

June 15, 2021 – General conditions associated with the license for the activity of natural gas trader

► (7a date 23-June-2021 the act was approved by [Order 42/2021](#))

CHAPTER I: General provisions

Art. 1

This document sets out the conditions under which the licence for the activity of natural gas trader, hereinafter referred to as the Licence, is valid and forms an integral part of it.

Art. 2

The object of the License is to grant rights and establish the obligations of the license holder to carry out the activity of a natural gas trader.

Art. 3

The Licence does not cover the activity of supplying natural gas to final customers or the Licence holder's activities concerning the advice, financing and execution of certain works to its customers which are not specific to the activity of natural gas trader.

Art. 4

The licensee shall be responsible for complying with these framework conditions of validity associated with the licence for the activity of natural gas trader, hereinafter referred to as *conditions*.

Art. 5

(1) For the purposes of these Conditions the following abbreviations and terms shall be used:

1. ANRE – National Energy Regulatory Authority;

2. Law – Law on electricity and natural gas no. [123/2012](#), as amended and supplemented;

3. Regulation – Regulation for granting authorisations to establish and license in the natural gas sector, approved by the Order of the President of the National Energy Regulatory Authority no.

[199/2020](#).

(2) The abbreviations and terms referred to in paragraph 1 shall be supplemented by the terms defined by the Law and in the applicable legislation in the natural gas sector.

Art. 6

The licensee may not simultaneously hold more than one license for the activity of natural gas trader and may not simultaneously hold a license for trader activity and a license for the supply of natural gas issued by ANRE.

CHAPTER II: Rights of the license holder

Art. 7

During the period of validity of the License, the licensee shall enjoy the rights established by the Law and the Incident Law.

Art. 8

The license holder has the right, under the conditions of specific regulations, to operate as a trader exclusively on the competitive wholesale gas market.

Art. 9

The licensee shall have the right to invoice and collect the value of natural gas traded on the competitive wholesale gas market.

Art. 10

ANRE decisions regarding the modification, suspension or withdrawal of the License, as well as on the application of sanctions arising from the violation of the provisions of these Conditions or of the Law may be appealed by the license holder to the court of administrative litigation, in accordance with the law.

CHAPTER III: Obligations of the License holder

Art. 11

During the period of validity of the License, the license holder has all the obligations established by the Law, the incident legislation, as well as the regulations in force approved by ANRE.

Art. 12

(1) Throughout the period of validity of the License, the license holder shall comply with the following provisions:

a) The licence, together with the conditions associated with it;

b) The law;

c) regulations issued by ANRE;

d) to European direct applicability regulations;

e) standards and other normative acts in force in the natural gas sector or imposed by the regulatory framework in force.

(2) At the written request of ANRE, the license holder shall participate, under the conditions stipulated in the application, in the elaboration or revision of the regulations approved by ANRE or of other normative acts in the natural gas sector.

Art. 13

(1) The license holder is forbidden to initiate and/or submit bids, as well as to conclude contracts containing provisions that contravene the obligations of the license or the ANRE regulations.

(2) The license holder shall be prohibited from using incorrect or misleading commercial practices.

Art. 14

The license holder is obliged to transfer to institutions in law, according to the normative acts in force, the collected fees and taxes.

Art. 15

The license holder is obliged to carry out the activity of natural gas trader on the basis of commercial contracts, in compliance with the legal provisions in force.

Art. 16

For the activities covered by the License, the License holder is required to maintain an accounting record separate from that associated with other activities.

Art. 17

The License holder shall ensure that cross-subsidisation between the activities covered by the License and other activities of the license holder or other related economic operators/economic operators of the licensee or other natural gas licence holders who may, directly or indirectly, hold shares in the Licence holder at some point.

Art. 18

(1) The license holder has an obligation to provide correctly and completely any information, records and documents required by ANRE, which is necessary for the performance of his duties.

(2) The license holder has an obligation to fulfil the measures ordered by ANRE and to comply with the summons addressed by it.

Art. 19

(1) The license holder has the obligation to ensure that the information obtained by him in the course of the activity covered by the License is not transmitted to unauthorised persons to receive such information, the act constituting contravention according to the provisions of the Law; the confidentiality obligation of the License holder shall be without prejudice to the right of economic operators affiliated or associated with the license holder to carry out the consolidation of accounts in accordance with national regulations or with regard to the capital market applicable to such affiliated or associated economic operators.

(2) Cases where:

a) the written consent of the person whose interests may be affected by the dissemination of information is obtained;

b) the information shall be transmitted in the course of the fulfilment of the obligations relating to the performance of the activities covered by the License.

(3) The provisions of paragraphs 1 and 2 shall also apply in relation to economic operators associated with the holder of the License, who may, by using this information, acquire unjustified advantages on the natural gas market or create unjustified commercial advantages to third parties by disclosing the information to them.

(4) The License holder shall not abuse the information classification system and to ensure transparency of public information.

Art. 20

(1) The License holder has the obligation to notify ANRE of the intention to make changes to the legal status, in the sense of merger/division/transformation, as well as any sale or transfer of assets or other operations in compliance with the provisions of the Regulation.

(2) The license holder has the obligation to notify ANRE, within 5 working days, of any changes to the name, premises or contact details.

Art. 21

The licensee shall be prohibited from engaging in anti-competitive practices on the natural gas market and from preventing or seeking to impede, unlawfully, other licence holders or potential competitors from engaging in the activity of a natural gas trader, in compliance with the legal provisions relating to competition.

CHAPTER IV: Establishment and maintenance of financial resources

Art. 22

(1) The license holder is obliged to maintain the financial resources necessary to participate in the natural gas market.

(2) The financial resources referred to in paragraph 1 shall be constituted in accordance with the rules in force applicable to natural gas market participants.

(3) Regardless of the form in which the financial resources were constituted, their value will at no time be less than 25 % of the turnover achieved in the last 12 months of the activity as a natural gas trader, but not less than EUR 100,000, which comes from one or more resources, according to the Regulation.

(4) ANRE may at any time request from the license holder, throughout the period of validity of the License, documents proving the establishment and maintenance of the financial resources referred to in paragraph 1.

(5) ANRE may ask the license holder to review the form and value of financial resources on a reasoned basis, if the conditions envisaged for issuing the License are changed.

CHAPTER V: Suspension/withdrawal of license

Art. 23

(1) ANRE may suspend/withdraw the License in the cases provided for in the Regulation, proceeding according to its provisions.

(2) ANRE shall communicate to the license holder the suspension/withdrawal of the License, the reasons for suspension/withdrawal, as well as the conditions the license holder must fulfil for termination of the suspension.

(3) ANRE may order the suspension of the License to be terminated after the license holder proves that the conditions for termination of suspension are met.

CHAPTER VI: Change of license

Art. 24

(1) Following a written request from the license holder or on its own initiative, ANRE may modify the license by proceeding in accordance with the provisions of the Regulation.

(2) In the event of changes in the status of the license holder, as determined by the merger, division, processing or change of name, ANRE shall examine the application for amendment and the documentation attached thereto and shall, if any, provide for the application:

a) modification of the license;

b) granting a new license.

Art. 25

Changes in license initiated by ANRE due to changes in the conditions existing at the date of granting it

(primary and secondary legislation and court rulings) or as a result of events substantially affecting the natural gas market will be notified to the License holder in accordance with the Regulation.

CHAPTER VII: Paths of communication Art.

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(1) In relation to ANRE, any communication or other requested information the transmission of which is permitted under these

conditions shall be made in writing, in Romanian, and may be transmitted in one of the following forms:

- a) on paper format transmitted/submitted to the ANRE registry;
- b) by e-mail to an address published on the ANRE website (original documents are certified with electronic signature);
- c) iPort magnetic (CD/DVD/memory stick) transmitted/deposed to the ANRE registry (the original documents are certified with electronic signature);
- d) by uploading to the ANRE website (the original documents are certified with electronic signature);
- e) by charging into the electronic single contact point platform – PCUe.

(2) The license holder may request ANRE to use for communication a correspondence address other than that of the registered office, if it is registered as a business point of the company.

CHAPTER VIII: Tariffs and contributions Art.

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(1) Throughout the period of validity of the License, the license holder shall pay the contributions and tariffs established by order of the ANRE president. Failure to pay them until the deadlines set by the regulations in force may result in the suspension of the License.

(2) If the licensee fails to pay the amounts due in accordance with paragraph 1 within one year from the date of issue of the invoice, ANRE may withdraw the Natural Gas Trader License.

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