.A.T. number HU12550753, having its registered office at 1031 Budapest, Anikó u. 4., Hungary, registered in the commercial register at the Hungarian Company Registry Court of Budapest-Capital Regional Court under number 01-10-044470;

National Power Grid Company Transelectrica S.A. ("**Transelectrica**"), a company incorporated under the laws of Romania, with V.A.T. number RO13328043, having its registered office at 33 General Gheorghe Magheru Blvd., 1st District, Bucharest, registered in the commercial register at the Bucharest Trade Registry under number J40/8060/2000;

Polskie Sieci Elektroenergetyczne S.A. ("**PSE**"), a company incorporated under the laws of Poland, with V.A.T. number PL5262748966, having its registered office at Warszawska 165, 05-520 Konstancin-Jeziorna, Poland, registered in the commercial register at District Court for the Capital City of Warsaw, 14th Commercial Department of the National Court Register under number KRS 0000197596 and the share capital of 9.605.473.000,00 PLN paid in full amount;

Red Eléctrica de España, S.A.U. ("**REE**") a company incorporated under the laws of Spain, with V.A.T. number ESA85309219, having its registered office at Paseo Conde de los Gaitanes, 177, La Moraleja, 28109 Alcobendas (Madrid), Spain, registered in the Commercial Register at Madrid under Sheet M-452031, Section 8, Page 195, Volume 25097;

REN – Rede Eléctrica Nacional, S.A. ("**REN**"), a company incorporated under the laws of Portugal, with V.A.T. number PT507866673, having its registered office at Avenida dos Estados Unidos da América, 55, 1749-061 Lisboa - Portugal, registered in the commercial register at Lisbon under number 507 866 673;

RTE Réseau de Transport d'Electricité ("**RTE**"), a company incorporated under the laws of France, with V.A.T. number FR19444619258, having its registered office at Immeuble WINDOW – 7C Place du Dôme - 92 073 PARIS LA DEFENSE Cedex, France, registered in the commercial register at Nanterre under number 444 619 258;

Slovenská elektrizačná prenosová sústava, a.s. ("SEPS") with its registered office at Mlynské nivy 59/A, 824 84 Bratislava, Slovak Republic, incorporated in the Commercial Register kept by the District Court in Bratislava I, Section Sa, Entry 2906/B, with Company Identification No. 35829141;

SONI Limited ("**SONI**"), a company incorporated in Northern Ireland, with V.A.T. number GB945676869, having its registered office at 12 Manse Road, Belfast, Co Antrim, BT6 9RT. SONI with registered number NI38715;

STATNETT SF ("**STATNETT**"), a state owned enterprise (statsforetak), incorporated under the laws of Norway, with V.A.T. number NO962986633, having its registered office at Nydalen Allé

33, P.O. Box 4904 Nydalen, 0423 Oslo, Norway, with registration no. 962 986 633;

TENNET TSO B.V. ("**TenneT**"), a company incorporated under the laws of the Netherlands, with V.A.T. number NL815310456B01, having its registered office at Arnhem, Utrechtseweg 310, P.O. Box 718, 6800 AS, the Netherlands, registered in the commercial register of the Chamber of Commerce under number 09155985;

TENNET TSO GmbH ("**TTG**"), a company incorporated under the laws of Germany, with V.A.T. number DE815073514, having its registered office at Bernecker Str. 70, 95448 Bayreuth, Germany, registered in the commercial register at Bayreuth under number HRB 4923;

TERNA - Rete Elettrica Nazionale S.p.A. ("**TERNA**"), a company incorporated under the laws of Italy, with tax code and V.A.T. number 05779661007, registered at the Rome Register of Companies, with registered office at Viale Egidio Galbani 70 - 00156 Roma, Italy;

TRANSNET BW GmbH ("**TransnetBW**"), a limited liability company (GmbH) incorporated under the laws of Germany, with V.A.T. number DE191008872, having its registered office at PariserPlatz, Osloer Str. 15-17, 70173 Stuttgart, Germany, registered with the commercial register of Stuttgart under number HRB 740510;

50Hertz Transmission GmbH ("**50Hertz**"), a company incorporated under the laws of Germany, with V.A.T. number DE813473551, having its registered office at Heidestraße 2, 10557 Berlin, Germany, registered under the number HRB 84446 B (Amtsgericht Charlottenburg);

Individually referred to as "TSO" and/or collectively referred to as "TSOs"

And, on the other hand:

BSP Energy Exchange LL C **("BSP")** a company incorporated under the laws of Republic of Slovenia in the form of an LL C (limited liability company), with its principal place of business at Dunajska cesta 156, 1000 Ljubljana, Slovenia, and registered at District Court of Ljubljana under registration n° 3327124000 and VAT n° SI37748661; CROATIAN POWER EXCHANGE Ltd. ("**CROPEX**"), a company incorporated under the laws of Republic of Croatia, with V.A.T. number HR14645347149, having its registered office at Slavonska avenija 6/A, 10000 Zagreb, Croatia, registered in the commercial register at Commercial Court in Zagreb under number 080914267;

EIRGRID plc ("**EIRGRID**"), a company incorporated under the laws of the Republic of Ireland, with V.A.T. number IE6358522H, having its registered office at the Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4, Ireland, registered in the under the number 338522;

EPEX Spot SE ("**EPEX**"), a European Company (Societas Europaea) incorporated under the Laws of France, with V.A.T. number FR 10508010501, having its registered office located at 5 boulevard Montmartre, 75002 Paris – France, and registered with Commercial Register in Paris under the number 508 010 501;

EXAA Abwicklungsstelle für Energieprodukte AG ("**EXAA**"), a company incorporated under the laws of Austria, with V.A.T. ATU52153208, having its registered office at Palais Liechtenstein, Alserbachstrasse 14-16, A-1090 Vienna, registered in the commercial register at Handelsgericht Wien under number FN 210730y;

Gestore dei Mercati Energetici S.p.A. ("GME"), a company incorporated under the laws of Italy, with V.A.T. number IT 06208031002, having its registered office at Viale Maresciallo Pilsudski, 122/124, 00197 Rome, registered with Companies Register of Rome under the number RM 953866 under Italian tax code;

HELLENIC ENERGY EXCHANGE S.A. ("**HENEX S.A.**"), a company incorporated under the laws of Greece, with V.A.T. number 801001623, having its registered office at 110, Athinon Avenue, 10442, Athens, Greece, registered in the commercial register at General Commercial Registry under number 146698601000;

HUPX Hungarian Power Exchange Company Limited by Shares ("**HUPX**"), a company incorporated under the laws of Hungary, with V.A.T. number HU13967808, having its registered office at 1134 Budapest, Dévai u. 26-28, Hungary, registered in the commercial register at Budapest Metropolitan Court, under number 01-10-045666;

Independent Bulgarian Energy Exchange ("**IBEX**"), a company incorporated under the laws of Bulgaria, with V.A.T. number BG202880940, having its registered office at 138, Vasil Levski, Blvd., 1527 Sofia, Bulgaria, registered in the commercial register at Bulgarian Registry Agency under number 202880940;

Nasdaq Spot AB ("**NASDAQ**"), a company with VAT number SE559280730801, organised and existing under the laws of Sweden, having its registered office at Tullvaktsvägen 15, 105 78 Stockholm, and registered with company registration under no. 559280-7308;

Nord Pool European Market Coupling Operator AS ("**Nord Pool EMCO**"), a company incorporated under the laws of Norway, with V.A.T. number NO 984 058 098 MVA, having its registered office at at Lilleakerveien 2 A, 0283 Oslo, Norway, registered in the Register of Business Enterprises under number 984 058 098;

OKTE, a.s. ("**OKTE**"), a company incorporated under the laws of the Slovak Republic, with V.A.T. number SK2023089728, having its registered office at Mlynské nivy 48, 821 09 Bratislava, Slovak Republic, registered with the Commercial register at District Court Bratislava I, Section Sa, File No. 5087/B under the number 45 687 862;

OMI-Polo Español, S. A ("**OMIE**"), a company incorporated and existing under the laws of Spain, with V.A.T. number A86025558, registered office at Alfonso XI n° 6, 28014 Madrid, Spain, and registered with the Commercial Register in Madrid under Section 8, Sheet: M-506799;

Operatorul Pietei de Energie Electrica si de Gaze Naturale "OPCOM" S.A. ("**OPCOM**"), a company incorporated and existing under the laws of Romania, with V.A.T. number RO13278352, having its registered office at 16-18 Bd. Hristo Botev, 3rd District, Bucharest, PC. 030236, Romania, and registered with the Bucharest Trade Register Office under the number J40/7542/2000;

OTE, a.s. ("**OTE**"), a company incorporated and existing under the laws of the Czech Republic, with V.A.T. number CZ26463318 having its registered office at Sokolovská 192/79, 186 00 Prague, Czech Republic, and registered with the Commercial Register in Municipal Court in Prague, Section B 7260 under the number 264 63 318, OTE's contract number:

SONI Limited ("**SONI**"), a company incorporated in Northern Ireland, with V.A.T. number GB945676869, having its registered office at 12 Manse Road, Belfast, Co Antrim, BT6 9RT. SONI with registered number NI38715;

Towarowa Giełda Energii S.A. ("TGE"), a company incorporated under the laws of the Republic of Poland, with V.A.T. number PL 5272266714, having its registered office at Książęca 4, 00-498 Warszawa, Poland, registered in the commercial register at National Court Register under number 0000030144, held by the District Court for the Capital City of Warszawa, 12th Commercial Department of the National Court Register, and the share capital of 14.500.000,00 PLN paid in full amount;

Individually referred to as "NEMO" and/or collectively referred to as "NEMOs";

TSO(s) and NEMO(s) being referred to as "**Party**" individually and/or "**Parties**" collectively;

WHEREAS:

- A) On 28 March 2019, the Parties entered into the DAOA, in order to regulate their cooperation in respect of the operation and further development of the Cooperation, in addition to other agreements such as the NEMO Only Agreements, and the TCDA;
- B) By the First DAOA Amendment dated 14 January 2022 the DAOA was amended;
- C) The Parties now wish to amend the DAOA to implement the so-called qualified majority voting mechanism (hereafter the "**QMV**"), as further detailed in Article 12 of the DAOA;
- D) For information purposes only, TGE & PSE hereby declare that they have the status of a large enterprise, as defined in Article 4 (6) of the Polish Act on counteracting excessive delays in commercial transactions (Dz.U. [Journal of Laws] from 2020, item 935, 1086, as amended). This status is also defined in Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ EU L 187, 26 June 2014, as amended).

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. General

- **1.1** Capitalized terms used in this Second DAOA Amendment shall have the meaning attributed to them in Annex 1 (Definition List) to the DAOA unless otherwise specified in this Second DAOA Amendment.
- **1.2** This Second DAOA Amendment contains certain amendments to the DAOA and should be read in conjunction with it. Except as expressly set out in this Second DAOA Amendment, the DAOA remains unaffected and in full force and effect.

2. Amendments to the DAOA

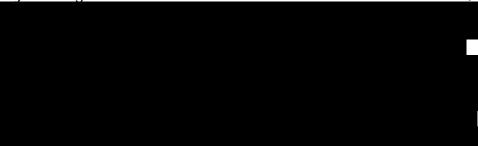
- **2.1** The Parties agree to replace the entirety of the text of the main body of the DAOA by the text set forth in Annex 1 ("Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions"), which shall be binding and constitute the definitive document between the Parties regarding the content of the main body of the DAOA. For informational purposes only, Annex 2 ("Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions Mark up") shows the changes compared to the version of the DAOA as consolidated with the changes from the First DAOA Amendment.
- **2.2** As agreed in the First IDOA Amendment (i) any reference to "*Single Day-Ahead Coupling*" in the Agreement shall be understood as being replaced by a reference to the acronym "*SDAC*" and (ii) any reference to the acronym "JSC" in the Agreement shall be understood as being replaced by a reference to the acronym "*MCSC*".
- **2.3** The Parties agree:
 - 1) to attach the binding Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions, as foreseen in article 2.1, as Annex 1 to this Second DAOA Amendment;
 - 2) to attach for informational purposes only the Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions - Mark up, as foreseen in article 2.1, as Annex 2 to this Second DAOA Amendment;
 - 3) to replace the current Annex 1 (Definition List) to the DAOA by the

adapted Annex 1 (Definition List) attached as Annex 3 to this Second DAOA Amendment;

- 4) to replace the current Annex 4 (Rules of Internal Order) to the DAOA by the adapted Annex 4 (Rules of Internal Order) attached as Annex 4 to this Second DAOA Amendment;
- 5) to attach the Statistical data to be used for the calculation of the voting share attached as Annex 5 to this Second DAOA Amendment as Annex 13 to the DAOA (Statistical data to be used for the calculation of the voting share);

3. Entry into force, applicable law and dispute resolution

- **3.1** This Second DAOA Amendment shall enter into force as of 1 September 2022, provided that i) all Parties have signed it by sending a scan of the signed signatory page of the Second DAOA Amendment to a third coordinating party assigned by the Parties and ii) the amendment to the IDOA to implement the QMV has been signed by all its parties. The third coordinating party will collect all copies of the received signed signatory pages and provide a copy of the main text of the Second DAOA Amendment with the copies of the signed signatory pages to the Parties.
- **3.2** For evidence reasons:
 - i) each Party shall also provide the third coordinating party with forty-nine (49) original signed signatory pages (one per Party) of the Second DAOA Amendment. The third coordinating Party will collect all the original signed signatory pages, compile them with the main text of the Second DAOA Amendment and provide each of the Parties one (1) original of the main text of the Second DAOA Amendment with the original signed signatory pages, which constitutes valid proof of the main text of the Second DAOA Amendment. The foregoing will not impact the date of entry into force of the Second DAOA Amendment; and
 - ii) expressly derogating to Article 8.20 of the New Belgian Civil Code, each Party shall receive a zipfile from the third coordinating Party bearing the label "Second DAOA Amendment with Annexes",





3.3 OTE has a national legal obligation within the meaning of Section 2 (1) of the Czech Act No. 340/2015 Coll., on special conditions for the entry into force of certain contracts, the contract publishing and on the National Contract Registry of the Czech Republic according to which this Second DAOA Amendment shall only come into force in relation to the rights and obligations of OTE subject to its prior publication of the Second DAOA Amendment in the National Contract Registry of the Czech Republic. All Parties hereby acknowledge this formality for OTE and accept that the validity of this Second DAOA Amendment for OTE is subject to the abovementioned publication (it being understood that the validity between the other Parties remains unaffected by this condition). OTE commits to comply with this formality without delay and to inform all Parties, without any delay, of the fulfilment thereof.

No Confidential Information shall be disclosed during the course of complying with such obligation, including by redacting all such Confidential Information from any materials or documents

3.4 For the avoidance of doubt, Article 26 (Dispute resolution) and all relevant provisions of Article 27 (Miscellaneous) of the DAOA shall apply to this Second DAOA Amendment.

* * *

In witness thereof, and without prejudice to the procedure of sending scanned signatory pages set forth in Article 3.1, this Second DAOA Amendment has been duly executed in forty-nine (49) original documents by the undersigned authorised representatives.

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Annex 1: Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions

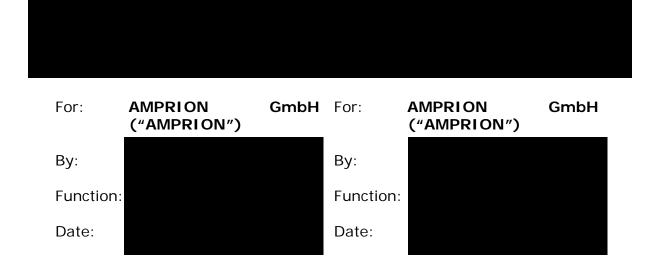
Annex 2: Consolidated version of the main body of the Single Day-Ahead Coupling Operations Agreement with the First DAOA Amendment and Second DAOA Amendment provisions – Mark up

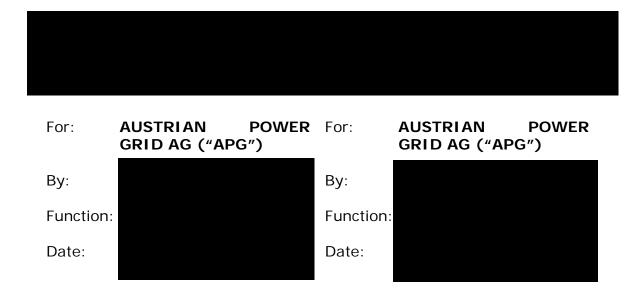
Annex 3: Adapted Annex 1 (Definition List)

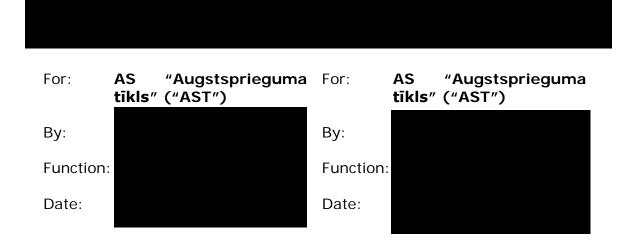
Annex 4: Adapted Annex 4 (Rules of Internal Order)

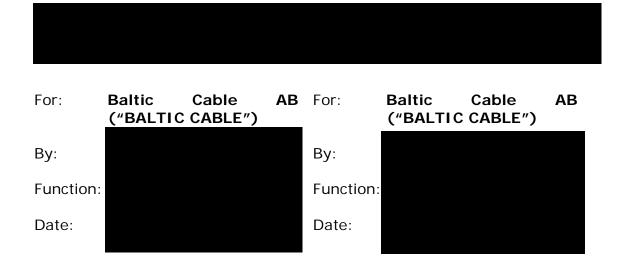
Annex 5: New Annex 13 to the DAOA (Statistical data to be used for the calculation of the voting share)

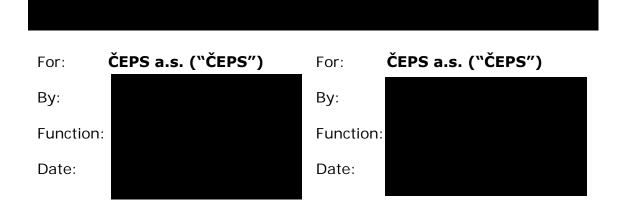


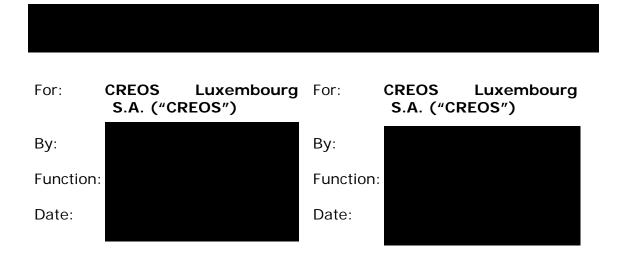


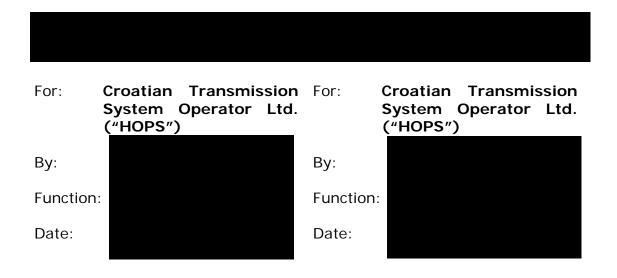


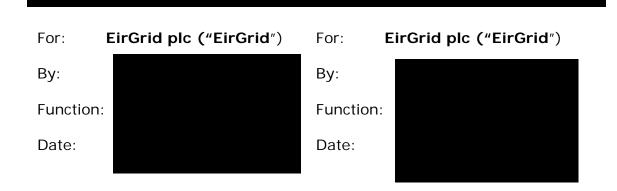


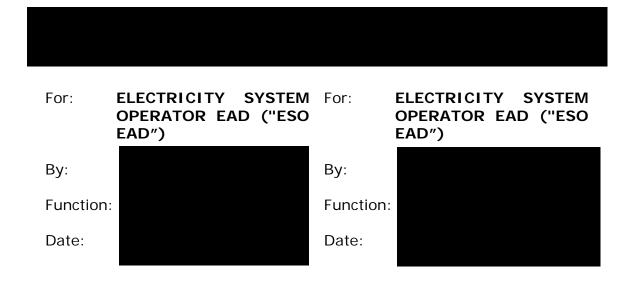


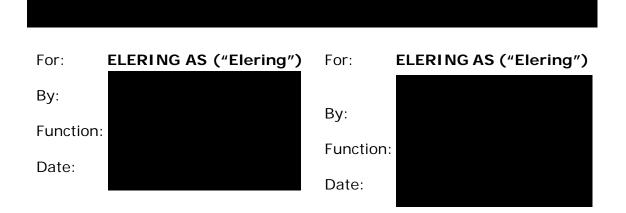


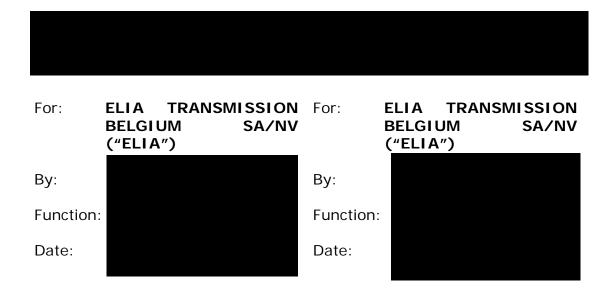


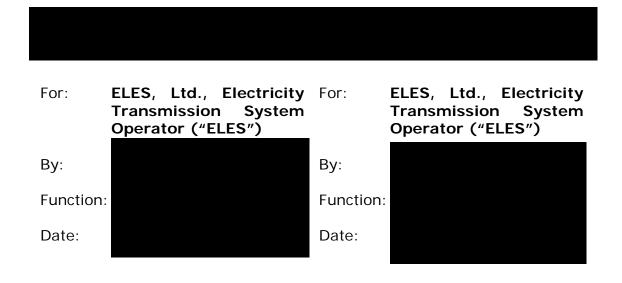


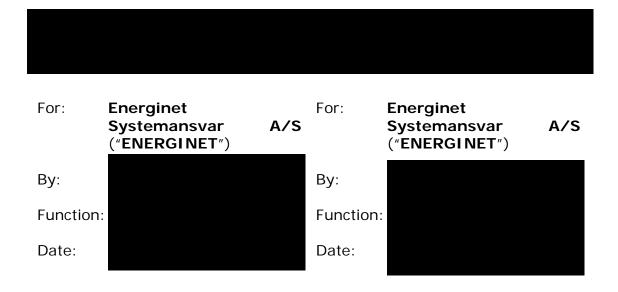


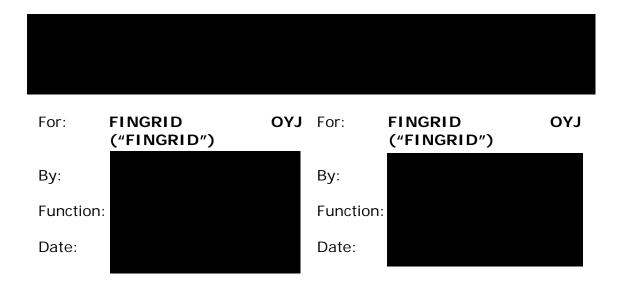


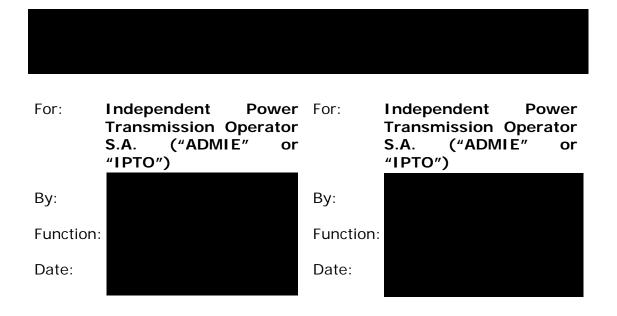


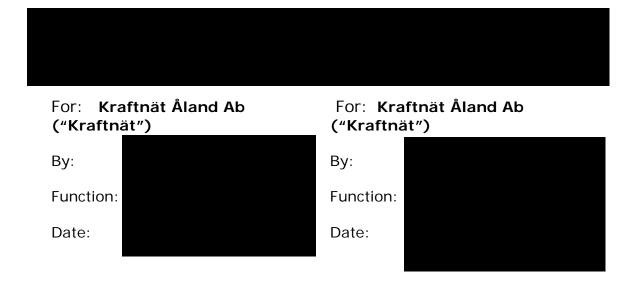


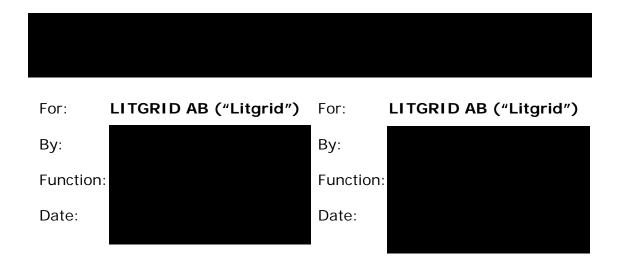






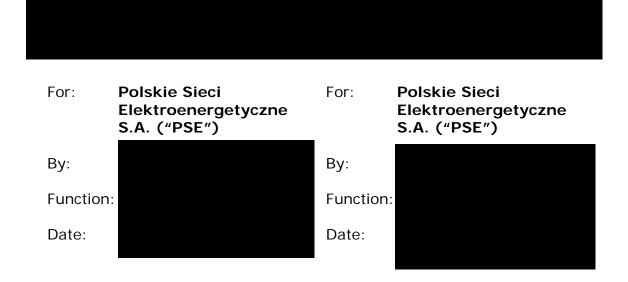


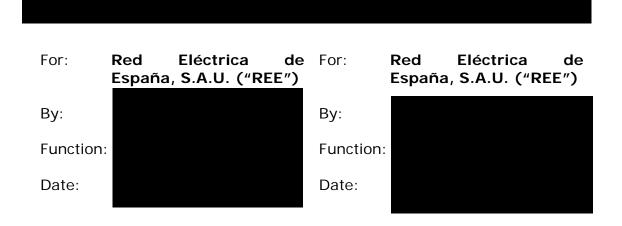


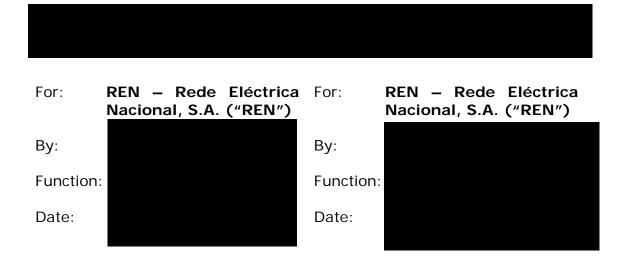


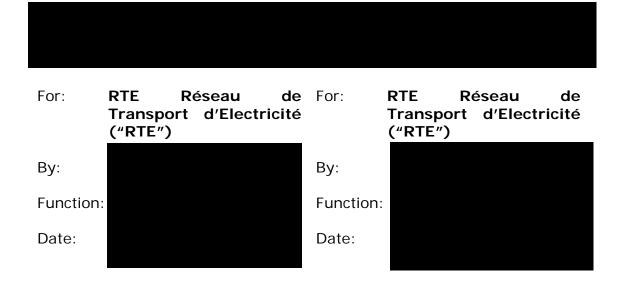
For:	MAVIR Hungarian Independent Transmission Operator Company Ltd. ("MAVIR")		MAVIR Hungarian Independent Transmission Operator Company Ltd. ("MAVIR")
By:		By:	
Function	:	Function:	
Date:		Date:	

For:	National Power Company	Grid	For:	National Power Company	Grid
	Transelectrica ("Transelectrica")	S.A.		Transelectrica ("Transelectrica")	S.A.
By:			By:		
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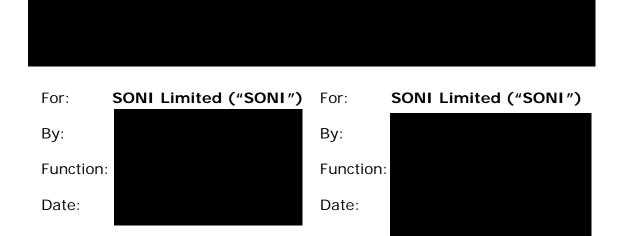


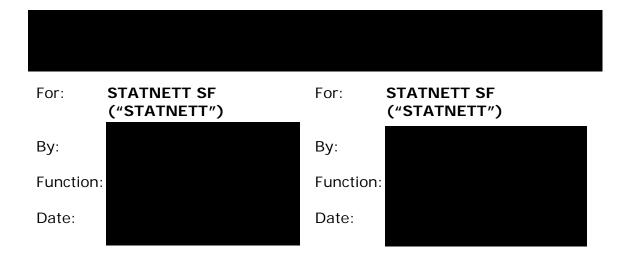


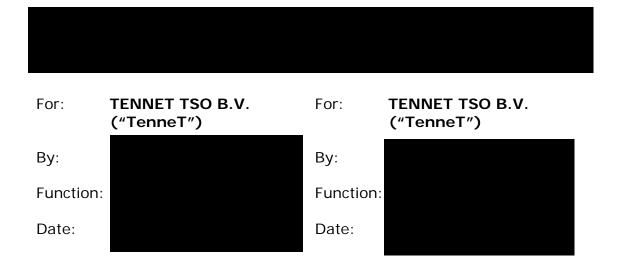


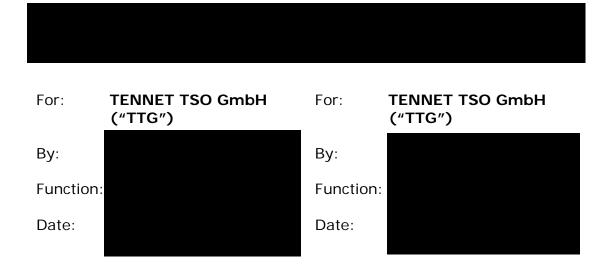


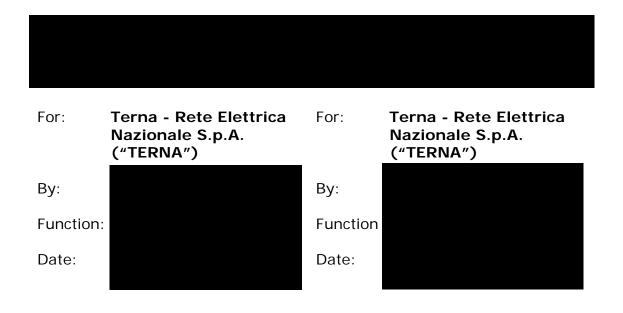


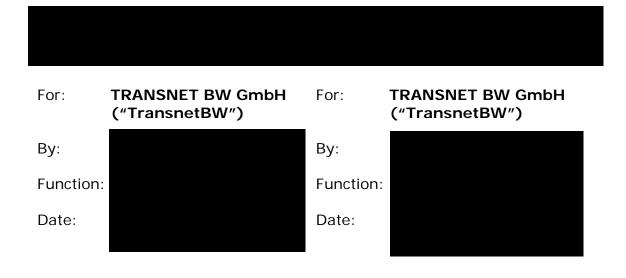


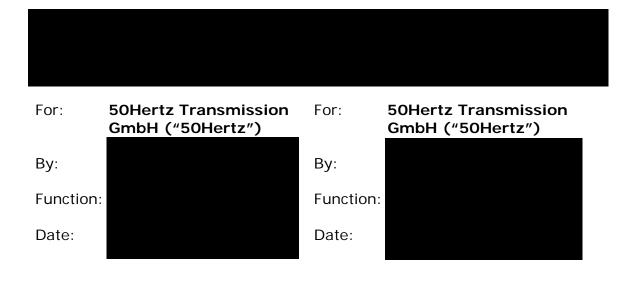


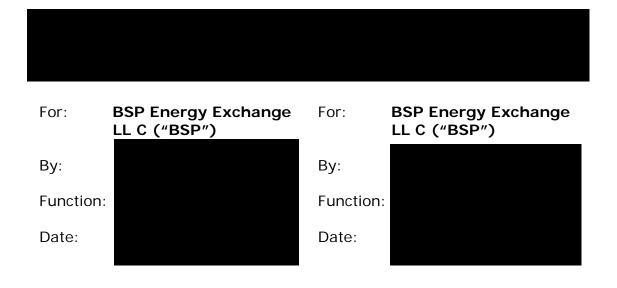


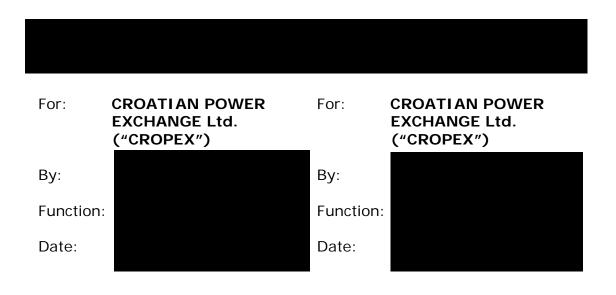


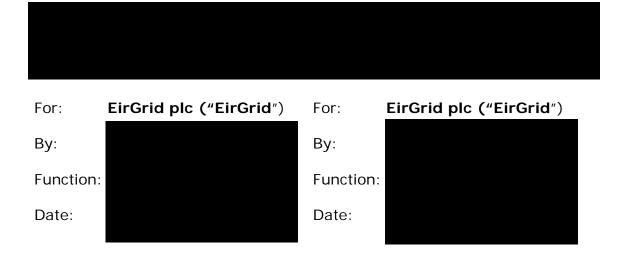


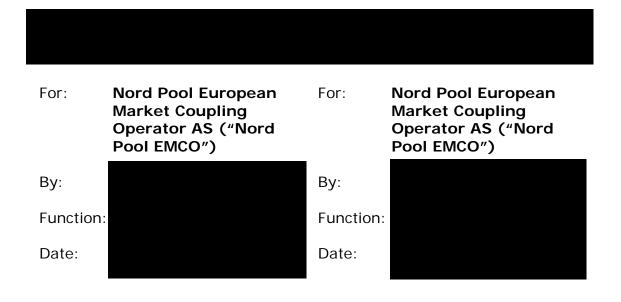


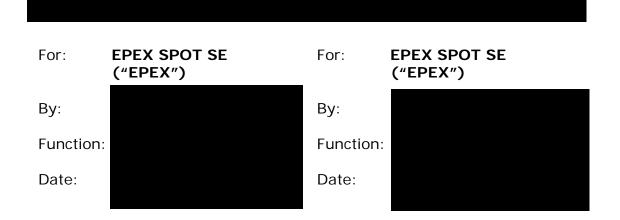


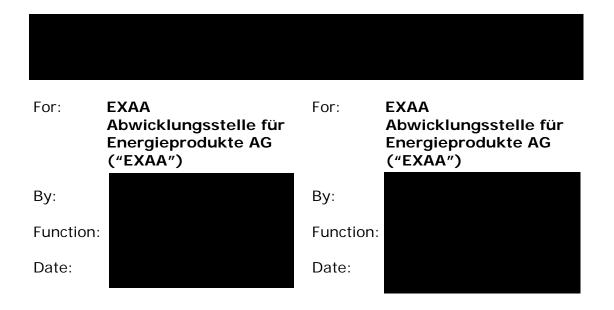


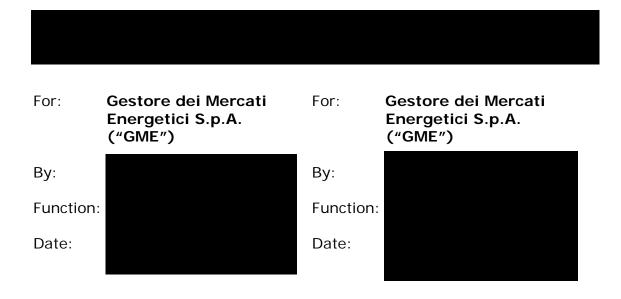


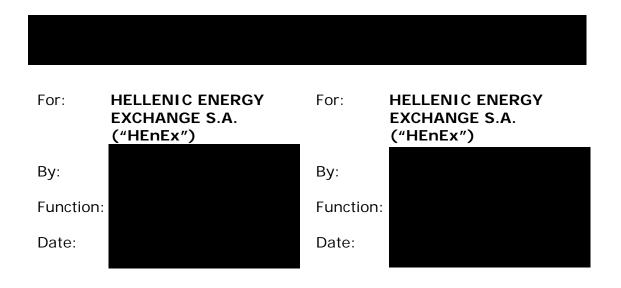




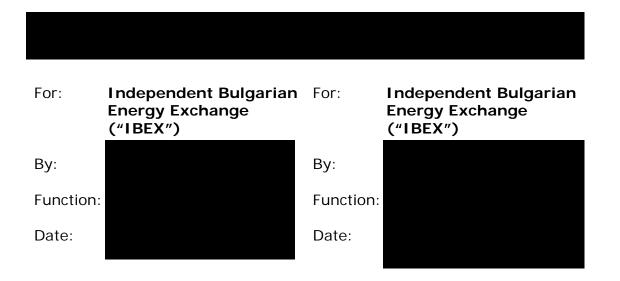


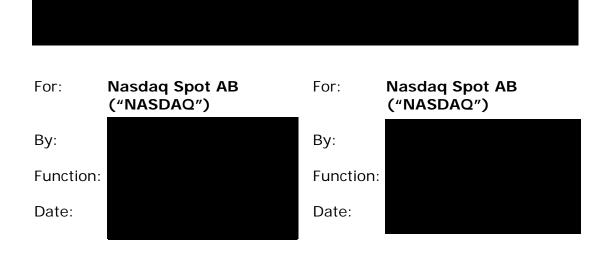


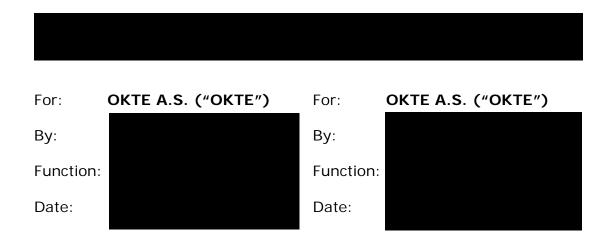


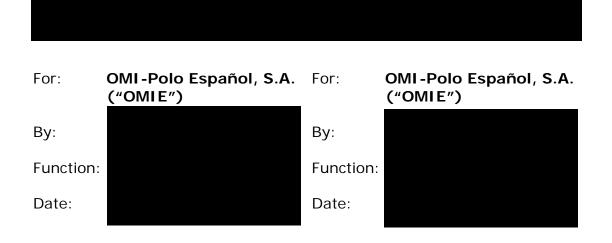


For:	HUPX Hungarian Power Exchange Company Limited by Shares ("HUPX Ltd.")	For:	HUPX Hungarian Power Exchange Company Limited by Shares ("HUPX Ltd.")
By:		By:	
Function		Function:	
Date:		Date:	









For:	Operatorul Pietei de Energie Electrica si de Gaze Naturale "OPCOM" S.A. ("OPCOM")	For:	Operatorul Pietei de Energie Electrica si de Gaze Naturale "OPCOM" S.A. ("OPCOM")
By:		By:	
Function:		Function:	
Date:		Date:	

