**Addendum no. ……./…………….**

 **to
LETTER OF BANK GUARANTEE FOR PAYMENT no.......... (the “Guarantee”)**

**Guarantor:** **...**

*(name and address of the Bank issuer of the letter of bank guarantee*

*or*

*BIC the Bank issuer of the letter of bank guarantee)*

**Officer:** **…**

*(name, address, Sole Registration Code)*

[**The party giving instructions:** **…**

*(name, address, Sole Registration Code)*][[1]](#endnote-1)

**Beneficiary**: the ROMANIAN COMMODITIES EXCHANGE

Bucharest, 82-94 Buzesti Street, 7th floor, 1st District (“BRM”)

**Whereas**

1. the Guarantor and the Officer have entered into the Collaboration Agreement (affiliated Member of BRM) no./date, under which the Officer has obtained the right to participate to the Market of energy forward contracts administrated by BRM and/ or to the Market of energy for the end big consumers administrated by BRM and/ or to the Platform for the mediation of the bilateral agreements for supply of energy;
2. the Guarantor has implemented a new participation agreement meant to allow to the participants the voluntary participation to any market regulated or not regulated, administrated by BRM based on the licenses issued by ANRE or outside them, based on the provisions of the Law on energy and natural gas no. 123/2012, having as object transactions with natural gas, energy or green certificates, except for the natural gas balance market (the “Markets”);
3. the Officer intends to replace the Guarantee with a new Guarantee meant to guarantee all the financial obligations of the Officer resulted from the participation to any of the natural gas and energy markets administrated by the Beneficiary and on the natural gas balance market operated by the Beneficiary;

**In consideration of the above, the Guarantee changes as follows:**

1. All references to the “Basic relation” will be references to the Agreement for the participation to the energy markets administrated by BRM and to the Agreement for the participation to the natural gas balance market.

2. In accordance with the provisions of the Agreement for the participation to the energy markets administrated by BRM and of the Agreement for the participation to the natural gas balance market, the Guarantee will be meant to ensure the payment of the financial obligations resulted from the participation on any of the natural gas and energy markets administrated by the Beneficiary or of the natural gas balance market operated by the Beneficiary (financial obligations derived from the participation guarantee, from the transactions concluded and the obligations of payment or of guarantee related thereto, including penalties, or related to tariffs and fees applied by the Beneficiary as they are established under the Agreement for the participation to the energy markets administrated by BRM and the Agreement for the participation to the natural gas balance market), respectively for:

1. the market of standardized products on short term (natural gas);
2. the market of standardized products on average and long term (natural gas);
3. the market of flexible products on average and long term (natural gas);
4. the market of standardized derivatives on average and long term (natural gas);
5. natural gas balance market;
6. the market of non-standardized products traded based on the mechanism with the counterparty, with the support asset of natural gas;
7. the energy market for the big end consumers;
8. the market of forward contracts;
9. the platform for the mediation of the bilateral agreements for the supply of energy.

3. All the other provisions of the Guarantee remain unchanged.

1. *The paragraphs market […] are optional or applicable only in specific cases*  [↑](#endnote-ref-1)