

Law No 123 of 10 July 2012 electricity and natural gas
ISSUER • PARLIAMENT

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Note

In accordance with Article V of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020, throughout Law No 123/2012, as amended, the term 'system service' is amended and replaced by the words 'system service'. The replacement of the phrases was carried out directly in the text of this consolidated form.

The Romanian Parliament shall adopt this law.

Title I Electricity

Chapter I General provisions

Article 1

Regulatory area

(1) This Title establishes the regulatory framework for carrying out activities in the electricity and heat sectors produced in cogeneration, with a view to making the best use of primary energy resources and achieving the objectives of energy security, competitiveness and sustainable development in conditions of affordability, availability and affordability and respecting safety, quality and environmental protection standards.

(on 30-07-2020, paragraph 1 of Article 1, Chapter I, Title I was amended by point 1, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(1¹) Subject to the provisions of this Title, the groups for measuring the electricity produced, located in the installations of the users, according to the regulations of the National Energy Regulatory Authority.

(on 31-12-2021, Article 1 of Chapter I, Title I was supplemented by point 1, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(2) The following shall not be subject to the provisions of this Title:

a) mobile generating sets, electrical installations placed on vehicles of any kind;

(on 31-12-2021, letter a) of paragraph 2, Article 1, Chapter I, Title I was amended by Point 2, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

b) stationary sources of electricity in direct current, if not connected by inverters to the national electricity system, hereinafter referred to as SEN.

Article 2

Objectives of activities in the field of electricity and heat produced from cogeneration

Activities in the field of electricity and heat produced in cogeneration shall be carried out in order to achieve the following basic objectives:

a) ensuring the sustainable development of the national economy;

b) diversification of the primary energy resource base;

c) the creation and functioning of competitive electricity markets, including cross-border trade in electricity;

(on 31-12-2021, Letter c) of Article 2, Chapter I, Title I was amended by Point 3, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

d) ensuring non-discriminatory and regulated access for all participants in the electricity market and to electricity networks of public interest for consumers, including demand response customers;

(on 31-12-2021, letter d) of Article 2, Chapter I, Title I was amended by Point 3, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

e) transparency of electricity tariffs, prices and taxes as part of a pricing policy, aiming at increasing energy efficiency during the production, transmission, distribution and use of electricity;

f) building up safety stocks of fuels needed to produce electricity as well as heat produced by cogeneration;

g) ensuring the interconnected functioning of the NES with the electricity systems of neighbouring countries and the electricity systems of the European Network of Transmission and Electricity System Operators – ENTSO-E, hereinafter referred to as ENTSO-E;

h) improving the competitiveness of the internal electricity market and actively participating in the formation of both the regional and internal energy markets of the European Union and in the development of cross-border exchanges;

i) promoting the use of new and renewable energy sources;

j) insurance environmental protection at local level and globally, in consistent with the legal regulations in force;

k) insurance security measures with a view to prevention and combating acts of terrorism and sabotage on NES infrastructure;

l) ensuring the operational security of the NES;

m) ensuring security of supply to final customers;

n) promotion of electricity production in high-efficiency cogeneration systems associated with heat supplied to cover justified economic consumption.

o) promoting regional cooperation with a view to increasing energy security;

(on 30-07-2020, Article 2 of Chapter I, Title I was supplemented by point 2, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

p) respect for consumer rights, mainly relating to: effective and easy switching, access to clear and comprehensible information, transparency of contractual conditions, efficient complaint handling procedures;

(on 30-07-2020, Article 2 of Chapter I, Title I was supplemented by point 2, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

q) ensure the development of services using decentralised energy resources, such as demand response and energy storage.

(on 30-07-2020, Article 2 of Chapter I, Title I was supplemented by point 2, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

r) ensuring investments in particular in variable and flexible generation, energy storage or the deployment of electro-mobility or in the creation of new interconnections between the Member States of the European Union;

(on 31-12-2021, Article 2 of Chapter I, Title I was supplemented by Point 4, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

s) ensuring that electricity prices reflect real demand and supply;

(on 31-12-2021, Article 2 of Chapter I, Title I was supplemented by Point 4, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 3

For the purposes of this Title, the following terms and expressions shall have the following meanings:

1. access to the electricity grid – the set of rules by which a third party exercises the right to use the electricity transmission and distribution networks, in accordance with the law;

2. adequacy – the ability of power sources in an area to cover consumption in that area;

3. competent Authority – National Energy Regulatory Authority, hereinafter referred to as ANRE;

4. guaranteed access to electricity networks – the set of rules and technical and commercial conditions by which certain categories of producers covered by a support scheme adopted at national level are guaranteed to take over into the electricity network quantities of electricity that have been contracted on the competitive market or on the basis of purchase obligations established under this Law;

5. priority access to electricity grids – the wholerules and technical conditions andcommercial by which to categories of producers are assured

the possibility of taking over the network at any time, of the electricity produced, in function of grid connection capacity and availability

eligible units/resources, without placing in hazard the safety of the system;

6. aggregation – function performed by a combined natural or legal person more tasks many customers or electricity produced by more than one sources for sale, purchase or auction in any electricity market;

7. independent aggregator – market participant involved in aggregation and not related to the supplier of its client;

8. almost in real time – in the context of smart measurement, a short period of time, usually in the order of seconds or up to the time of settlement of imbalances in the national market;

9. damage – the event that manifests itself by dangerous deviations from the functional parameters provided by the technical regulations in force;

10. connection – the installation for connecting a user to the low-voltage power grid;

11. interconnection capacity – an electricity transmission line which crosses or crosses the border between two States and links the national transmission systems of those States;

12. energy capacity – installations for the production of electricity and/or heat in cogeneration, electricity grids and other electrical equipment;

13. best available techniques – in the context of data protection and security in a smart measurement environment, the most efficient, advanced and

practically appropriate techniques to provide, in principle, the basis for compliance with European Union data protection and security rules;

14. power plant – the set of installations, constructions and equipment necessary for the production of electricity; a power plant comprises one or more generation units (groups);

15. cogeneration power plant (heating) – the set of installations, constructions and equipment necessary for the combined production of electricity and

heat;

16. regional Coordination Centre – Regional Coordination Centre established pursuant to Article 35 of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity;

17. customer – wholesale or final electricity customer;

18. active customer – the final customer, or a group of final customers acting together, consuming or storing electricity produced in premises it owns located in limited areas or selling its own electricity produced or participating in flexibility or energy efficiency schemes, identified as such by the applicable legislation, provided that those activities do not constitute their main commercial or professional activity;

19. wholesale customer – the natural or legal person who purchases electricity for resale inside or outside the system in which he is established;

20. final customer – any natural or legal person who buys electricity for his own consumption; the terms 'final customer' and 'consumer' in the law are equivalent;

21. non-household customer – any natural or legal person who buys electricity that is not for his own household consumption; this category also includes electricity producers, industrial customers, small and medium-sized enterprises, economic operators and wholesale customers;

22. household customer – the customer who buys electricity for his own household consumption, excluding consumption for commercial or professional activities;

23. vulnerable consumer – single person/family, final customer belonging to a category of household customers who, for reasons of health, disability, age, insufficient income or isolation from energy sources, are at risk of social marginalisation and who, in order to prevent this risk, benefit from social protection measures, including financial ones, and additional services to ensure at least their minimum energy needs. Social protection measures, as well as the eligibility criteria for them, shall be laid down in legislative acts;

24. citizens' Energy Community – a legal person which cumulatively fulfils the following conditions:

- a) it is based on voluntary and open participation and is effectively controlled by members or shareholders who are natural persons, local authorities, including municipalities, or small enterprises;
- b) its main objective is to provide environmental, economic or social benefits to its members or shareholders or to the local areas in which it operates rather than to generate financial profits;
- c) may engage in generation, including production from renewable sources, distribution, supply, consumption, aggregation, energy storage, energy efficiency services, or charging services for electric motor vehicles, or provide other energy services to its members or shareholders;

25. termination fee – commission or penalty imposed on final customers by suppliers or market participants involved in aggregation upon termination of an electricity or service contract;

26. fee for the change – commission or penalty imposed for switching suppliers or market participants engaged in aggregation, including termination fee, which is directly or indirectly imposed on customers by

suppliers, by market participants engaged in aggregation or by system operators;

27. fully integrated network components – network components that are integrated into the transmission or distribution system, including storage facilities, and are only used for the purpose of ensuring a secure and reliable functioning of the transmission or distribution system and not for balancing or managing congestion;

28. congestion – a situation where not all requests from market participants to trade between network areas can be met because they would significantly affect physical flows on network elements that cannot cope with those flows;

29. demand response – change in the electrical load by final customers from their normal or current consumption patterns in response to market signals, including in response to electricity prices that vary over time or financial incentives, or in response to the acceptance of the final customer's offer to sell demand reduction or increase at a given price in an organised market, individually or through aggregation;

30. conventional meter – the analogue or electronic meter that has neither the ability to transmit nor receive data;

31. electricity supply contract – the contract under which the electricity supplier supplies its customer with a quantity of electricity over a certain period of time, but does not include an electricity derivative;

32. dynamic electricity price contract – the electricity supply contract between a supplier and a final customer reflecting the price change in spot markets, including day-ahead and intraday markets, at intervals at least equal to the market settlement interval;

33. contract for the reservation of electricity generation capacity – a contract whereby an electricity generating capacity of a power plant, which uses fuel and which is owned and operated by an economic operator in accordance with the law, is reserved by an economic operator that has fuel for the production of electricity with a view to converting a quantity of fuel into electricity, to be used on the market by the producer/economic operator on the basis of the electricity supply licence, with payment of a reservation fee for electricity generation capacity to the economic operator that owns and operates the power plant;

34. control over an economic operator – any rights, contracts or any other elements which, individually or taken together and taking into account factual or legal circumstances, confer the possibility of exercising decisive influence over an economic operator, in particular by:

- a) rights of ownership or use of all or part of the assets of an economic operator;
- b) rights or contracts which confer a decisive influence on the structure of the economic operator, the vote or decisions of the management bodies of an economic operator;

35. passageway of the power line – the land area along the power line and the airspace above it, where restrictions are imposed as regards the coexistence of the line with its natural elements, objects, constructions and installations; the passageway includes the protection zone and the safe zone;

36. priority dispatching means:

- a) dispatching power plants on the basis of criteria different from the economic order of bids, in the case of the self-dispatching model;
- b) dispatching power plants on the basis of criteria that are different from the economic order of offers and from the constraints of the network, giving priority to the dispatching of certain generation technologies in the case of the centralised dispatching model;

37. electricity distribution – transmission of electricity through high-voltage, medium-voltage and low-voltage distribution networks with nominal line voltage up to and including 110 kV, with a view to its delivery to customers, not including supply;

38. balance between generation and consumption – covering foreseeable electricity demand without the need to reduce consumption;

39. balancing – all actions and processes, in all timeframes, whereby transmission system operators ensure, on a constant basis, both that the frequency of the system is maintained within the predefined stability limits and that it complies with the volume of reserves required with regard to the required quality;

40. economic efficiency – a set of technical-economic and environmental protection principles taken into account at each stage of the design, development and operation of electricity transmission and distribution networks in order to ensure access to the network for all applicants within a concession area at the lowest cost, in compliance with the technical and safety standards and the performance standard;

41. energy efficiency – the ratio between the performance, services, goods or energy obtained and the energy consumed for that purpose;

42. balancing energy – energy used by transmission system operators for balancing;

43. renewable energy or renewable energy – renewable non-fossil energy, i.e. wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tidal, wave and other ocean energy, hydropower, biomass, landfill gas, sewage sludge fermentation gas and biogases;

44. commercial exploitation of an energy capacity – all the activities carried out by an economic operator in the electricity sector on the basis of a licence granted under this Law;

45. extension of the distribution system – the development of the public-interest electricity distribution system owned by the concessionaire distribution operator by carrying out, in an area where there is no network, located within or outside the territory of an electrified/non-electrified locality, new distribution capacities and carrying out the hardening of the electricity network which is strictly necessary, with a view to connecting one or more network users;

46. supply of electricity – the activity of selling electricity to customers, including resale, as well as the supply of electricity to the supplier's premises of consumption. The activity of selling electricity purchased from an electricity supplier and used by an operator of a battery recharging station equipping electric vehicles and plug-in hybrids does not constitute electricity supply;

47. supplier – natural and/or legal person carrying out the activity of energy supply;

48. supplier of last resort – the supplier designated through competitive mechanisms by ANRE between existing suppliers on the energy market;

49. guarantee of origin – the electronic document issued by the competent authority to electricity producers, which has the sole function of providing proof to a final customer that a given share or quantity of energy was produced from renewable sources or high-efficiency cogeneration;

50. measurement group – the meter assembly and the related measurement transformers, as well as all intermediate elements constituting the electrical energy measurement circuits, including security elements;

51. billing information – information provided in the invoice of a final customer, except for a request for payment;

52. commercially sensitive information – information the disclosure of which could restrict, impede or distort competition on the electricity and/or would cause harm to market participants; market

54. Interoperability – in the context of smart measurement, is the capacity of two or more networks, systems, devices, applications, or interconnection – the assembly of installations and equipment through which the connection of electricity systems is carried out;

55. imbalance settlement interval – the time period for which the imbalance of balance responsible parties is calculated;

56. connection installation – electrical installation made between the connection point to the electricity grid of public interest and the delimitation point; components to work in correlation, to exchange and use information to perform the intended functions;

57. energy storage facility – in the electricity system, an installation where energy storage takes place;

58. technological

electrical/network electrically related to a building in or on which the energy capacity is located;

59. Derivatives from electricity field the following contracts and derivatives:

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60. t re- e smal – undertake bad care has may you N of 50 of I a which by busin I on an and/or to balanc total No

61. direct electricity line – the electricity line connecting an isolated generation capacity with an isolated customer or the electricity line

62. demand facility – the premises or the area where electricity supplied through one or more connecting installations is consumed through a single installation for use. A final customer may have several places of consumption, as appropriate, in different premises or areas or in the same premises or zone;

63. energy efficiency and demand response management – the global or integrated approach aimed at influencing the volume and timing of electricity consumption with the aim of reducing primary energy consumption and peak loads by prioritising energy efficiency investments, interruptible electricity supply contracts, new investments to increase generation capacity, if these are the most efficient and economic options, taking into account the positive impact of saving energy consumption on the environment, security of supply and related distribution costs;

64. congestion management – the totality of the activities, programmes and actions undertaken by the transmission system operator in order to eliminate congestion occurring when programming the operation or real-time operation of the NES; in order to eliminate congestion on interconnectors through implicit capacity allocation, the transmission system operator shall cooperate with the electricity market operator;

65. micro-enterprise – an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million;

66. competent Ministry – Ministry of Energy;

67. natural monopoly in the field of electricity – the market situation in which the transmission service and the electricity distribution service are each provided by a single economic operator for users in a demarcated territory;

68. designated electricity market operator – market operator designated by ANRE on the basis of Commission Regulation (EU) 2015/1.222 of 24 July 2015 establishing guidelines on capacity allocation and congestion management to perform tasks related to single day-ahead or intraday coupling;

69. electricity market operator – the entity providing a service through which electricity offers are linked to electricity purchase bids;

70. distribution system operator – any natural or legal person who owns, under any title, an electricity distribution system and who is responsible for operating, maintaining and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet a reasonable level of demand for electricity distribution;

71. transmission system operator – any natural or legal person who owns, under any title, an electricity transmission network and is responsible for operating, maintaining and, if necessary, developing the transmission system in a given area and, where applicable, its interconnection with other electricity systems, as well as ensuring the long-term ability of the transmission system to meet reasonable demands for the transmission of electricity;

72. related economic operator – any economic operator within a group which, directly or indirectly, controls the specified economic operator, is controlled by, or is under joint control with, the specified economic operator;

73. electricity economic operator – any natural or legal person carrying out at least one of the following activities: generation, transmission, distribution, aggregation, dispatching, storage, supply, operation or administration of an electricity market, purchase or sale of electricity and having commercial, technical and/or maintenance tasks related to those activities, but not including final customers;

74. operator economic integrated in the field of electricity – vertically integrated economic operator or horizontally integrated economic operator;

75. operator economic integrated horizontally – operator economic

carrying out at least one of the following activities: of production for the purpose of

the sale, transport, distribution or supply of energy electricity and other non-electricity activity;

76. operator economic integrated vertical – an operator economic or

a group of electricity economic operators in which the same

the person or the same persons are entitled, directly or indirectly, to exercise control and that economic operator or group of operators carries out at least one of the transmission or distribution activities and at least one of the functions of generation or supply of electricity;

77. order of economic priority – prioritisation of electricity supply according to economic criteria;

78. balancing Responsible Party – market participant or its elected representative responsible for its imbalances in the electricity market;

79. market participant – a natural or legal person who buys, sells or produces electricity, who is involved in aggregation or who is a dispatchable customer or an energy storage service operator, including by placing orders to trade in one or more electricity markets, including energy balancing markets;

80. wholesale electricity market – any market in the European Union where wholesale energy products are traded;

81. electricity markets – markets in which electricity is traded, including over-the-counter markets and electricity exchanges, markets for energy trading, capacity, balancing services and ancillary services in all timeframes, including forward, day-ahead and intraday markets;

82. organised electricity market – the multilateral system, which brings together or facilitates the bringing together of third parties' interests in buying and selling wholesale energy products in a way that results in a contract or any other system or facility in which the buying and selling interests of third parties in wholesale energy products may interact in a manner resulting from a contract;

83. retail electricity market – the framework within which electricity is purchased by final customers in order to meet their own consumption;

84. balancing market – the organised electricity market in which balancing service providers may offer balancing capacity and energy to the transmission system operator in any direction, increase or reduce, with a view to ensuring real-time balance between generation and consumption;

85. intraday electricity market – the market organised and managed by the designated electricity market operator, which gives market participants the opportunity to improve the balancing of their portfolio for a day's delivery through transactions carried out in session after the day-ahead market transactions and before a certain starting time for deliveries;

86. day-ahead market (PZU) – the market organised and managed by the designated electricity market operator for the sale and purchase of electricity on the delivery day immediately after the trading day;

87. the market for ancillary services – the energy market in which balancing services are traded, ancillary services that do not ensure frequency stability;

88. system defence plan – the set of technical and organisational measures to be taken to prevent the propagation of a disturbance or deterioration in the transmission system in order to avoid a disturbance in the extended area state and a state of collapse;

89. development plan – the long-term planning document for investment needs in generation, transmission and distribution capacity, in order to meet the demand for electricity of the system and to ensure supplies to customers, in accordance with the applicable legislation;

90. complaint – complaint, complaint, petition, divergence, misunderstanding, dispute addressed to ANRE, in the field of electricity and/or in the field of heat produced in cogeneration submitted by a natural or legal person, namely the Ministry of Energy for the field of energy efficiency;

91. call for tenders – the procedure whereby the additional consumption requirements and the generation capacities planned to be replaced are covered by the creation of new or refurbished electricity generation capacities;

92. electricity producer – natural or legal person with specific activity of electricity generation, including cogeneration;

93. distributed generation – power generation plants connected to the distribution network;

94. wholesale energy products – contracts and derivatives, irrespective of their place or mode of trading, as follows:

a) contracts for the supply of electricity where the supply is in the European Union;

b) electricity derivatives produced, traded or supplied in the European Union;

- c) contracts relating to the transmission of electricity in the European Union;
- d) derivatives on the transmission of electricity in the European Union;
- e) contracts for the supply and distribution of electricity to final customers with a consumption capacity exceeding 600 GWh per year;
- 95. prosumer – the final customer who carries out his activities in his own premises situated in a specified area or other premises in close proximity and who produces electricity from renewable sources for his own consumption, whose specific activity is not the production of electricity, which consumes and can store and sell renewable electricity produced in his building, including an apartment block, a residential area, a shared, commercial or industrial service site or in the same closed distribution system, provided that, in the case of non-household self-consumers of renewable energy, these activities do not constitute their primary commercial or professional activity;
- 96. recharging point – an interface that is able to charge, in turn, an electric vehicle or change, in turn, one battery of an electric vehicle;
- 97. rehabilitation – all operations carried out on energy equipment and/or installations which, without modification of the initial technology, restore their technical and efficiency status to a level close to that at the beginning of their life;
- 98. retrofitting – all operations to replace existing technologies, morally and/or physically used, with modern technologies, in order to increase the efficiency of the activity, reduce specific energy consumption, reduce pollutant emissions, etc.;
- 99. electricity network – the set of lines, including their support and protection elements, power stations and other electrical equipment connected with each other, through which electricity is transmitted from an electricity generation capacity to a user; the power grid may be the transmission or distribution network;
- 100. network electrical distribution – power grid with rated line voltage up 110 kV inclusive;
- 101. network electrical of public interest – electricity grid to which they are connected at least 2 users;
- 102. electricity transmission network – electricity grid of national and strategic interest with a nominal line voltage greater than 110 kV;
- 103. electricity sector – all activities of electricity generation, including heat and power generation in cogeneration, transmission, distribution and supply of electricity, provision of system services, import and export of electricity, natural and/or damage exchanges with electricity systems of neighbouring countries, and related installations;
- 104. distribution service – the service provided by the distribution system operator consisting of ensuring the efficient and secure transmission of electricity between two or more points of the distribution network, in compliance with the performance standards in force;
- 105. flexibility service – a service provided by a market participant and purchased by distribution system operators to support the efficient and secure functioning of the distribution system and to maximise the quality of the services provided;
- 106. system service – any service necessary for the operation of transmission or distribution systems, including balancing services and non-frequency system services, but not including congestion management;
- 107. non-frequency system service – service used by a transmission system operator or distribution system operator for steady state voltage control, rapid reactive current injections, inertia for local network stability, short-circuit current, own-source starting capacity and insularised operating capacity;
- 108. transmission service – the service provided by the transmission system operator consisting of ensuring the efficient and secure transmission of electricity between two or more points of the transmission network, in compliance with the performance standards in force;
- 109. universal service – the power supply service guaranteed to household customers at a well-defined quality level and at competitive, transparent, easily comparable and non-discriminatory prices;
- 110. security of supply – ensuring the technical capacity of the national energy system to supply electricity to the users of this system, in compliance with the legislation in force;
- 111. operational security – the ability of the transmission system to maintain a normal state of operation or to return to normal operation as soon as possible, characterised by operational security limits;
- 112. operational security of the network – the continuous operation of the transmission system and, where applicable, of the distribution system, in foreseeable circumstances;
- 113. electricity system – all interconnected electricity installations through which the production, transmission, operational management, distribution, supply and use of electricity are carried out;
- 114. isolated electricity system – the local system for the production, distribution, supply and use of electricity under the conditions laid down by law, which is not interconnected with the NES;
- 115. national electricity system (ENS) – the electricity system located on the national territory; The SEN constitutes the basic infrastructure shared by electricity market participants;
- 116. interconnected system – transmission and distribution systems linked to each other by means of one or more interconnections;
- 117. intelligent measurement system – the electronic system that can measure the amount of electricity input into the grid or the electricity consumption from the network and which provides more information than a conventional meter and can transmit and receive data for information, monitoring and control purposes using a form of electronic communications;
- 118. small connected system – any system with consumption of less than 3,000 GWh in 1996, where more than 5 % of annual consumption is obtained through interconnection with other systems;
- 119. small isolated system – any system with consumption of less than 3,000 GWh in 1996, where less than 5 % of annual consumption is obtained through
- 120. performance standard for transmission/distribution/supply of electricity services – regulation issued by the competent authority to establish performance indicators in providing electricity transmission/distribution/supply service;
- 121. energy storage – the process of converting electricity into a form of energy that can be stored for the purpose of delaying its use to a time after the generation and subsequent conversion of that energy into electricity or its use in another energy carrier;
- 122. electricity trader – the natural or legal person who buys and sells electricity exclusively on the wholesale electricity market or on import/export;
- 123. electricity transmission – transmission of electricity through the interconnected electricity transmission network for the purpose of transmitting electricity to final customers or distributors, but not including supply;
- 124. electricity grid user – any natural or legal person whose installations are connected to an electricity system for the purpose of supplying electricity to or from the transmission system or electricity distribution;
- 125. protection zone – area adjacent to energy capacity, extended in space, where bans on people's access and building regime are introduced;
- 126. safety zone – area adjacent to energy capacities, expanded in space, where restrictions and prohibitions are put in place to ensure normal operation and to avoid endangering people, property and the environment; the safety zone shall also comprise the protection zone.

(on 31-12-2021, Article 3 of Chapter I, Title I was amended by Point 5, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

interconnection with other systems;

Chapter II Energy strategy and policy, authorities and competences

Article 4

Energy Strategy and Policy

- (1) The national energy strategy defines the objectives of the electricity sector in the medium and long term and the most effective ways to achieve them, while ensuring the sustainable development of the national economy and meeting energy needs and a civilised standard of living, under quality conditions, both now and in the medium and long term, at an affordable price. The energy strategy shall be drawn up by the relevant ministry in consultation with representatives of the energy industry, non-governmental organisations, social partners and business representatives and shall be approved by the Government. The energy strategy shall be reviewed regularly, at the initiative of the relevant ministry, without prejudice to the specific stability and predictability of such a document, the revised form to be approved under the terms of the law. (on 31-12-2021, paragraph 1 of Article 4, Chapter II, Title I was amended by Point 6, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (2) Energy policy, following the directions set out in the energy strategy, shall be implemented by the relevant ministry, on the basis of the Governance Programme, for an average time frame and taking into account likely long-term developments, in consultation with electricity economic operators, non-governmental organisations, social partners and business representatives, taking into account, in particular:
 - a) the establishment of the appropriate institutional framework by defining the bodies and authorities competent for the implementation of this policy;
 - b) ensuring the necessary legal framework for the safe and stable functioning of the NES;
 - c) ensuring security of supply of fuels and electricity and safety in the operation of the NES;
 - d) ensuring environmental protection, ecological reconstruction of sites affected by energy activities;
 - e) transparency of fuel and energy prices and tariffs;
 - f) increasing energy efficiency;
 - g) promoting renewable energy from unconventional sources, high-efficiency cogeneration and energy storage, with priority being given to electricity supply for isolated settlements;
 - h) developing international cooperation in the field of energy, participation in regional markets and the European electricity market, with a view to completing the single energy market at European Union level and ensuring the secure and safe functioning of the NES.
- (3) The sources of financing used to implement the national energy strategy and government policy in the energy sector shall be provided from the economic operators' own sources in the field, the state budget, local budgets, repayable and non-reimbursable loans, including

grant schemes/mechanisms, i.e. contracting, state aid, structural funds and funding programmes/schemes provided at the level of The European Union.

(4) The relevant Ministry will regularly benefit from the state budget from the amounts needed to update the energy strategy, as well as for the studies, analyses, evaluations, monitoring necessary for the performance of their tasks, in order to develop the legislation related to the energy sector and Government policy in the energy sector and its impact assessment.

(5) The support measures of the nature of state aid, proposed to ensure the implementation of the national energy strategy and government policy in the electricity sector, as well as those provided for by this law, shall be approved and granted only under the conditions of the law.

(6) In order to develop and implement the legislation related to the granting of state aids, to assess the impact of granting it and to carry out the process of obtaining the consent of the European Commission, in accordance with national and European legislation, the competent ministry will have the funding from the state budget to purchase consultancy services, in compliance with the legislation in force.

(7) Energy policy is a programme comprising measures to stimulate investment, R & D, sustainable development, efficient utilisation of energy resources, energy efficiency and other activities in order to ensure the safety and operational security of the NES, approved by Government Decision, with the obligation to comply with the implementation of the annual programmes.

(8) The government, the competent ministry, the other ministries with direct responsibilities for the energy field, ANRE, the specialised bodies of central and local public administration shall take measures to achieve the objectives set out in the programme referred to in paragraph (7) and shall examine, annually or whenever necessary, the state of compliance with its provisions.

(on 30-07-2020, Article 4 of Chapter II, Title I of 27 July modified by Point 9, Article I of the Law No. 155 of 24 July 2020, ATA in Official Monitor No 665 2020) public

Article 5

Energy security. Mass (1) safeguard uri
Repealed.

(on 31-12-2021, paragraph (1) of Article 5, Chapter II, in Title I it was abro. nec point 7, Article I of ORDER OF Emergency No. 143 of 28 December 2021, published Official Gazette No 1259 of 31 December 2021)

(2) The Government Decision shall establish, in cooperation with other institutions and authorities of the state competent in the field, the measures binding on all economic operators in the electricity sector, regardless of the form of ownership, in order to maintain the continuous production and supply of energy during the cold season, as well as any other measures regarding the level of safety and security in the functioning of the NES.

(3) In order to ensure safety in the functioning of the SEN, on the basis of adequacy assessments carried out by the transmission system operator, the competent authorities may take the necessary measures to develop and implement energy capacity mechanisms in order to achieve the desired level of adequacy in compliance with and in conjunction with the specific provisions of the European and national regulations in force.

(on 19-12-2020, paragraph 3 of Article 5, Chapter II, Title I was amended by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(4) In the event of unexpected situations of crisis on the energy market and where the physical safety or security of persons, appliances or installations or system integrity is threatened, the transmission system operator shall propose to ANRE and to the relevant Ministry the adoption of safety measures.

(5) The safety measures referred to in paragraph 4 shall as little as possible affect the proper functioning of the European internal market and shall be strictly limited to remedying the crisis situation which has caused them.

(6) The implementation of the safety measures referred to in paragraph (4) shall be made by Government Decision initiated by the relevant Ministry.

(7) The relevant Ministry shall, as a matter of urgency, notify the other Member States of the European Union and the European Commission of the safety measures adopted in each case.

Title I was amended by Paragraph 10, Article I of Law No 155 of 24 July 2020, published in

(on 30-07-2020, Article 5 of Chapter II, OFFICIAL MONITOR No 665 of 27 July 2020) Article 6

Powers of the relevant ministry

The competent Ministry shall draw up the national energy strategy and energy policy and implement their provisions, under the terms of this law, with the following main tasks:

- establish the appropriate institutional framework for the efficient and competitive conduct of the economic operators operating in the field of electricity;
 - to establish the energy strategy and policies, in order to ensure security and safety in the functioning of the NES, cooperate with transmission system operators and coordinate specific activities solely for that purpose and for the application of the provisions of Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC, and to create a competitive internal market in accordance with Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast);
 - develop programmes and action plans and measures for the implementation of the Government's policy in the electricity sector, including the programmes for decarbonisation, energy storage, energy efficiency and promotion of renewable energy sources, in accordance with the national and European programmes on the National Integrated Energy and Climate Change Plan 2021-2030, Green Deal and Next Generation, as well as other relevant European documents;
 - develop, in collaboration with ANRE, the Ministry of Environment, Waters and Forests and the Ministry of Public Finance, the mechanisms, as well as the primary and secondary legal framework for the realisation of investments through contracts for difference, which include:- the legislative framework for the implementation and complementary regulation of the support scheme;- the operating framework, the application scheme and the pricing methodology;- the nomination of the entities designated for the administration of the financing scheme and the application scheme, their area of competence and responsibility;- the financing mode, the state aid support mechanism and the arrangements for contracting without a tender, in order to support single projects;- the capacity allocation regulation;- the standard allocation process and the eligibility requirements of economic operators for participation, the conditions for awarding and concluding contracts;- the framework contract for the contract for difference mechanism;
- d¹) repealed;
- (on 31-12-2021, Letter d¹) of Article 6, Chapter II, Title I, was repealed by Point 8, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- draft legislative acts for the electricity sector;
 - ensure the development of studies on the basis of which priorities for investments of strategic interest in the electricity sector are to be established;
 - ensure the elaboration of studies, analyses and evaluations, necessary for the performance of its tasks, with funding provided from the state budget or other sources attracted, in order to develop and implement the national energy strategy, the Government's policy in the energy sector and the assessment of the impact of implementation in accordance with national and European legislation;
 - has the status of contracting authority for concession in the electricity sector, with the exception of the activity of electricity transmission which is carried out by the Ministry of Finance, under the terms of this Law;
- (on 29-12-2020, the phrase: The Ministry of Public Finance was replaced by Letter a), Article 12 of Emergency Order No 212 of 28 December 2020, published in Official Gazette No 1307 of 29 December 2020)
- analyse and monitor, on the basis of information received from economic operators and consumers, including ministries, authorities and state institutions, the application and compliance with established measures to protect the environment;
 - develop, in collaboration with ANRE, legislation to promote the production of electricity from renewable sources, unconventional sources and high-efficiency cogeneration, as well as hydrogen technologies, promotion of energy storage and electromobility;
 - coordinate cooperation with similar institutions in other countries, as well as with relevant international bodies;
 - ensure the monitoring of compliance with the commitments made in the Treaty of Accession to the European Union for the energy sector and coordinate the transposition and implementation of these commitments by the institutions concerned;
 - define, identify and propose the designation of the NES critical infrastructure. Be the competent authority on security of supply for the application of the provisions of Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC;
 - analyse and monitor, on the basis of information received from economic operators in the energy sector subordinated or coordinated by the Ministry, the fulfilment of the measures undertaken for the compliance of installations in the energy sector, which have obtained the transition period following negotiations with the European Union, to the rules laid down in environmental legislation;
 - monitor and propose, together with other institutions and authorities of the relevant state, measures that are binding on all economic operators in the electricity sector, regardless of the form of ownership, in relation to energy storage and the realisation of NES safety stocks regarding fuels for the cold season and the volume of water in reservoirs, as well as any other measures concerning the level of safety and security in the functioning of the NES, with a view to approval by Government Decision;
 - promote and facilitate, together with ANRE, cooperation between the electricity market operator, transmission system operators and their counterparts at regional level, including on cross-border aspects, with the aim of creating a competitive internal market for electricity in accordance with the provisions of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast);
 - collaborates with the relevant ministry in the field of social protection, which is responsible for implementing the national action plan to reduce the number of cases of energy poverty and to define vulnerable consumers;
 - supports R & D and innovation programmes in the field;
 - together with the transmission system operator, he cooperates with the Ministry responsible for water, as well as with other institutions and authorities of the state competent in the field, in order to maintain the water reserves related to multi-use accumulations;

t) draw up the programme for energy storage and the establishment of fuel safety stocks and shall aim at the implementation of its provisions by the economic operators;

u) continuously monitor, through the relevant institutions and authorities, the performance and quality of the technologies and installations in the energy system and initiate measures to increase their level;

v) take measures to establish electricity generating facilities that allow the use, in economic efficiency, of lower fuels from domestic resources and the recovery of predetermined amounts of renewable and secondary energy resources;

w) monitors and assesses the adequacy of resources in Romania, develops programmes on diversification of primary energy sources, in particular for the recovery of energy from renewable sources, unconventional sources, biomass, hydrogen, proposing to the Government measures in this regard;

w¹) approves the reliability standard laid down in Article 25 of Regulation (EU) 2019/943 following the proposal of ANRE;

(on 31-12-2021, Article 6 of Chapter II, Title I was supplemented by Point 9, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) w²) endorses the development plans of transmission operators and distribution system operators in terms of ensuring consistency with the provisions of the Energy Strategy and the Integrated National Energy Climate Change Plan 2021-2030;

(on 31-12-2021, Article 6 of Chapter II, Title I was supplemented by Point 9, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

x) implements the Government's energy policy on further promoting high-efficiency cogeneration as an efficient solution to cover national heat consumption and the use of renewable energy sources, unconventional sources, biomass and hydrogen;

y) decide in cooperation with the transmission system operator on the decision on addressing structural congestion in accordance with Article 14(7) of Regulation (EU) 2019/943;

z) draw up the action plan, in cooperation with ANRE, in accordance with Article 15(1) of Regulation (EU) 2019/943.

(on 30-07-2020, Article 6 of Chapter II, Title I was amended by point 11, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 7

Regulatory authority

- (1) ANRE is organised and functions as an autonomous administrative authority with legal personality.
- (2) The organisation, functioning, powers and powers of ANRE are established according to the law.

Article 7¹

Compliance and relations

- (1) ANRE shall monitor the implementation of the rules relating to the roles and responsibilities of transmission system operators, distribution system operators, suppliers, customers and other market participants in accordance with Regulation (EU) No 943/2019. (on 31-12-2021, paragraph 1 of Article 7¹, Chapter II, Title I was amended by Point 10, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (1¹) ANRE monitors congestion management within national electricity systems and the implementation of congestion management rules. To this end, transmission system operators or market operators shall submit to ANRE their congestion management rules, including capacity allocation, with ANRE having the right to review and request amendments to these rules. The rules for congestion management in interconnection capacities shall be laid down by all regulatory authorities or by the Agency for the Cooperation of Energy Regulators, hereinafter referred to as ACER.
- (on 31-12-2021, Article 7¹ of Chapter II, Title I was supplemented by Point 11, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) (1²) In order to fulfil its obligations, ANRE shall have the right to:
 - a) request information from regional coordination centres;
 - b) carry out inspections, including unannounced inspections, at the premises of the regional coordination centres;
 - c) issue joint decisions binding on regional coordination centres.
- (on 31-12-2021, Article 7¹ of Chapter II, Title I was supplemented by Point 11, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (1³) ANRE may request ACER's opinion on the compliance of a decision taken by ACER, in accordance with network codes and national and European regulations.
- (on 31-12-2021, Article 7¹ of Chapter II, Title I was supplemented by Point 11, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (2) ANRE shall resolve complaints against the transmission system operator and distribution system operators concerning their obligations under this law, by issuing a decision within 60 days from the date of registration of the complaint, with the possibility of an extension by a further 60 days, if the authority needs additional data. This extended period may be further extended by a maximum of 60 days, with the agreement of the complainant. The start of the complaint-handling process by ANRE is without prejudice to the right of complainants to apply to the courts for the settlement of the same complaints. Disputes between the transmission system operator and the transmission network owner shall be subject to the same procedure.
- (3) For the handling of complaints referred to in paragraph 2, the procedure for alternative resolution is also permitted, as provided for in Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR).
- (4) The cooperation and exchange of information between ANRE and ACER and between ANRE and the other regulatory authorities within the European Union shall be carried out in compliance with the same level of confidentiality of the information as required by the issuing authority. ANRE shall cooperate at least at regional level with other regulatory authorities in order to:
 - a) encourage the creation of operational arrangements to enable optimal network management, promote joint exchanges of electricity and allocation of cross-border capacity and allow for an adequate level of interconnection capacity, including through new connections, in the region and between regions, in order to allow for the development of effective competition and the improvement of security, supply, without discrimination between suppliers from different Member States of the European Union;
 - b) coordinate joint supervision of entities performing functions at regional level;
 - c) coordinate, in cooperation with other authorities involved, joint supervision of resource adequacy assessments at national, regional and European level;
 - d) coordinate the development of all network codes and methodologies for transmission system operators and other market participants;
 - e) coordinate the development of the rules governing congestion management.
- (on 31-12-2021, paragraph 4 of Article 7¹, Chapter II, Title I was amended by Point 12, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (5) ANRE is required to implement the rules on the roles and responsibilities of transmission system operators, distribution system operators, suppliers, customers and other market participants in accordance with Regulation (EU) 2019/943. (on 31-12-2021, paragraph 5 of Article 7¹, Chapter II, Title I was amended by Point 12, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (6) ANRE may request ACER's opinion on the compliance of a decision taken by a regulatory authority with the guidelines referred to in Directive (EU) 2019/944 or Regulation (EU) 2019/943.
- (on 31-12-2021, paragraph 6 of Article 7¹, Chapter II, Title I was amended by Point 12, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (7) ANRE may inform the European Commission, if it considers that a decision relevant to cross-border trade taken by another regulatory authority does not comply with the guidelines issued by the European Commission or with the provisions of Regulation (EU) 2019/943, within 60 days of the date of that decision, if there is sufficient information on such a situation.
- (on 31-12-2021, paragraph 7 of Article 7¹, Chapter II, Title I was amended by Point 12, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (8) ANRE shall comply, within 60 days, with a decision of the European Commission requiring the withdrawal/revocation of a decision of ANRE and shall inform the European Commission accordingly.
- (9) In its monitoring of the electricity market, ANRE publishes quarterly reports on its functioning on its website.
- (10) ANRE shall ensure the increase of information and awareness of the rights of final electricity customers in relation to economic operators participating in the electricity market and shall take all necessary measures to provide them with practical information.

(on 19-07-2018, Article 7'1 of Chapter II, Title I was supplemented by point 1, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(on 04-10-2014, Article 7'1 was inserted by Article I(4) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 7'2

Complaint handling

- (1) Complaints addressed to ANRE shall be settled in accordance with the provisions of this Title and ANRE regulations/procedures, by way of derogation from Government Order No 27/2002 regulating the activity of solving petitions, approved with amendments by Law No 233/2002, as amended.
- (2) Before submitting a complaint to ANRE, if it concerns the activity of a service provider/activity, the complainant must first address the service provider/activity with which he is dissatisfied.
- (3) Complaints of more than 36 months from the date of the commission shall not be subject to the resolution of complaints.
- (4) Complaints brought before courts or legal entities out of court can no longer be referred to ANRE for resolution.
- (5) During the handling of complaints by ANRE, the effects of the actions of licensees/authorisations/attestations in the field of energy against the complainants may be suspended by ANRE, except for those which would lead to irretrievable damage through their non-application.

(on 30-07-2020, Chapter II of Title I was supplemented by Point 12, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 7'3

ANRE is required to conduct information campaigns through any media, online and social media aimed at informing consumers about their rights, including the right to switch electricity provider at no additional cost. ANRE has the right to finance those campaigns from its own budget.

(on 31-12-2021, Chapter II of Title I was supplemented by Point 13, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 7'4

- (1) ANRE shall create and manage an interactive web application that serves as a tool for comparing energy supply offers to provide users connected to the national energy system with an independent, equidistant and non-commercial tool to compare energy supply offers.
- (2) The comparison tool referred to in paragraph 1 shall meet at least the following requirements:
 - a) establish and set out the clear and objective criteria on which the comparison is based, including services;
 - b) use clear and unambiguous language;
 - c) provide clear and up-to-date information and specify the time of the last update;
 - d) be accessible to persons with disabilities, being easily identifiable, functional, understandable and stable;
 - e) provide an effective procedure for reporting incorrect information on published tenders;
 - f) make comparisons, limiting the required personal data to data strictly necessary for comparison.
- (3) By way of exception to paragraph (1), if ANRE can no longer ensure compliance with the provisions of paragraph (1), ANRE shall be designated as the authority responsible for launching trust marks for comparison tools that meet the requirements set out in paragraph (2), as well as for ensuring that the instruments for comparison with a trust mark continue to comply with the requirements set out in paragraph 2.
- (4) Under the conditions laid down in paragraph 2, any instrument comparing offers of market participants shall be eligible to require that it be granted trust mark certification on a voluntary and non-discriminatory basis.
- (5) The instruments referred to in paragraph 3 may be managed by any entity, including private companies and public authorities or bodies.

(on 31-12-2021, Chapter II of Title I was supplemented by Point 13, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 7'5

- (1) ANRE monitors market developments, assesses the risks that dynamic electricity price offers and contracts may entail, and takes action on abusive practices.
- (2) ANRE shall monitor and publish an annual report by 31 July on the main novelties related to these contracts, including dynamic price offers and the impact on consumer bills and, specifically, the level of price volatility.
- (3) The report referred to in paragraph 2 shall be made for at least 10 years from the moment dynamic electricity price contracts become available.

(on 31-12-2021, Chapter II of Title I was supplemented by Point 13, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 7'6

In application of the provisions of Article 62(3) in order to digitise the switching activity, ANRE shall establish and operate an integrated IT platform, unique at national level, through which the final customer changes the electricity supplier. Licensees involved in changing the electricity supplier have the obligation to provide the data and information necessary for the development and operation of the platform, in accordance with ANRE regulations. ANRE may delegate the operating activity to a service provider that is not affiliated to an electricity network provider/operator.

(on 31-12-2021, Chapter II of Title I was supplemented by Point 13, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Chapter III Authorisations, licences and concessions

Section 1 Authorisations and licences

Article 8

Activities subject to authorisation

- (1) The realisation of new energy capacities, as well as the retrofitting of existing ones, is carried out on the basis of establishment permits, granted in compliance with the legal provisions in force.
- (2) The production, storage, transmission, distribution, supply of electricity to final customers, the activity of the electricity market operator, the trader's activity and the activity of aggregation on the electricity market are carried out on the basis of licences granted under this Law.
- (on 31-12-2021, paragraph 2 of Article 8, Section 1, Chapter III, Title I was amended by Point 14, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (3) The exercise of any activity without authorisation or licence shall be punishable in accordance with this Law.

Article 9

Authorisation regime

- (1) For approval, the applicant will register the application with the competent authority.
- (2) The applicant shall attach, upon request, the documents and documents proving that the applicant fulfils the economic, financial, technical and professional requirements established by categories of energy capacity and activities in the field.
- (3) Applicants who have as controlling shareholders or managers persons who have previously had the status of controlling shareholder or administrator in economic operators holding licences who have not paid their payment obligations resulting from transactions carried out on the electricity market.
- (4) The procedure for granting, amending, suspending and withdrawing authorisations and licences, the terms and conditions for granting, consisting of: criteria, power limits, attestations, opinions, guarantees and the like, differentiated by categories of capacities and activities subject to authorisation, establish by regulation approved by order of the President of ANRE.
- (5) Refusal to grant an authorisation or licence, failure to respond within the time limit and any other solution of the competent authority, considered illegal and harmful applicant can be appealed to the Bucharest Court of Appeal, Administrative Litigation Section, under the conditions of the law.

(6) For distributed generation capacity and/or small electricity generators, the authorisation criteria will consider the limited size of generation capacity and the impact on the operation of the distribution grids.

(7) The following elements shall be taken into account when setting the conditions for granting licences and authorisations for new generation capacity:

- the safety and security of electrical systems, installations and associated equipment;
- the protection of public health and safety;
- environmental protection;
- land cover and location selection;
- use of the public domain;
- energy efficiency;
- the nature of the primary sources;
- specific characteristics of the applicant, such as: technical, economic and financial capacities;
- compliance with measures taken in relation to public service obligations and consumer protection;
- Romania's contribution to capacity building to achieve the overall European renewable energy target set by Integrated National Energy and Climate Change Plan 2021-2030 drawn up in accordance with Parliament's Regulation (EU) 2018/1.999

The European and Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council and approved by Government Decision No 1.076/2021;

(on 31-12-2021, Letter j) of paragraph 7, Article 9, Section 1, Chapter III, Title I, was amended by Point 15, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) k) contribution to the creation of generation capacities for emission reduction;

L) efficient and rational exploitation of energy raw material resources in accordance with the strategic interest of sustainable development Romania and the safe and stable functioning of the NES in order to achieve national energy independence.

m) alternatives to the construction of new generation capacity, such as demand response and energy storage.

(on 31-12-2021, paragraph 7 of Article 9, Section 1, Chapter III, Title I was supplemented by Point 16, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 10

Categories of authorisations and licences

(1) The competent authority shall issue authorisations to set up new electricity generation capacities, including electricity and heat generation capacities in cogeneration, or their retrofitting or new storage facilities, as follows:

- whether electrical power maximum cut-off in network those capacities exceed 1 MW, a permit to set up is required;
- whether electrical power maximum cut-off in network those capacities are less than 1 MW inclusive, no need to obtain a establishment permits, but notification to the competent authority of the investment project and periodic reporting of the state of play of the investment project is mandatory, in accordance with the regulations in force.

(on 30-07-2020, paragraph 1 of Article 10, Section 1, Chapter III, Title I was amended by Point 13, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(2) ANRE shall issue licences for:

- commercial exploitation of electricity generation capacity and, where applicable, energy storage facilities added to those generating capacities;
- commercial exploitation of electricity and heat generation capacities from cogeneration power plants and, where applicable, of energy storage facilities added to those generating capacities;
- the provision of the electricity transmission service as well as system balancing services;
- the provision of the electricity distribution service;
- the activity of the electricity market operator;
- the activity of electricity supply;
- the activity of the electricity trader;
- aggregation activity;
- commercial operation of energy storage facilities other than those referred to in (a) or (b).

(on 31-12-2021, paragraph 2 of Article 10, Section 1, Chapter III, Title I was amended by Point 17, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2¹) ANRE may establish, for the activity authorised by a licence, complementary rights specific to other types of licences referred to in paragraph (2), according to its own regulations.

(on 31-12-2021, Article 10 of Section 1, Chapter III, Title I was supplemented by Point 18, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The authorisations to set up new capacities, referred to in paragraph (1), shall be granted only if those capacities are located on/in buildings public/private property of the State or of the administrative-territorial units on the private property of the applicant for establishment authorisation or on properties held with another legal title.

(4) Licences for commercial exploitation of energy capacities are granted if the energy capacities are located on/in real estate public or private property of the State or of the administrative-territorial units, on the private property of the licensee, on the private property of natural or legal persons or on/in buildings owned by a legal title other than that of ownership.

(on 30-07-2020, paragraph 4 of Article 10, Section 1, Chapter III, Title I, was amended by point 14, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4¹) The licence for the provision of the distribution service is granted to economic operators that have concluded distribution service concession contracts with the competent ministry under the terms of the law, called concessional distribution operators.

(on 30-07-2020, Article 10 of Section 1, Chapter III, Title I was supplemented by point 15, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4²) The provision of the distribution service is permitted without a license granted by ANRE in accordance with the provisions of this Title, as follows:

- economic operators operating closed distribution systems in accordance with Article 50, irrespective of the electrical power approved for demand facilities;
- distribution operators or managers of industrial parks within industrial parks established in accordance with Law No 186/2013 on the establishment and operation of industrial parks, as amended, distribution operators or managers of free zones within free zones established in accordance with Law No 84/1992 on the regime of free zones, as amended, regardless of power;
- economic operators that own distribution systems supplying electricity consumption facilities with approved power outputs of less than 3 MW, other than the economic operators referred to in points (a) and (b);
- economic operators referred to in (b) which have electricity networks outside the boundaries of the industrial park/free zone, up to the point of delimitation with the concessionaire's electricity distribution network or the transmission electricity network, subject to the following conditions:
 - the electrical powers approved for locations outside the boundaries of the industrial fleet and the free zone supplied from the power grids are cumulatively below 3 MW;
 - there is a written notification to the concessionaire distribution operator in the region where the industrial park or free zone concerned is located about the provision of the distribution service over these electricity networks;
- holders of energy generating capacity carrying out the distribution activity, including through the provision of transformation and/or connection services to network operators, for supplying electricity to final customers directly connected to the electricity installations of those generating units or from the electricity networks that the generating capacity holders operate.

(on 31-12-2021, paragraph 4²) of Article 10, Section 1, Chapter III, Title I, was amended by Point 19, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4³) By way of exception to the provisions of paragraph (4¹), ANRE licenses the provision of the electricity distribution service by economic operators that own distribution systems in an area concessioned to another economic operator if they hold the written consent of the concessionary distribution operator, within the same concession period. The concessionaire distribution system operator may refuse written consent only if such refusal is justified and justified on objective, technical and/or economic grounds. Should it refuse to issue the above agreement, the concessionaire distribution operator shall be required to ensure the connection of the users of the refused economic operator, in accordance with regulations approved by the competent authority, in conditions of economic efficiency at least equal to the connection solution in the refused request, including taking into account the applicable distribution tariffs.

(on 30-07-2020, Article 10 of Section 1, Chapter III, Title I was supplemented by point 15, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(5) Commercial exploitation of electricity generation capacities may be carried out without a licence granted by ANRE in accordance with the provisions of this Title, by:

- the holder of electricity generating capacities that can be started without voltage from the SEN, self-starting groups and which are used by him for the purpose of safely supplying electricity to his own equipment or installations;

b) the holder of electricity generation capacity or electricity and heat generation capacity in cogeneration power plants connected to the electricity grid and/or energy storage facilities with a total electricity capacity of less than 1 MW; (on 31-12-2021, letter b) of paragraph 5, Article 10, Section 1, Chapter III, Title I was amended by Point 20, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(on 30-07-2020, paragraph 5 of Article 10, Section 1, Chapter III, Title I was amended by Paragraph 16, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(5¹) Natural and legal persons carrying out activities in the field of energy without being obliged to hold a license shall enjoy the same rights and have the same obligations to comply with ANRE regulations corresponding to a license holder for that activity or service.

(on 31-12-2021, paragraph 5¹) of Article 10, Section 1, Chapter III, Title I, was amended by Point 21, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(5²) In order to facilitate the financing of investments in electricity generation capacity, a natural person or legal has the right:

a) conclude contracts for the reservation of energy generation capacity electrical in compliance with the provisions of art. 3 item 19¹, and a ally.

Art. 23

(2) ;

No table of contents entries found.

of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(5³) The natural or legal person, referred to in paragraph (5²), with the exception of the holders of generation capacities referred to in paragraph (5)(b), shall be required to obtain the licence referred to in paragraph (2) letter a) at least 60 days before the moment of delivery of the electricity produced by the new energy capacity. If the obligation is not fulfilled, the contracts concluded in accordance with the provisions of paragraph (5²) shall be terminated with the application of the termination clauses of the contract at the fault of the party who failed to comply with the obligation and have no effect on the supply of electricity.

(on 30-07-2020, Article 10 of Section 1, Chapter III, Title I was supplemented by point 17, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(6) The activity of a natural or legal person, consisting of the marketing of electricity to final customers supplied directly from the electricity generating unit or from the electricity networks that it operates or located close to those networks, shall be carried out without the license to supply electricity referred to in paragraph (2)(f), subject to compliance with the specific regulations approved by ANRE.

(on 31-12-2021, paragraph 6 of Article 10, Section 1, Chapter III, Title I was amended by Point 23, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6¹) The activities referred to in paragraph (2)(f) or (g) may be carried out in Romania by a legal person having its registered office in a Member State of the European Union, if that legal person has a valid licence or a similar document under which it is entitled to carry out that activity, issued by the competent authority of the Member State, and if it declares on its honour that it will comply with the technical and commercial rules applicable to that activity in Romania.

(on 31-12-2021, Article 10 of Section 1, Chapter III, Title I was supplemented by Point 24, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6²) The legal entity referred to in paragraph (6¹) shall be confirmed with the right to participate in the Romanian electricity markets by ANRE by means of a decision issued on the basis of its own procedure.

(on 31-12-2021, Article 10 of Section 1, Chapter III, Title I was supplemented by Point 24, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(7) In order to market the electricity obtained under a contract for the reservation of electricity generation capacity, the natural gas producer part of such a contract shall hold the supply licence provided for in paragraph (2)(g).

(on 19-12-2020, paragraph 7 of Article 10, Section 1, Chapter III, Title I, was amended by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(8) Authorisations and licences shall be amended in the event of a change in circumstances or conditions existing at the time when they are granted.

Article 11

Suspension and withdrawal of authorisations and licences

(1) In the event of failure by the holder of the authorisation to establish or to comply with his legal obligations, as well as in the event of non-compliance with the conditions, limitations, restrictions, prohibitions or tasks laid down by the authorisation or licence, respectively, established by the competent authority ex officio or upon referral to third parties or notification by the holder, the competent authority shall proceed as follows:

a) if the failure or non-compliance is not attributable to the holder, it shall order:- a time limit for compliance, if the situation created is remedied;- withdrawal of the authorisation or licence, if the situation created is irretrievable;

b) if the failure or non-compliance is attributable to the holder, it shall order:- the suspension of the authorisation or the licence, respectively, for a fixed period for remedying the situation created and for compliance with the authorisation or the licence, respectively, if the situation created is remedied;- the withdrawal of the authorisation or the licence respectively, if the situation created is irretrievable.

(1¹) ANRE shall submit to the relevant Ministry on a weekly basis a situation regarding applications for the issuing of establishment authorisations.

(on 31-12-2021, Article 11 of Section 1, Chapter III, Title I was supplemented by Point 25, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The competent authority shall withdraw the authorisation to set up, i.e. the licence, in the event of revocation, incapacity or bankruptcy of the holder, as well as the termination of the concession or lease of energy capacity or the sale of capacity by the holder.

Article 12

Rights and obligations arising from authorisation of establishment and licences

(1) Works for the development and retrofitting of energy capacities for which authorisations are granted, as well as the activities and services for which licences are granted, as appropriate, shall be in the public interest, except those which are intended solely for the satisfaction of the licence or licence holder's own consumption.

(2) On land and property public or privately owned by other natural or legal persons and on activities carried out by persons natural or legal limitations in the vicinity of energy capacity shall be established in favour of holders of establishment authorisations and licences benefiting from:

a) the right of use for the execution of the works necessary for the realisation, relocation, refurbishment or abolition of energy capacity, object of authorisation;

b) the right of use to ensure the normal functioning of the capacity, subject of the establishment authorisation, for the necessary revisions, repairs and interventions;

c) subterranean, surface or air passage servitude for the installation/disestablishment of electricity networks or other equipment related to energy capacity and for access to their location, in accordance with the law;

D) the right to obtain the restriction or termination of activities that could endanger persons and property;

e) the right of access to public utilities.

(3) Rights of use and servitude have as their object the public utility, are lawful, and their content is provided for in Article 14 and is exercised without registration in the Land Register for the entire duration of the existing energy temporarily, on the occasion of the retrofitting of a capacity in operation, repair, overhaul, damage response work.

(4) The exercise of rights of use and servitude over the property of the State and of the administrative-territorial units affected by energy capacities shall be carried out free of charge throughout their lifetime.

(5) The exercise of rights of use and servitude over private properties affected by energy capacities, which will be carried out after the entry into force of the present laws, shall be carried out in accordance with the procedural rules regarding the conditions and terms relating to the duration, content and limits of the exercise of these rights, laid down in a framework agreement, as well as for the determination of the amount of allowances, compensations and their payment, which shall be approved, together with the Framework Convention, by Government Decision, on the proposal of the relevant Ministry.

(6) Owners of land affected by the exercise of rights of use and servitude by holders of licences and authorisations may request the conclusion of agreements, in accordance with the provisions of paragraph (5).

(7) The holders of licences and authorisations which, on the date of the entry into force of this Law, have agreements on the exercise of those rights of use concluded under the law, shall also be entitled to compensation and compensation for land owners affected by the exercise of rights of use and servitude.

(8) Holders of licences and authorisations shall be obliged to conclude the framework agreements referred to in paragraph 5, within a maximum of 30 days from the request of the affected owners.

(9) If, during the intervention for refurbishment, repair, overhaul or damage, damage occurs to owners in the vicinity of capacities

energy licence holders are obliged to pay compensation under the terms of this Law.(10) Land owners and holders of activities affected by the exercise by licence holders and authorisations of the rights provided to the paragraph (2) shall be compensated for the damage caused to them. The following criteria will be taken into account in the calculation of compensation: opportunity for work, land affected during the performance of the works;- the types of crops and plantations, as well as the development of the works;- restricted activities with

The amount of compensation shall be determined by agreement of the parties or, if the parties are not understood, by a court order.

(11) The right of use and servitude over privately owned land, the restriction or termination of certain activities referred to in paragraph (2) shall be established and exercised in accordance with the principle of equity, the right to property and its minimum affection.

(12) By way of derogation from forest-specific legislation, exclusively for network safety and protection areas, holders of electricity authorisations and licences shall carry out the maintenance/forest operation work on land located under/over the electricity grids, in order to create and maintain the distance of proximity to the networks necessary for the safe operation of the networks, with the obligation to give prior notification to the forest fund manager or land owner, as appropriate.

(on 30-07-2020, paragraph 12 of Article 12, Section 1, Chapter III, Title I, was amended by Paragraph 19, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(13) Repealed.

(on 01-01-2016, Article 12(13) was repealed by Article 502(6) of Law No 227 of 8 September 2015, published in Official Gazette No 688 of 10 September 2015.)

(14) Holders of authorisations and licences benefiting from rights of use and servitude over public or private property of the State and of administrative-territorial units shall be exempt from any payment obligations established by central and local public administration authorities relating to the exercise of those rights.

(on 30-07-2020, Article 12 of Section 1, Chapter III, Title I was supplemented by point 20, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 13

Obligations arising from establishment authorisations and licences

(1) The holder of the authorisation to set up shall have the following obligations:

- a) establish and apply, throughout the execution of the works, measures for the protection of persons, goods and the environment;
- b) obtain all the approvals, agreements and attestations required by law to achieve the authorised objective.

(2) During the period of validity of licences, licence holders shall be required to:

- a) comply with the conditions attached to the licence;
- b) in the case of electricity economic operators, they must organise the accounts using separate accounts for each of the transmission and distribution activities, as they would be required to do if those activities were carried out by separate economic operators in such a way as to allow the revenue and expenditure of each activity to be accurately reflected, in order to avoid discrimination and cross-subsidisation and distortion of competition, and to encourage competition; they shall also keep separate accounts, which may be consolidated, for other activities in the electricity sector as well as for activities outside the electricity sector; revenues from ownership of the transmission or distribution network shall be specified separately in analytical income accounts; internal accounting records shall comprise a balance sheet and a profit and loss account for each activity; (on 04-10-2014, point (b) of Article 13(2) was amended by Article I(6) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- c) to provide and maintain financial guarantees enabling them to carry out their business and ensure continuity of service;
- d) provide the competent authority with the information necessary for its smooth operation;
- e) to draw up, submit for audit and publish their annual accounts at company level, without distinctly covering secondary establishments without legal personality, in accordance with the specific legislation adopted pursuant to the Fourth Council Directive 78/660/EEC of 25 July 1978.

(3) Economic operators who are not required to publish the annual accounts shall keep at their premises a copy of them publicly available.

(4) The audit activity referred to in paragraph (2)(e) consists, in particular, of verifying compliance with the obligation to avoid discrimination and cross-subsidies between the activities carried out by the audited economic operator.

Article 14

Rights and obligations of holders of authorisations to establish and license third party ownership

(1) The right to use the land for the execution of the works necessary for the realisation/relocation/disposition or refurbishment of energy capacities shall extend for the period necessary for the execution of the works. In exercising this right of use, the holder of the authorisation to set up/relocate/settlement or refurbishment, as appropriate, in compliance with the legal provisions, may:

- a) store, on the land necessary for the execution of the works, materials, equipment, machinery, installations;
- b) dismantle existing crops or plantations, forest vegetation, constructions or other facilities, or only restrict them, to the extent strictly necessary for the execution of the works for the authorised capacity, in accordance with the law;
- c) remove materials, catch water, under the conditions laid down in the legislation in force;
- d) install and work with machinery, locate offices and construction sites, with the prior consent of the owner;
- e) to stop or restrict the activities of the owner, to the extent strictly necessary for the execution of the works for the authorised capacity, in compliance with the legal provisions in force.

(2) In order to carry out the works necessary for the construction, maintenance, repair and exploitation of energy capacities, holders of authorisations and licences shall have the right to use temporarily public land, including land forming part of the national forestry fund, by way of derogation from Article 42(1)(b) of Law No 46/2008 – Forest Code, republished, as amended.

(3) The right of use referred to in paragraph 1 shall cease before the expiry of the period laid down for the execution of the works or before that time limit, on the date of the early completion of the works or on the date of their termination and waiver of authorisations. Any of these situations must be notified immediately to the owner.

(4) The right to use the land to ensure the normal operation of the energy capacity shall extend throughout the life of the capacity and shall be exercised whenever necessary to ensure the normal operation of the capacity. In exercising this right, the licence holder may:

- a) store materials, equipment, machinery, maintenance facilities, overhauls, repairs and interventions necessary to ensure the normal functioning of the capacity;
- b) install and work with machines;
- c) abolish or reduce existing crops, plantations, forest vegetation or other facilities and restrict the activities of the owner, to the extent and for the duration strictly necessary to carry out maintenance, repairs, overhauls or interventions to ensure normal officials' capacity, in compliance with the legislation in force;

(5) By way of derogation from Article 40(1) of Law No 46/2008, republished, as subsequently amended and supplemented, to the achievement of the investment objectives declared to be of public utility and of national interest, in accordance with the law, the temporary occupation of privately owned land from the national forest fund and of wooded pastures and meadows shall be made after the submission by the holder of the authorisation/licence/concession contract of the following evidence of the fulfilment of the obligations to notify and grant compensation/compensation, as follows:

- a) the lease/convention agreement between the parties, the term for payment of the indemnities/compensation being 30 days after the conclusion of the lease agreement/convention, if the owners are identified;
- b) proof of prior recording, in accounts opened in the name of licence holders/concession contracts, of the sums of money relating to compensation, indemnities, where applicable, for such buildings where the owners are not identified;
- c) proof of prior registration at their disposal, within 60 days from the date on which they were notified to submit themselves for the purpose of signing the conventions, but have not presented themselves or refused to conclude the agreement, of the amounts related to damages/allowances, if the owners are identified but do not present themselves or refuse to conclude the agreement.

(6) The licence holder shall be obliged to notify in writing the owner of the goods or the supplier of the activities that will be affected as a result of the works on energy capacities, except in cases of damage and force majeure, in which case the owners shall be notified as soon as possible.

(7) The licence holder shall be obliged to pay the owners due compensation for the damage caused, to clear the land and to restore it to the previous situation as soon as possible.

(8) The subterranean, surface or airway servitude includes the right to access and perform works at the location of the energy capacities during the intervention for refurbishment, repairs, overhauls and damage.

(9) In order to avoid endangering persons, supplies or activities carried out in the area of execution of works to carry out or refurbish energy capacities, as well as overhaul or repair operations to operational capacity, the holder of the licence or licence shall have the right to obtain the restriction or termination, for the entire duration of the works, of activities carried out in the vicinity by other persons, with the obligation to compensate them, in accordance with the provisions of this Law. In this case, the affected persons shall be notified in writing of the date of commencement or completion of the works, except in cases of force majeure.

(10) Upon termination of the exercise of the rights provided for in Article 12(2), the holder of the authorisation to set up or the licence holder

shall be obliged to ensure that the land is released and that it is restored to the initial situation.

(11) The right of access to public utilities provided for in Article 12(2)(e) must be exercised by the holder of the authorisation or licence in good faith and in a reasonable manner, without prejudice to other persons' access to those public utilities.

(on 30-07-2020, Article 14 of Section 1, Chapter III, Title I was amended by point 21, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 15

Protection zones and safety zones

(1) Protection and safety zones shall be established for the protection and normal functioning of energy capacities and their annexes and to avoid endangering persons, property and the environment.

(2) The protection and safety zones shall be determined for each capacity in accordance with technical rules drawn up by the competent authority.

(3) The right of legal servitude shall be established on third-party land covered by the protection and safety zones.

Article 16

Public service obligations

(1) Licence holders are required to carry out their activities in compliance with public service obligations relating to safety, quality and price of electricity supplied, continuity of supply, energy efficiency, energy from renewable resources and environmental and climate protection, in compliance with occupational safety and health and environmental protection standards, as well as the provisions of direct consumer contracts.

(2) The obligations referred to in paragraph (1) shall be clearly defined, transparent, non-discriminatory and verifiable, may be established by Government Decision or, according to the powers, regulations of ANRE and guarantee equal access to Romanian consumers to economic operators in the field of electricity in the European Union.

(3) Public service obligations aimed at fixing prices for the supply of electricity shall comply with the requirements laid down in Article 80.

(4) The granting of financial compensation, other forms of compensation or exclusive rights in order to fulfil the obligations referred to in paragraph 3 or to provide the universal service shall be carried out in a non-discriminatory and transparent manner.

(5) The Government of Romania shall inform the European Commission of all measures taken to fulfil universal service and public service obligations, including consumer protection and environmental protection, and of their possible effect on competition at national and international level. Thereafter, the European Commission will be notified every two years of any changes to those measures.

(on 31-12-2021, Article 16 of Section 1, Chapter III, Title I was amended by Point 26, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 17

Expropriation

(1) The land necessary for the establishment and operation of energy capacity is either private property of a third party or of the licence holder or public property.

(2) If the land necessary for the establishment and operation of energy capacity is private property of a third party, the applicant for the establishment authorisation shall have the first option to purchase the land from the owner or initiate the legal procedure for expropriation of the land for public utility reasons, with compensation of the owner, in accordance with the law, and obtain his concession, for the duration of the energy capacity.

Section 2 Procedures for new generation capacity

Article 18

Tendering procedure and other procedures

(1) If, following the authorisation procedure, the production capacities being constructed or the measures taken on the energy efficiency and demand response management line are not sufficient to ensure security of supply for internal consumption, the competent ministry may initiate a tendering procedure or any other similar procedure for the award of a contract, under conditions of transparency and non-discrimination, on the basis of published criteria, inviting new economic operators or pre-existing generation licence holders to bid for new electricity generation capacity.

(2) Under the conditions of paragraph (1) and in order to ensure environmental protection and to promote new technologies, the competent ministry may initiate a tendering procedure for the development of new electricity generation capacities. This procedure may concern new capacities or management resources oriented towards energy efficiency and demand response.

(3) The successful tenderer shall be granted authorisation to set up and license, in accordance with the provisions of Section 1 of this Chapter.

(4) The procedure for conducting the tender for new generation capacity, as well as the list of criteria underlying the selection of tenders and the award of the contract, shall be approved by Government Decision, on the proposal of the relevant Ministry.

(5) The procedure provided for in paragraph (4) shall be drawn up in accordance with the following principles:

a) information on the call for tenders for generation capacity and energy efficiency and demand response measures shall be published in the Official Journal of the European Union at least 6 months before the final deadline for submission of tenders;

b) the product specification shall be made available to any interested economic operator, on his/her request;

c) the tender specifications contain the detailed description of the contract specifications and of the procedure to be followed by all tenderers, such as

and the full list of criteria determining the selection of tenderers and the award of the contract, including incentives such as grants, which are covered by the tender;

d) for invitations to tender which relate to expected generation capacity that are expected to be required, consideration shall also be given to offers for the supply of electricity with long-term guarantees proposed by existing generation units, provided that they allow the additional needs to be met.

(6) The organisation, monitoring and control of the call for tenders shall be carried out by the transmission system operator.

Article 19

The concession. Subject matter of the concession and contracting authority

(1) Public or private property of the State, public activities and services of national and general interest in the field of electricity may be subject to concession under the conditions of Emergency Ordinance No 57/2019 on the Administrative Code, as amended.

(on 31-12-2021, paragraph 1 of Article 19, Section 2, Chapter III, Title I, was amended by Point 27, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(1¹) The annual fee for the electricity transmission concession is 0.4 % of the gross revenues from transmission and transit operations of electricity and is paid by the transmission system operator as concessionaire.

(on 31-12-2021, paragraph 1¹) of Article 19, Section 2, Chapter III, Title I, was amended by Point 27, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The competent ministry for public or private property of the State in the field of energy, as well as for public activities or services of general interest and national interest in the field of electricity, has the status of contracting authority. The electricity transmission networks, the land on which they are located, and the public electricity transmission service shall be exempted.

(3) The status of contracting authority for the electricity transmission network and the land on which it is located, as well as for the public electricity transmission service, lies with the central public authority designated as the contracting authority of the State for that purpose.

(4) The general framework on the legal regime of concession contracts, the procedures for granting concessions and the framework content of the tender specifications are drawn up by the contracting authority, in accordance with the provisions of the law, and shall be approved by Government Decision.

(5) The conditions for granting, maintaining, suspending and withdrawing the concession shall be laid down in the concession contract concluded by the contracting authority and approved in accordance with the provisions of this Law.

(on 30-07-2020; Article 19 of Section 2, Chapter III, OFFICIAL Title I was amended by Paragraph 22, Article I of Law No 155 of 24 July 2020, published MONITOR No 665 of 27 July 2020)

Chapter IV Electrical energy

Article 20

Electricity market

- (1) The electricity market is competitive and energy transactions are wholesale or retail.
- (2) The Dispute Settlement Commission shall be established as the body to settle disputes on the wholesale and retail market between electricity market participants.
- (3) The Dispute Settlement Commission consists of 5 members, who are appointed by decision of the President of ANRE for a period of 3 years, among ANRE specialists with at least 8 years old in the electricity sector.
- (4) The Dispute Settlement Commission operates on the basis of an organisation and functioning regulation, approved by order of the President of ANRE, after public consultation.
- (5) Participation of electricity economic operators in alternative dispute resolution mechanisms for household customers is mandatory.
- (on 31-12-2021, Article 20 of Chapter IV, Title I was amended by Point 28, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

Article 21

- (1) Participants in the electricity market shall comply with its operating rules issued by ANRE and shall make the payments for electricity and the services they receive resulting from the transactions carried out in accordance with these rules, within the due dates laid down in the contracts concluded between the parties.
- (2) Market participants are obliged to take financial responsibility for the payment of the imbalances they generate on the electricity market, to comply with the provisions of the licenses and regulations issued by ANRE.
- (3) The balancing responsibility shall not apply to prosumers with an installed power generation of less than 400 kW. The responsibility for balancing lies with their provider, in accordance with ANRE regulations.
- (4) Customers are required to pay the consideration for the electricity bills and the services they receive, within the due dates laid down in the contracts concluded between the parties, as well as the provision of financial guarantees in order to avoid the risks of default on the electricity market.
- (5) Electricity market participants shall notify the transmission system operator of imports, exports and transits at trading intervals, with external partners, on each border.
- (6) The electricity market participants must notify the transmission system operator of the information necessary for the performance of its tasks under this law, including the reciprocal net quantities contracted, in accordance with ANRE regulations and the procedures issued by the transmission system operator in accordance with the provisions of European legislation.
- (7) Third country market participants active in the national electricity market must comply with applicable European Union and Romanian legislation, including environmental and security policy rules.

(on 31-12-2021, Article 21 of Chapter IV, Title I was amended by Point 29, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 22

Repealed.

(on 31-12-2021, Article 22 of Chapter IV, Title I was repealed by Point 30, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 23

Functioning of the electricity market

- (1) Commercial transactions on the electricity market are made wholesale or retail and prices are formed on the basis of supply and demand as a result of competitive mechanisms.
- (2) At least the following types of transactions may be concluded on the wholesale market in all timeframes:
- directly negotiated bilateral transactions;
 - transactions concluded following auctions on organised markets, including in the electricity balancing market;
 - electricity import and export transactions.
- (3) Market participants shall have the right to trade energy as close as possible to real time and at least until intraday cross-zonal gate closure time, with the possibility to trade energy within timeframes at least as short as the imbalance settlement interval, both in day-ahead and intraday markets.
- (4) In order to protect market participants against market-based price volatility risks and to reduce uncertainty about future return on investment, long-term hedging products are exchange tradable in a transparent manner and long-term supply contracts are negotiable on OTC markets, subject to compliance with European competition law.
- (5) The designated electricity market operator shall provide products for trading on day-ahead and intraday markets that are sufficiently small, with a minimum bid size of 500 kW or less, to allow effective participation of demand response, energy storage and small-scale renewable energy sources, including direct customer participation.
- (6) Contracts for the reservation of electricity generation capacity shall be concluded bilaterally, at negotiated tariffs for the reservation of electricity generation capacity, in compliance with the competition rules.
- (7) On the electricity market, the transmission system operator shall purchase system services, respectively capacity and energy.
- (8) On the retail market, suppliers sell electricity to final customers through bilateral contracts, at prices negotiated or set by standard bids.
- (9) Relevant data such as duration, delivery and settlement rules, quantity, execution deadlines, transaction prices, means of identifying the wholesale customer, with regard to all transactions in electricity supply contracts and electricity derivatives concluded with wholesale customers and transmission system operators shall be kept by suppliers for at least 5 years and shall be made available to ANRE, the European Commission and other competent national authorities upon their request.
- (10) The obligation to keep data on derivative transactions applies in accordance with the guidelines published by the European Commission.
- (11) The data referred to in paragraph (9) may be published by ANRE, respecting the confidentiality of commercially sensitive data.
- (12) Participation in any electricity market shall be voluntary for market participants.

(on 31-12-2021, Article 23 of Chapter IV, Title I was amended by Point 31, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 24

Repealed.

(on 30-07-2020, Article 24 of Chapter IV, Title I was repealed by Paragraph 26, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 25

Access to the power grid

- (1) The licensee, natural and legal persons carrying out activities in the field of energy without being obliged to hold a license and the final customer have regulated access to the public interest electricity networks, in accordance with ANRE regulations. Connection to electricity networks of public interest and access to electricity networks of public interest are mandatory services, under regulated conditions, to be fulfilled by the transmission system operator, as well as the distribution system operator, including the energy communities of citizens operating the distribution networks.
- (on 31-12-2021, paragraph 1 of Article 25, Chapter IV, Title I was amended by Point 32, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (2) User connection and access to the network may only be restricted if the connection affects the safety of the NES, by failing to comply with the technical rules and performance standards laid down in the technical regulations in force, or where the transmission operator, distribution system operator or the energy communities of citizens operating the distribution systems do not have the necessary capabilities. The refusal must be duly justified and justified on objective criteria, from a technical and economic point of view, in accordance with the regulations issued by ANRE.
- (on 31-12-2021, paragraph 2 of Article 25, Chapter IV, Title I was amended by Point 32, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (2¹) In the event of refusal to connect users to the transmission network, distribution network or distribution network managed by

the energy communities of citizens, ANRE shall ensure that the transmission operator, the distribution operator or the energy communities of citizens provide information on the measures necessary to strengthen the network.

(on 31-12-2021, Article 25 of Chapter IV, Title I was supplemented by Point 33, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2²) If the system operators do not have sufficient capacity to connect all the electricity generation capacities for which the connection has been requested, they may apply market-based methods for allocating existing grid capacity, in accordance with the regulations approved by ANRE.

(on 31-12-2021, Article 25 of Chapter IV, Title I was supplemented by Point 33, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) Disputes concerning access to the electricity grid shall be settled by the competent authority by issuing a decision binding on the parties within two months of receipt of the complaint or complaint.

(4) The establishment of direct power lines and access

(5) The charge for access to the electricity network of public interest shall be regulated.

(6) Electricity generators and suppliers can supply their premises, subsidiaries and all customers through direct lines,

to them shall be regulated by the competent authority.

without being subject to disproportionate administrative procedures or costs.

(on 31-12-2021, paragraph 6 of Article 25, Chapter IV, Title I was dated 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) amended by Point 34, Article I of Emergency Order No 143 2021)

(7) Repealed.

(on 31-12-2021, paragraph 7 of Article 25, Chapter IV, Title I was repealed by Point 35, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(8) The production of direct power lines is done in compliance with the technical and safety standards contained in the technical regulations in force.

(9) The supply through a direct line must ensure that the conditions for consumer protection laid down in this Law are met.

(10) The holder of a direct power line shall be required to provide access to the direct line in accordance with the regulations of the competent authority as well as European Network Codes.

(on 31-12-2021, paragraph 11 of Article 25, Chapter IV, Title I was amended by Point 36, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(12) Decisions on the realisation of investments related to interconnection capacities shall be taken following a joint analysis by the transmission system operators concerned.

(13) The necessary steps and procedures for connecting users to the transmission and distribution networks shall be laid down in the Regulation: connection of users to networks of public interest, approved by ANRE.

Article 26

Connection agreement

(1) At the written request of a new or pre-existing network user, the transmission system operator or the distribution system operator, as the case may be, shall be obliged to communicate in writing within 30 days the technical and economic conditions of connection to the network and to collaborate with the applicant in order to choose the most advantageous connection solution.

(2) The connection agreement shall be concluded in accordance with the regulations issued by the competent authority.

(3) The transmission system operator or distribution system operator shall have the right to refuse an applicant to update the notice of connection and/or to conclude a new transmission or distribution contract for a pre-existing demand facility where there is an ongoing electricity supply contract with another final customer for that demand facility.

(4) When establishing the point of asset delimitation of the installations of the network operator and its user, the following shall be taken into account:

- type of installation: transport, distribution or use;
- land ownership limit so that power grids located in the public domain are usually owned by the network operator and avoid as much as possible the location of the system operator's installations on the user's property;
- future connection of new users to the connection installation.

Article 27

Electricity generation

(1) The production of electricity and the production of electricity and heat in cogeneration shall be carried out by economic operators which own electricity generation units, in accordance with this Law.

(1¹) Repealed.

(on 31-12-2021, paragraph 1¹) of Article 27, Chapter IV, Title I was repealed by Point 37, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) Electricity generators may benefit from priority dispatching under the terms of this law and in accordance with Article 12 of Regulation (EU) 2019/943 and ANRE regulations in force.

(on 31-12-2021, paragraph 2 of Article 27, Chapter IV, Title I was amended by Point 38, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) For electricity produced from renewable sources in power plants accredited for the application of the green certificate promotion scheme established by Law No 220/2008, republished, as subsequently amended and supplemented, contracted on the electricity market, the takeover into the electricity grid is guaranteed.

(on 31-12-2021, Article 27 of Chapter IV, Title I was supplemented by Point 39, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 28

Obligations of producers

(1) Electricity generators shall, in particular, have the following obligations:

a) ensure the supply of electricity and ancillary services, subject to the conditions imposed by licences, contractual clauses; and regulations in force;

B) the manufacturer that is a balancing service provider and which holds a contract for the provision of balancing capacity shall be required to submit to the balancing market operator the balancing energy bids corresponding to the volume, products and other requirements set out in the contract for the provision of balancing capacity;

c) to offer system services, in the situations provided for in the regulations issued by ANRE or European regulations;

d) comply, from an operational point of view, with the requirements of the transmission system operator.

(2) In order to maintain adequate liquidity of the electricity market, the producers in the portfolio of the Romanian State, which are subject to the provisions of Government Emergency Order No 109/2011 on the corporate governance of public undertakings, are obliged to trade at least 40 % of the annual electricity production through contracts on electricity exchanges, on markets other than PZU, PI and the EP. Production capacities put into service after 1 June 2020 are exempted from this provision.

(on 31-12-2021, Article 28 of Chapter IV, Title I was amended by Point 40, Article I of 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021) Emergency Order No 143 of 28 December

Article 29

Producers' rights

(1) Electricity producers shall mainly have the following rights:

a) have access to electricity networks of public interest under the conditions of this Title;

b) to obtain, in accordance with the law, the passageway for its own power lines;

c) to trade electricity on the competitive market in accordance with Article 23;

d) to market electricity generation capacities by concluding contracts for reserving them in accordance with the provisions of Article 3(19¹) and Article 23(7);

e) establish and maintain its own telecommunications system for the connection with its electricity generation capacities, customers or operational management steps;

f) market heat from cogeneration;

g) access support schemes established at national level.

(2) Electricity producers can offer system services on the European internal market according to ANRE regulations.

(on 31-12-2021, Article 29 of Chapter IV, Title I was amended by Paragraph 41, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

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Article 30

Transmission of electricity

- (1) The activity of electricity transmission constitutes a public service of national interest.
 - (2) The transmission of electricity shall be carried out by transmission system operators, legal persons certified by the competent authority, in accordance with this Law.
 - (3) The electricity transmission network existing on the territory of Romania is the public property of the State for the assets concessioned to the National Electricity Transmission Company "Transelectrica" S.A., as well as for the return goods in accordance with the concession agreement and legal provisions.
 - (4) The land on which the transmission electricity network referred to in paragraph 3 is situated shall be and shall remain in the public ownership of the State for the duration of the network.
 - (5) The assets resulting from investments made from own sources or from attracted sources of the transmission system operator, during the duration of the concession, embodied in the development, modernisation and upgrading of the electricity transmission network referred to in paragraph 3, shall form part of the public property of the State.
 - (6) The assets referred to in paragraph (5) shall be considered tangible assets subject to depreciation, unless otherwise provided by law.
 - (7) By way of derogation from point 14 of Annex 2 to Emergency Order No 57/2019 on the Administrative Code, as amended, the electricity transmission networks, developed by economic operators that can be certified as transmission system operators in accordance with Article 34(2), shall have the legal regime of private ownership and may connect to the electricity transmission network referred to in paragraph 3 under the public service conditions regulated by ANRE.
- (on 31-12-2021, Article 30(7), Chapter IV, Title I was amended by point 42, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) (on 04-10-2014, Article 30 was amended by Article I(8) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 31

Certification of the transmission system operator

- (1) If the transmission grid belonged to a vertically integrated economic operator on 3 September 2009, the transmission system operator operating this electricity network shall be certified as an independent system operator as follows:
 - a) ANRE certifies the legal entity as regards the fulfilment of the conditions laid down in Article 34(1);
 - b) in order to comply with the conditions laid down in Article 34(1), (3) and (4), by Government Decision drawn up on a proposal from the relevant Ministry, the entity shall be designated operators publish what it holds, in the name of the State, the status of majority shareholder in economic carrying out activities of production and supply, on by part, such as and the public entity holding, on behalf of the State, the status of majority shareholder in the operator of transport and system, on by other Party;
 - c) within 15 days by on the adoption of the measures provided for in (b), transmission system operator forward ANRE, with the opinion of owner
 - d) the transmission network, the request for certification accompanied by supporting documentation regarding the fulfilment of the requirements referred to in Article 34(1);
 - d) ANRE shall issue a preliminary certification decision no later than 4 months after the date of registration of the transmission system operator's application, which shall be notified to the European Commission, together with the related documentation;
 - e) the procedure for the certification of the transmission system operator shall be completed in accordance with Article 51 of Regulation (EU) 2019/943;
- (on 31-12-2021, letter e) of paragraph 1, Article 31, Chapter IV, Title I was amended by Point 43, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- f) the designation of the transmission system operator as independent system operator shall be approved by the European Commission following the notification by ANRE of the certified economic operator, after completion of the certification procedure in accordance with point (e).
 - (2) Where an economic operator owns an electricity transmission system, it shall act as a transmission system operator. The process of certifying it, i.e. those complying with the provisions of Article 97(4) and falling within the definition of the transmission system operator, shall be carried out by ANRE, in compliance with the stages referred to in paragraphs (1) (d) and (e) and Article 34(2) respectively.
 - (3) Together with the certification decision, the competent authority shall notify the European Commission of any request for certification of the transmission network owner or the transmission system operator, which is controlled by a person or persons from one or more third countries, as well as any circumstances under which a person or persons from one or more third countries would acquire control of the transmission network or the transmission system operator, where appropriate.
 - (4) After the expiry of the period of 120 days from the submission of a request for certification from a transmission system operator, in the absence of a decision of ANRE, the certification shall be deemed to have been granted. Explicit or tacit certification shall not become effective until it has been notified to the European Commission together with all relevant information relating thereto and the procedure laid down in Article 51 of Regulation (EU) 2019/943 is followed. (on 31-12-2021, paragraph 4 of Article 31, Chapter IV, Title I was amended by Point 44, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 - (5) Decisions on certification of a transmission system operator issued by ANRE shall be published in the Official Gazette of Romania, Part I, and shall be notified to the European Commission.
 - (6) ANRE shall designate and notify the European Commission of the transmission system operator owning a transmission network after the closure of the certification procedure in accordance with paragraphs (2) to (5).

(on 04-10-2014, Article 31 was amended by Article I(9) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 32

Certification of a transmission system operator which is controlled by third countries

- (1) Before certifying a transmission system operator that is controlled by a person or persons from one or more third countries, ANRE shall seek an opinion from the European Commission that:
 - a) that entity complies with the requirements of Article 34(1) and (2);
- (on 04-10-2014, point (a) of Article 32(1) was amended by Article I(10) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- b) the granting of certification does not jeopardise the security of energy supply of the European Union.
- (2) Within 60 days of the issuance of the opinion by the European Commission, ANRE shall adopt and publish the final decision on certification together with the opinion, taking the utmost account of the opinion. If the European Commission does not issue an opinion within two months of receipt of the request or within 120 days if it has requested an additional opinion, it may be considered that there are no objections to the ANRE decision. (on 04-10-2014, Article 32(2) was amended by Article I(11) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (3) If ANRE's final decision differs from the opinion of the European Commission, the reasons for this decision shall be published.
- (4) ANRE shall refuse the certification provided for in paragraph (1) in the following situations:
 - a) the entity concerned does not comply with the requirements laid down in Article 34;
 - b) the granting of certification may endanger the security of electricity supply within the national or European Union territory. In examining this issue, ANRE shall take into account:
 - (i) the rights and obligations of the European Union vis-à-vis that third country under international law, including any agreement concluded with one or more third countries to which the European Union is a party and to which security of supply issues are addressed;
 - (ii) the rights and obligations of Romania vis-à-vis that third country under agreements concluded with that third country, in so far as they comply with European law; and
 - (iii) other specific elements of the case and the third country concerned.

Article 32¹

- (1) The transmission system operator shall not own, develop, manage or operate energy storage facilities.
- (2) By way of exception to paragraph (1), ANRE may allow transmission system operators to own, develop, manage or to operate energy storage facilities that are fully integrated network components and have been approved by ANRE or if they are fulfilled cumulatively the following conditions:
 - a) following an open, transparent and non-discriminatory tender procedure, subject to review and approval by ANRE, they were not awarded other parties may own, develop, control, operate or operate such facilities or such other parties may not provide those services at a reasonable cost and in a timely manner;

- b) such non-frequency system facilities or services are necessary for transmission system operators to fulfil their obligations under this Law for the efficient, reliable and secure operation of the transmission system and those facilities and services are not used to purchase or sell electricity on electricity markets;
- c) ANRE assessed the need for such an exception, carried out an ex-ante assessment of the application of the tendering procedure, including the conditions of that tender procedure, and gave its approval. ANRE may draw up guidelines or procurement clauses to help transmission system operators ensure a fair tendering procedure.
- (3) The decision to grant an exception shall be notified to ACER and the European Commission, together with relevant information on the application and the reasons for granting that exception.
- (4) ANRE shall conduct, at regular intervals or at least every five years, a public consultation on existing energy storage facilities in order to assess the potential availability and interest in investing in such facilities. When the public consultation, assessed by ANRE, shows that there are third parties that can own, develop, operate or manage such installations in a cost-effective manner, ANRE shall ensure that the activities of transmission system operators in this field are phased out within 18 months. Under this procedure, ANRE may allow transmission system operators to receive reasonable compensation, in particular to recover the residual value of their investment in energy storage facilities.
- (5) Paragraph 4 shall not apply to fully integrated network components or to the usual depreciation period of new battery storage facilities for which a final investment decision is taken by 2024, provided that such battery storage facilities:
- be connected to the network in the next two years;
 - be integrated into the transmission system;
 - be used exclusively for reactive instantaneous restoration of network security in case of network contingencies, if such a restoration measure starts immediately and ends when regular redispatching can resolve the situation;
 - not be used to buy or sell electricity in electricity markets, including balancing.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 45, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 33

Reassessment of the certification of the transmission system operator

- (1) The transmission system operator shall notify ANRE of any planned transaction which may require a reassessment of its compliance with the requirements of Article 34, as well as any circumstances under which a person or persons from one or more third countries could acquire control over the transmission system or the transmission system operator.
- (2) ANRE may decide to reassess the compliance of the transmission system operator with the requirements laid down in Article 34(1)-(3):
- (on 04-10-2014, Part of the second paragraph of Article 33 was amended by Article I(12) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

- ex officio;
- following notification by the transmission system operator in accordance with paragraph 1;
- at the reasoned request of the European Commission.

(3) ANRE shall verify compliance with the requirements laid down in Article 34, whenever changes occur with regard to the majority shareholders, the persons belonging to the management bodies, as well as the candidates proposed in the management bodies of the transmission system operator. In the event of non-compliance with the requirements laid down in Article 34, the transmission system operator and the persons checked shall be required to carry out the measures ordered by ANRE following the verification action.

(on 31-12-2021, Article 33 of Chapter IV, Title I was supplemented by Point 46, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 34

Conditions for the certification of the transmission system operator

(1) The certification of the transmission system operator operating an electricity transmission network as an independent system operator shall be carried out if the following requirements are met:

- the same person or persons are/are not entitled to:
 - to directly or indirectly exercise control over an economic operator performing any of the functions of generation or supply and at the same time to directly or indirectly exercise control or exercise any right over the transmission system operator or over a transmission system; or
 - to directly or indirectly exercise control over the transmission system operator or over a transmission system and to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply;

b) the same person or persons are not empowered to appoint members of the supervisory board, the administrative board or bodies legally representing the transmission system operator in the case of a transmission system operator or in the case of a transmission system, and also to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply;

c) the same person is not entitled to be a member of the supervisory board, the administrative board or other bodies legally representing the economic operator, both in the case of an economic operator performing any of the functions of generation or supply and of a transmission system operator or a transmission system;

D) Ope ator transport an by system disput the financial e, technical, EC and for fulfilment of the obligations set out Art. 36

e) Ope ator transport an by system and make the commitment to re show a plan by developm it's a transport lei on 10 years, approved

authority c ompetent;

F) Ope ator transport an by system has ability to re specta the I' I'm basis Regulation (EU) 2019/943, in c EEA

on cooperation with other transmission system operators at European and regional level;

(on 31-12-2021, letter f) of paragraph 1, Article 34, Chapter IV, Title I was amended by Point 47, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

g) the transmission network owner shall comply with the requirements laid down in Article 37.

(2) Certification of the transmission system operator owning a transmission system shall be carried out if the following requirements are met:

- the same person or persons are/are not entitled to:
 - to directly or indirectly exercise control over an economic operator performing any of the functions of generation or supply, and at the same time to directly or indirectly exercise control or exercise any right over the transmission operator or over a transmission system; or
 - to directly or indirectly exercise control over the transmission system operator or over a transmission system, and to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply;

b) the same person or persons are not empowered to appoint members of the supervisory board, the administrative board or bodies legally representing the transmission system operator, in the case of a transmission system operator or in the case of a transmission system, and also to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply;

c) the same person shall not be entitled to be a member of the supervisory board, the administrative board or other bodies legally representing the economic operator, both in the case of an economic operator performing any of the functions of generation or supply and of a transmission system operator or a transmission system.

(3) The rights referred to in paragraphs (1) (a) and (b) and (2) (a) and (b) shall include, in particular:

- the power to exercise voting rights;
 - the power to appoint members of the supervisory board, the administrative board or other bodies legally representing the economic operator; or
 - ownership of a majority share.
- (4) For the purposes of paragraphs (1)(a) and (2)(a) respectively, the term "economic operator carrying out the activity of generating or supplying energy" shall also include activities of production and supply of natural gas, and the terms "transmission system operator" and "transmission network" shall also include terms which are used for the same purpose in the natural gas sector.
- (5) If two different public bodies exercise control over, on the one hand, a transmission system operator or a transmission system and, on the other hand, an economic operator performing any of the functions of generation or supply, the two bodies shall be deemed not to be the same person or persons if the criteria for unbundling referred to in paragraph 1 are fulfilled; or
- (2) as appropriate.
- (6) Any transmission system operator certified on the territory of Romania under the terms of the law may form part of an association in

participation, consisting of 2 or more economic operators holding a system transmission networks and acting as transmission operator and cause. in two or more Member States, for transmission systems in

(on 04-10-2014, Article 34 was amended by Article I(13) of Law No October 2014.) 127 of 30 September 2014 published in Official Gazette No 720 of 1

Article 35

Development plans

(1) At least every two years, the transmission system operator shall be required to draw up and submit to ANRE the 10-year investment and development plan for the transmission network, in line with the current state and future evolution of energy consumption and sources, including energy imports and exports, after prior consultation with all stakeholders. The network development plan shall contain effective measures to ensure the adequacy of the system and security of supply. The transmission system operator shall publish the 10-year network development plan on its website.

(on 31-12-2021, paragraph 1 of Article 35, Chapter IV, Title I was amended by Point 48, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The development plan referred to in paragraph 1, in particular, must:

- a) it shall contain, in particular, the arrangements for financing and implementing investments in transport networks, taking into account also the planning and systematisation of the territory they have traveled, while complying with environmental protection rules;
- b) index to market participants of the main transport infrastructures to be built or upgraded within the next 10 years;
- c) it contains all investments already established and will identify new investments to be made over the next ten years;
- d) provide for a time frame for the execution of investment projects.

(on 31-12-2021, paragraph 2 of Article 35, Chapter IV, Title I was amended by Point 48, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2¹) When preparing the 10-year network development plan, the operator shall take into consideration the use of demand response, energy storage facilities or other resources as an alternative to system expansion, as well as expected consumption, trade with other countries and investment plans for European Union-wide networks and regional networks, as well as the targets assumed by Romania to achieve the overall objective of the European Union.

(on 31-12-2021, Article 35 of Chapter IV, Title I was supplemented by Point 49, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The plans referred to in paragraph (1) shall be approved by ANRE.

(4) ANRE assesses whether the 10-year network development plan addresses all investment needs identified during the consultation process and whether it complies with the non-binding EU 10-year network development plan. In case of doubt about compliance with the European Union Network Development Plan, ANRE shall consult ACER. ANRE may require the transmission system operator to amend its 10-year network development plan. ANRE examines the consistency of the 10-year network development plan with the national energy and climate plan submitted to the European Commission.

(on 31-12-2021, Article 35 of Chapter IV, Title I has been completed by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in the MONITOR Oficial No. 1259 of 31 December 2021)

(5) ANRE monitors and evaluates the implementation of the 10-year network development plan.

(on 31-12-2021, Article 35 of Chapter IV, Title I has been completed by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in the MONITOR Oficial No. 1259 of 31 December 2021)

(6) In situations where the transmission system operator, for reasons other than the imperative, over which it has no control, does not execute an investment which, in accordance with the 10-year network development plan, was to be executed within the next three years, ANRE shall take at least one of the following measures to ensure the execution of the investment in question, if the investment is still relevant on the basis of the latest 10-year network development plan:

- a) require the transmission system operator to execute the investment in question;
- b) organise a call for tenders for the investment in question open to all investors;
- c) oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.

(on 31-12-2021, Article 35 of Chapter IV, Title I was supplemented by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(7) Where ANRE has made use of its powers under paragraph (6) (b), it may oblige the transmission system operator to accept one or more of the following measures:

- a) financing by a third party;
- b) construction by a third party;
- c) the realisation of new assets by the operator itself;
- d) operation of the new asset by the operator itself.

(on 31-12-2021, Article 35 of Chapter IV, Title I was supplemented by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(8) The transmission system operator shall provide investors with all the information necessary to realise the investment, connect new assets to the transmission network and generally make every effort to facilitate the implementation of the investment project. The relevant financing measures shall be subject to approval by ANRE.

(on 31-12-2021, Article 35 of Chapter IV, Title I was supplemented by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(9) ANRE shall develop the necessary methodologies for recovering the investment costs referred to in paragraph (6), which are subject to the relevant tariff regulations.

(on 31-12-2021, Article 35 of Chapter IV, Title I was supplemented by Point 50, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 36

Obligations of the transmission system operator

(1) The transmission system operator shall provide the public transmission service to all users of the electricity transmission networks under non-discriminatory conditions, ensuring access to them to any applicant, under the conditions of law, and in particular avoiding discrimination in favour of affiliated economic operators, in compliance with the rules and performances laid down in the technical regulations in force.

(on 31-12-2021, paragraph 1 of Article 36, Chapter IV, Title I was amended by Point 51, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The transmission system operator may purchase services and trade in electricity for the following situations:

- a) to cover consumption on its own electricity grids and consumption sites, through transactions on the wholesale or retail markets;
- b) in order to maintain production-consumption balance, through sale-purchase operations in the balancing market, sale-purchase operations on the wholesale market or through sales/purchase operations with other transport operators from neighbouring countries, in accordance with the regulations in force and regulations adopted at European level, ACER's decisions and the like;
- c) to ensure the coupling mechanisms of the electricity markets to which Romania is a party;
- d) for counterparty trading, redispatching, imbalance netting.

(on 31-12-2021, paragraph 2 of Article 36, Chapter IV, Title I was amended by Point 52, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The transmission system operator may carry out sales-purchase operations of system services with transmission system operators from other countries of the European Union on the basis of European regulations facilitating the creation and development of regional markets, producers or customers, in accordance with the regulations issued by ANRE.

(on 31-12-2021, Article 36(3), Chapter IV, Title I was amended by Point 52, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) Transactions in electricity and system services shall be carried out on the basis of transparent and non-discriminatory procedures, through competitive mechanisms, in accordance with the regulations of the competent authority.

(5) The transmission system operator shall provide the system service under non-discriminatory conditions for all SEN users, ensuring operational management, in order to achieve operational safety, frequency and voltage stability, continuity in customer supply and coordination of electricity exchanges with other electricity systems.

(5¹) The transmission system operator shall not be permitted to refuse the connection to the grid on the basis of additional costs arising from the necessary increase in capacity of the system elements within the immediate perimeter of the connection point or the connection of a new generation facility or new energy storage facility by citing possible future limitations of available network capacities, for example congestion in remote parts of the transmission system. The transmission system operator shall provide all the necessary information for the connection.

(on 31-12-2021, Article 36 of Chapter IV, Title I was supplemented by Point 53, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(5²) The transmission system operator may limit the guaranteed connection capacity or offer connection conditions subject to operational limitations in order to ensure economic efficiency with regard to new generating installations or new energy storage facilities, provided that these limitations have been approved by ANRE.

(on 31-12-2021, Article 36 of Chapter IV, Title I was supplemented by point 53, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(5³) ANRE ensures that all guaranteed connection capacity limitations or operational limitations are introduced on the basis of transparent and non-

discriminatory procedures and do not create unjustified barriers to market entry. Then energy storage bears the costs of ensuring unlimited connection, no limitation applies. (on 31-12-2021, Article 36 of Chapter IV, Title I was supplemented by point 53, Article I of Official Gazette No 1259 of 31 December 2021)

(6) The transmission system operator may hold shares in companies established in the national territory or in other States with the principal purpose of allocating interconnection capacities and verifying network security at regional level, covering the territory of two or more States.

(7) The transmission system operator shall mainly carry out the following activities:

- ensure the long-term ability of the transmission system to meet reasonable demands for the transmission of electricity and operate, maintain, rehabilitate and develop the transmission system under economic conditions in order to ensure its safety, reliability and efficiency, while respecting environmental protection rules;
- ensure adequate means of discharging public service obligations;
- contribute to achieving security of supply by ensuring adequate transmission capacities and maintaining their reliability;
- ensure the management of energy flows in the transmission network, taking into account energy exchanges with other interconnected systems;

D¹) is responsible for ensuring a secure, reliable and efficient electricity system;

(on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 54, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

D²) ensure the use of all ancillary services, including those provided by demand response and energy storage facilities, to the extent available;

(on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 54, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

- procures system services for frequency stability and qualifies generators, demand response customers, energy storage facility operators and balancing service providers on the basis of an own procedure approved by ANRE;
- (on 31-12-2021, letter e) of paragraph 7, Article 36, Chapter IV, Title I was amended by Point 55, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- exchange information with other interconnected transmission system operators and other energy economic operators, in compliance with ENTSO-E regulations on information exchange protocols, reports, structure and procedures for access to databases;
- ensure the allocation of interconnection capacities, make available to participants the capacity allocation market, collect congestion-management revenues and make payments under the inter-transmission system operator compensation mechanism in accordance with European regulations granting and managing third-party access and providing reasoned explanations when refusing such access, without abusing, in the event of sale or purchase of electricity by related economic operators, commercially sensitive information obtained from third parties in the context of granting access to the network, under the supervision of ANRE;
- (on 31-12-2021, letter g) of paragraph 7, Article 36, Chapter IV, Title I was amended by Point 56, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- operates, maintains and develops the installations for measuring and metering the transfer of electricity through the electricity transmission networks and at the interface with the users of the electricity transmission networks belonging to it, the installations for measuring and metering electricity produced in the installations of users connected to the transmission electricity networks and located in the installations of users in the situations provided for in ANRE regulations, the IT and telecommunications installations in the electricity transmission networks related to the NES;
- (on 31-12-2021, Letter h) of paragraph 7, Article 36, Chapter IV, Title I was amended by Point 56, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- analyse and approve the fulfilment of the technical conditions for connection by the users of the electricity transmission networks, in accordance with the provisions of the technical regulations in force;
- ensure the transmission of the results of electricity measurements in accordance with ANRE regulations in order to achieve the settlement of imbalances of balance responsible parties, as well as the access of transmission service beneficiaries to check the measurement groups, namely the transmission to users of the results of the measurements of electricity produced in their installations;
- (on 31-12-2021, Letter j) of paragraph 7, Article 36, Chapter IV, Title I was amended by Point 57, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- carry out operational planning and operational management of the SEN at central and territorial level on the basis of its own forecast, in accordance with the legal regulations in force, giving priority to generating installations using renewable energy sources or producing electricity in high-efficiency cogeneration, in so far as the secure operation of the national electricity grid permits;
- authorise the staff carrying out the operational direction in accordance with the regulations in force;
- collect, record and archive statistical data on the functioning of the NES;
- draw up and submit to the approval of the competent authority the specific technical rules and regulations necessary to carry out the operational management activity, in consultation with electricity market participants;
- draw up, in accordance with the law, the NES defence plan and the plan for the restoration of the NES;
- (on 31-12-2021, letter o) of paragraph 7, Article 36, Chapter IV, Title I was amended by Point 58, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- develop studies, programmes and works on the development of the NES;
- develop and submit to the competent authority the rules on congestion management, including interconnection capacities, and rules for the attribution of interconnection capacities;
- organises and manages the electricity balancing market.
- prevents the discriminatory transfer of commercially sensitive information.

(on 04-10-2014, Article 36(7) of Law No 127 of 30 September 2014 was inserted by Article I(16) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

adopt a framework for cooperation and coordination between regional coordination centres;

(on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

- participate in the European and national resource adequacy assessment in accordance with Chapter IV of Regulation (EU) 2019/943;
- (on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- digitises transport systems;
- (on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- manage data, including those relating to the development of data management, cybersecurity and data protection systems, subject to applicable rules and without prejudice to the competences of other authorities;
- (on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- establish and publish transparent and efficient procedures for the non-discriminatory connection to the transmission system of new generating installations and new energy storage facilities, in accordance with ANRE regulations. Those procedures are subject to ANRE's approval;
- (on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- collects all transmission system tariffs, including network access charges and system service charges;
- (on 31-12-2021, Article 36(7), Chapter IV, Title I was supplemented by Point 59, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(7¹) The certified transmission system operator as an independent system operator shall be responsible for the operation, maintenance and development of the transmission network and for guaranteeing its long-term ability to meet reasonable demands through investment planning. As regards the development of the transmission network, the independent system operator shall be responsible for planning, including the authorisation procedure, construction and commissioning of the new infrastructure.

(on 04-10-2014, Article 36(17) was inserted by Article I(17) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(7²) In carrying out the tasks referred to in paragraph (7), the transmission system operator shall take into account the recommendations made by the regional coordination centres.

(on 31-12-2021, Article 36 of Chapter IV, Title I was completed by Point 60, Article I of the Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(8) In the event of a major failure which jeopardises the safety of the operation of the SEN, operator transport and the system may have available, for a limited period, use of the water reserve outside accumulation programmes, with an obligation to notify the competent authorities in water management.

(9) Restrictions on electricity supply in emergency situations shall comply with pre-defined criteria for the management of

imbalances by the transmission system operator. Any safety measures must be taken in close cooperation and in consultation with the other transmission system operators involved, in compliance with applicable bilateral contracts, information exchange agreements, European regulations and network codes. (on 31-12-2021, Article 36(9), Chapter IV, Title I was amended by Point 61, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(10) The transmission system operator shall publish the information on its own activities necessary for network users, in accordance with ANRE regulations, European provisions, in order to ensure efficient access to the network, effective competition and the efficient functioning of the energy market, preserve the confidentiality of commercially sensitive information obtained by them in the course of their business, including that obtained from third parties in the context of granting or negotiating access to the network, and shall not disclose any commercially sensitive information to the other parts of the economic operator, unless this is necessary for the purpose of concluding a commercial transaction.

(on 31-12-2021, Article 36(10), Chapter IV, Title I was amended by Point 61, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(11) Expenditure for the modification of electricity transmission facilities, as a result of connecting new users or changing the original energy characteristics of existing users, including the clearance of sites, shall be borne in accordance with the regulations in force.

(12) The transmission system operator shall allocate interconnection capacities on one or more borders together with other economic operators, including those registered in the territory of a Member State of the European Union or the Energy Community Treaty, under the terms of signing a Memorandum of Understanding between the Parties, endorsed by ANRE.

(13) The designated transmission system operator shall develop and submit to ANRE, for approval and publication, the specifications, characteristics and technical safety criteria, as well as the technical rules laying down the minimum requirements for the design and operation of the equipment connected to the energy system, in compliance with the applicable European legislation. These rules shall ensure the interoperability of the systems and shall be objective and non-discriminatory. Before being approved by ANRE, these rules are notified to the European Commission, in accordance with Government Decision No 1.016/2004.

on measures for the organisation and exchange of information in the field of technical standards and regulations and of rules on information society services between Romania and the Member States of the European Union, as well as the European Commission, as amended.

(on 04-10-2014, Article 36(13) was inserted by Article I(19) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(14) The transmission system operator shall be obliged to publish all costs relating to the operation, maintenance and development of the networks, in accordance with ANRE regulations.

(on 04-10-2014, Article 36(14) was inserted by Article I(19) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(15) In order to fulfil the obligation referred to in paragraph 7(e), the transmission system operator shall purchase balancing services, subject to the following conditions:

a) the use of transparent, non-discriminatory and market-based procedures in accordance with Regulation (EU) 2017/2.195, Regulation (EU) 2019/943 and ANRE regulations;

b) with the participation of electricity economic operators and market participants meeting the technical qualification conditions, including market participants providing renewable energy, market participants providing demand response services, operators of energy storage facilities and market participants involved in aggregation. ANRE and the transmission system operator, in close cooperation with all market participants, shall establish the technical requirements for participation in those markets, based on the technical characteristics of those markets.

(on 31-12-2021, Article 36 of Chapter IV, Title I was supplemented by point 62, Article I of Emergency Order No 143 of 28 December 2021, published in the MONITOR Official No 1259 of 31 December 2021)

(16) Carrier and system purchases the services system not having for the purpose of stability frequency from any participant in market, including market participants offering energy from sources renewable, participants in market which provides consumer services dispatchable,

operators of energy storage facilities and market participants engaged in aggregation, in accordance with transparent, non-discriminatory and market-based procedures approved by ANRE, in accordance with the provisions of paragraph (15), unless ANRE has also requested an exemption due to the fact that it has considered that the provision on the market of non-frequency services is not economically efficient.

(on 31-12-2021, Article 36 of Chapter IV Title I has been completed by Point 62, Article I of ORDER BY EMERGENCY No. 143 of 28 December

2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(17) The procurement of non-frequency system services shall not apply to fully integrated network components.

(on 31-12-2021, Article 36 of Chapter IV Title I has been completed by Point 62, Article I of ORDER BY EMERGENCY No. 143 of 28 December

2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(18) Carrier and the system coordinates with the operators of distribution to ensure optimal use of resources, to ensure the safe and efficient functioning of the system and to facilitate market development.

(on 31-12-2021, Article 36 from Chapter IV, Title I was supplemented by Paragraph 62, Article I of Emergency Order No. 143 of 28 December 2021, published in the MONITOR Official No 1259 of 31 December 2021)

(19) Carrier and the scheme is adequately remunerated for the purchase of ancillary services to be given allow to recover at least reasonable corresponding costs, including expenses necessary for information and communication technology; and costs infrastructure.

(on 31-12-2021, Article 36 from Chapter IV, Title I was supplemented by Paragraph 62, Article I of Emergency Order No. 143 of 28 December 2021, published in the MONITOR Official No 1259 of 31 December 2021)

Article 37

Tasks of the transmission system owner in the case of transmission system operators operating an electricity transmission network

(on 04-10-2014, the marginal name of Article 37 was amended by Article I(20) of Law No 127 of 30 September 2014 published in the MONITOR Official No 720 of 1 October 2014.)

(1) In the case of transmission system operators operating an electricity transmission network, transmission network owner:

a) cooperate with the transmission system operator in carrying out its tasks, providing all relevant information both it, as well as to ANRE, which monitors the exchange of information between the transmission system operator and the owner;

B) finances and/or agrees on the method of financing investments in the transmission electricity network, established by the transmission system operator and approved in advance by ANRE, which is required to carry out consultations with both the latter and the other interested parties;

c) responsible for the assets of the transmission network, except for liability on duties the transmission system operator;

d) provide guarantees to facilitate the financing of any extensions of the network, except for investments for which he has given his consent to be financed by any interested party, including the carrier; also of the system, in accordance with the provisions of subparagraph (b).

(on 04-10-2014, Article 37(1) was amended by Article I(20) of the LEGEA No 127 of 30 September 2014 published in Official Gazette No.

(2) The Competition Council, in close cooperation with ANRE, shall be empowered with the necessary powers to effectively monitor the compliance of the transmission network owner with its obligations under paragraph (1).

(3) The transmission network owner is not responsible for granting and managing third-party access and nlici for planning investments in the transmission network.

(on 04-10-2014, Article 37(3) was inserted by point 21 of Article I of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)

Article 38

Unbundling of the transmission network owner

(1) Where the transmission system owner is part of a vertically integrated economic operator, the transmission system owner shall be independent at least in terms of its legal status, organisation and decision-making from other activities not related to the transmission of electricity.

(2) In order to ensure the independence of the transmission network owner in accordance with paragraph 1, the following minimum criteria shall apply:

a) the persons responsible for the management of the transmission system owner may not be part of the structures of the integrated electricity economic operator responsible, directly or indirectly, for the day-to-day management of the generation, distribution and supply of electricity;

b) the persons responsible for the management of the transmission network owner shall act independently of any market interest in the performance of their duties;

c) the transmission network owner shall establish a compliance programme containing the measures taken to ensure that discriminatory practices are excluded and shall also establish specific obligations imposed on employees in order to achieve the objective of independence;

D) the transmission network owner designates a person or body, named/called compliance agent, to ensure monitoring adequate to comply with the compliance programme and submitting to ANRE, in December each year, a report on the measures taken. it will be published on the transmission system operator's website.

e) the transmission network owner and the transmission system operator, i.e. the remaining part of the economic operator referred to in paragraph (1) ~~shall~~ ~~common~~ services, excluding purely administrative or computer services;

(on 04-10-2014, point (e) of Article 38(2) was inserted by Article I(22) of Law No 127 of 30 September 2014 published in the MONITORUL Oficial No 720 of 1 October 2014.)

F) the transmission network owner shall preserve the confidentiality of commercially sensitive information which it has obtained in the course of carrying out its activities, shall prevent its discriminatory transfer and shall not disclose any commercially sensitive information to the other parties of the economic operator, unless this is required for the purpose of entering into a commercial transaction.

(on 04-10-2014, point (f) of Article 38(2) was inserted by Article I(22) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(3) The transmission network owner shall submit to ANRE for approval all draft contracts to be concluded with the operator of Transport and system, including those relating when using existing goods, as well as ~~c~~ ~~el~~ ~~or~~ upgraded as a investments in network Transport.

Article 39

Reporting of physical flows of electricity

The transmission system operator is obliged, according to ANRE regulations, to draw up, every 3 months, a report on the physical flows of electricity carried out in the context of electricity imports from third countries to the European Union during the last 3 months prior to the reporting date, which shall be sent to ANRE and to the relevant Ministry, with a view to informing the European Commission.

Article 40

Prohibitions on control of transmission system operators

indirectly, to exercise control or exercise any right in respect of separate transmission system operators from other States of the Union ~~operators~~ ~~performing any~~ Economic

of the activities of generation or supply of electricity shall be prohibited as direct or

European Union which applies the provisions of Article 9(1) of Directive 2009/72/EC.

Article 41

Prohibitions on the personnel of the Transmission System Operator

(1) The transmission system operator which was part of a vertically integrated economic operator and its staff transfer of commercially sensitive information held to any economic operator in the energy sector shall be prohibited electrical performing functions of production or supply.

(2) Persons exercising within the transmission system operator relevant functions under which they had access to commercial information sensitive have an obligation to preserve their confidentiality and cannot occupy similar functions in manufacturing economic operators and/or the supply of electricity, for a period of at least 4 years from the date of termination of the contractual relationship with the transmission ~~operator~~ ~~and~~ ~~accordance~~ with the terms laid down and regulated in the individual employment contract.

(on 31-12-2021, paragraph 2 of Article 41, Chapter IV, Title I was amended by Point 63, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(on 04-10-2014, Article 41 was amended by Article I(23) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 42

Prohibitions

For the protection of transport facilities, it shall be prohibited for natural or legal persons to:

a) to carry out constructions of any kind in the safety zone of the electricity transmission networks, without the location approval of the transmission system operator and/or without compliance with the conditions/limitations laid down therein;

(on 30-07-2020, Letter a) of Article 42, Chapter IV, Title I was amended by Paragraph 27, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

b) to carry out excavations of any kind or to establish plantations or forest vegetation in the safety zone of the electricity transmission networks without the consent of the transmission system operator;

(on 30-07-2020, Letter b) of Article 42, Chapter IV, Title I was amended by Paragraph 27, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

c) store material in the passageways and in the protection and safety zones of installations without the consent of the transmission system operator;

d) to throw objects of any kind on, or otherwise interfere with, the electrical transport networks;

e) damage the constructions, enclosures or identification and warning inscriptions of transport installations;

f) limit or restrict the access of the transmission system operator to installations by means of fencing, by construction or by any other means.

Article 43

Designated electricity market operator

(1) The designated electricity market operator shall ensure the organisation and management of intraday coupled and day-ahead coupled market.

(2) The designated electricity market operator shall not be permitted to disclose information relating to its electricity transactions obtained in the course of its business other than under the conditions laid down by law.

(3) Prices and quantities established as a result of transactions carried out on the intraday market and on the day-ahead market shall be made public in accordance with ANRE regulations.

(4) The designated electricity market operator shall be entitled to charge tariffs corresponding to the services provided for the performance of the activities referred to in paragraph 1.

(5) The designated electricity market operator shall be entitled to recover through tariffs the costs incurred, where they are efficiently incurred, are reasonable and proportionate.

(6) The tariffs applied by the designated operator of the electricity market, referred to in paragraphs (4) and (5), shall be established on the basis of the methodology approved and published by ANRE. The justified costs of those activities and a reasonable share of profit will be taken into account in their calculation.

(on 31-12-2021, Article 43 of Chapter IV, Title I was amended by point 64, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

Article 44

Distribution of electricity

(1) The distribution of electricity shall be carried out by the distribution system operator, a legal person, a license holder or exempted from licensing in accordance with the provisions of art. 10 par. (4²).

(on 30-07-2020, paragraph 1 of Article 44, Chapter IV, Title I was amended by Paragraph 28, Article I of Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(2) Distribution system operators shall provide services to all users of electricity distribution networks, under non-discriminatory conditions, ensuring access to them to any applicant who meets the requirements of this Law, in compliance with the rules and performance standards laid down in the technical regulations in force.

(3) Electricity distribution networks shall be delineated from generating installations or transmission electricity networks and from those of final customers at the asset delimitation points.

(4) The land on which the electricity distribution networks existing at the time of the entry into force of this Law are situated are and remain the public property of the State.

(5) An exception to paragraph (4) is the land for which the distribution operator, license holder, has acquired the right of ownership, under the conditions of the law.

(6) The electricity distribution networks shall be developed on the basis of the principles of economic efficiency, in compliance with planning plans, the right to property, the protection of the environment, the health and life of persons and energy saving, in accordance with the technical and safety standards contained in the

technical regulations in force.(7) Expenditure for the modification of electricity distribution facilities, following the connection of new users or the change issued by the competent authority, on the basis of objective criteria.

the initial energy characteristics of existing users, including for the clearance of sites, are supported according to the regulations

(8) If the expenses referred to in paragraph (7) are borne by the customer, the resulting energy capacities shall be taken over by the distribution operator with compensation, according to a methodology approved by ANRE, within 60 days from the date of entry into force of this Law.

(9) Until the date of entry into force of the regulations issued by the competent authority, the costs of modifying installations shall be borne by the person who gave rise to the change.

(10) The distribution system operator shall be obliged to:

- a) provide a solution to connect all applicants to the grid;
- b) communicate the connection conditions;
- c) connect all applicants to the distribution system.

(on 19-12-2020, paragraph 10 of Article 44, Chapter IV, Title I was amended by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(11) Restricting access to the network for applicants as electricity consumers or generators is prohibited outside the conditions laid down by law. (on 19-12-2020, Article 44 of Chapter IV, Title I was supplemented by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

Article 44¹

Nature of the distribution activity

The activity of electricity distribution, with the exception of that carried out through closed distribution systems, constitutes a public service of general interest.

(on 04-10-2014, Article 44¹ was inserted by Article I(24) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 45

Distribution system operator

(1) The distribution system operator shall have the following main tasks:

- a) operate, refurbish, rehabilitate and develop the electricity distribution networks, in compliance with the technical regulations in force, under economic conditions, as well as in compliance with environmental protection legislation and the promotion of energy efficiency, so as to ensure the long-term ability to meet reasonable demands for connection to the distribution network;
(on 04-10-2014, point (a) of Article 45(1) was amended by Article I(25) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.) a¹ ensures the purchase, installation, sealing, checking, reading and, where applicable, replacement of the groups measuring the electricity produced, located in the users' installations, according to ANRE regulations;
(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 65, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- b) ensure the transit of electricity through the electricity distribution networks, at the request of and with the information of the transmission system operator, for those areas of the country where there is insufficient capacity through the transmission networks, for the removal of power from power plants, including cogeneration power plants, for connection to the electricity system of a neighbouring country, provided that there is a bilateral agreement to that effect, in the event of impacts in the NES and the execution of operation and maintenance works or new works on the transmission networks, which make the transmission networks in the area temporarily unavailable;
- c) develop, in consultation with the relevant network users and the transmission system operator, a transparent electricity distribution network development plan, which shall be published together with the results of the public consultation process at least every two years and submitted to ANRE for approval, together with the results of the public consultation process. The electricity distribution network development plan shall provide transparency on the necessary flexibility services in the medium to long term and set out at least the planned investments for the next five to ten years, with a particular focus on the main distribution infrastructure needed to connect new generation capacity and new customers, including recharging points for electric vehicles. The electricity distribution network development plan shall include, but not be limited to, the use of demand response, energy efficiency, energy storage facilities or other resources that the distribution system operator must use as an alternative to system expansion;
(on 31-12-2021, letter c) of paragraph 1, Article 45, Chapter IV, Title I was amended by Point 66, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- d) ensure operational management in accordance with the distribution licence, giving priority in dispatch to generating installations using renewable energy sources or generating electricity in high-efficiency cogeneration, insofar as the secure operation of the national electricity grid permits;
- e) disseminate, in a non-discriminatory manner, in accordance with data protection rules, information relating to their own activities necessary for network users and shall not be permitted to disclose commercially confidential information obtained in the course of its business. To this end, the compliance programme referred to in Article 48(2)(d) must include specific measures to exclude discriminatory access to data by eligible parties, as provided for in Article 63¹2;
(on 31-12-2021, letter e) of paragraph 1, Article 45, Chapter IV, Title I was amended by Point 67, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- f) subject to the approval of the transmission system operator the schedule of planned repairs and maintenance works in installations with a nominal 110 kV line voltage;

g) monitor the operational security of the distribution grids as well as the performance indicators of the distribution service.

h) purchase products and services necessary for the efficient, reliable and secure operation of the electricity distribution network and for measuring electricity produced from renewable energy sources in users' facilities. The rules adopted by the distribution system operator for this purpose shall be objective, transparent and non-discriminatory and shall be developed in coordination with the transmission system operator and other relevant market participants. The terms and conditions, including rules and tariffs, where applicable, applicable to the provision of such products and to the provision of such services by distribution system operators shall be established in a non-discriminatory manner and shall take into account costs and shall be published on the distribution system operator's website;

(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 68, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

i) in carrying out the tasks referred to in point h), the distribution system operator shall procure non-frequency system services which are necessary for its network in accordance with transparent, non-discriminatory and market-based procedures, unless ANRE has determined that the market-based provision of non-frequency ancillary services is not cost-effective and has granted a derogation. The obligation to procure non-frequency ancillary services does not apply to fully integrated network components;

(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 68, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

j) cooperate with the transmission system operator, in accordance with Article 57 of Regulation (EU) 2019/943 and Article 182 of Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation, for effective participation in retail, wholesale and balancing markets for market participants connected to their network. The provision of balancing services resulting from resources located in the distribution electricity grid shall be agreed with the transmission system operator;

(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 68, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

k) approves the connection to the electricity distribution networks of private and publicly accessible recharging points, in accordance with ANRE regulations;

(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 68, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

l) acts as a neutral market facilitator in purchasing the energy it uses to cover energy losses in the system, in accordance with transparent, non-discriminatory and market-based procedures, in compliance with ANRE regulations;

(on 31-12-2021, paragraph 1 of Article 45, Chapter IV, Title I was supplemented by Point 68, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(1¹) The distribution operator is not allowed to own, develop, to administer or exploit points by reloading for vehicles electrical, unless the operator of distribution holds recharging points for your own use only.
(on 31-12-2021, Article 45 of Chapter IV, Title I was completed by Point 69, Article I of the Order BY EMERGENCYNo. 143of 28 December 2021, published in OFFICIAL MONITOR No. 1259 of 31 December 2021)

(2) For the purpose of carrying out the tasks referred to in paragraph (1), the distribution system operator may discontinue the operation of the installations for the time strictly necessary for the planned maintenance and repair works, with prior announcement of the users of the distribution system.

(3) In the cases referred to in paragraph (1)(h) and (i), the distribution system operator shall ensure the conditions for the effective participation of all

market participants, based on transparent and non-discriminatory procedures, respecting the competition mechanisms approved by ANRE. The distribution system operator may also participate in the wholesale electricity market only for transactions necessary to cover its technological consumption of the electricity distribution networks and for its own consumption facilities on the basis of transparent and non-discriminatory procedures, in compliance with the competitive mechanisms approved by ANRE.

(on 31-12-2021, Article 45(3), Chapter IV, Title I was amended by Point 70, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) The tasks relating to the development of the distribution system referred to in paragraph (1) (a) to (c) shall not apply to the operator of a closed distribution system.

(5) The distribution system operator has the obligation to carry out works on the construction/rehabilitation/rehabilitation/upgrading of the electricity networks in order to increase the quality of the electricity distribution service. For this purpose and in order to adopt the most efficient technical solutions, the technical equipment may be located on the public domain, in intra-Villan areas in underground or above ground constructions, without affecting public circulation, in compliance with the applicable technical regulations and the standardised technical conditions in force for the location of the building networks.

(6) The situations existing on the date of entry into force of this Law, contrary to the provisions of paragraph (5), shall be settled by the distribution system operator within 60 days from the date of receipt of a request to that effect from the entitled persons.

(7) By way of derogation from paragraph (1')1, ANRE may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if all of the following conditions are met:

a) following an open, transparent and non-discriminatory tendering procedure, subject to review and approval by ANRE, either other parties have not been granted the right to own, develop, manage or operate recharging points for electric vehicles, or those other parties are unable to provide those services at a reasonable cost and in a timely manner;

b) ANRE carried out an ex-ante analysis of the conditions of the tendering procedure under point (a) and gave its approval;

c) the distribution system operator shall operate recharging points on the basis of third party access to the network in accordance with Article 25 and shall not discriminate between users or categories of network users, in particular in favour of its related undertakings.

(on 31-12-2021, Article 45 of Chapter IV Title I it was completed by Point 71, Article I of ORDER BYEMERGENCY No.143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(8) ANRE may draw up guidelines or procurement clauses for help distribution system operators to ensure a tender procedure that's right.

(on 31-12-2021, Article 45 of Chapter IV Title I it was completed by Point 71, Article I of ORDER BYEMERGENCY No.143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(9) In the event of implementation of the conditions laid down in paragraph (7), ANRE shall conduct, at regular intervals or at least every five years, a public consultation in order to reassess the potential interest of other parties to own, develop, operate or manage recharging points for electric vehicles. Where the public consultation reveals that there are third parties that may own, develop, operate or manage such points, ANRE shall ensure the gradual cessation of the activities carried out by distribution system operators in this field, subject to the successful completion of a tendering procedure referred to in paragraph (7) (a). Under the conditions of that procedure, ANRE may allow the distribution system operator to recover the residual value of the investment in the recharging infrastructure.

(on 31-12-2021, Article 45 of Chapter IV, Title I was supplemented by Point 71, Article I in ORDONANCE Emergency No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(10) In the case of the final household customer, in order to issue the regularisation invoice, operator of distribution has obligation to ensure

the customer's measurement group index at a maximum time interval of 3 months.

(on 31-12-2021, Article 45 of Chapter IV, Title I was supplemented by Point 71, Article I in ORDONANCE Emergency No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(11) In case of change of supplier/aggregator by the final customer, the network operator has obligation to read index the measuring equipment and the transmission of consumption data to the current supplier/aggregator and to the new supplier/aggregator in the period between the date of submission of the notification of the change of supplier and the date of the actual change of supplier in case the final customer does not submit the self-read index by the date established in accordance with ANRE regulations.

(on 31-12-2021, Article 45 of Chapter IV Title I has been completed by Point 71, Article I of ORDER BYEMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(12) The format for the presentation of the data and the procedure for access by suppliers, aggregators and consumers on this data are regulated by

ANRE. No additional costs can be charged to customers for this service.

(on 31-12-2021, Article 45 of Chapter IV Title I has been completed by Point 71, Article I of ORDER BYEMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

Article 45'1

Incentives for the use of flexibility in distribution networks

(1) ANRE develops the regulatory framework to incentivise distribution system operators to purchase flexibility services, including congestion management in the regions they serve, with a view to improving efficiency in exploitation and development distribution system.

(2) Distribution system operators may purchase the services referred to in paragraph 1 from entities providing distributed generation, consumption services dispatchable or energy storage and promotes the taking of energy efficiency measures, where such services reduce in a way cost-effective need to upgrade or replace electricity capacities and support operation efficient and safe distribution system.

(3) Distribution system operators shall purchase the services referred to in paragraph 1 in accordance with transparent, non-discriminatory and market-based regulations.

(4) ANRE shall develop specifications for purchased flexibility services and, where appropriate, standardised market products for such services at least at national level.

(5) Distribution system operators shall exchange all necessary information between themselves and coordinate with transmission system operators to optimize the use of resources to ensure the efficient and secure functioning of the system and to facilitate market development.

(6) Distribution system operators shall be adequately remunerated for the purchase of such services to enable them to recover at least appropriate reasonable costs, including expenditure on the necessary information and communication technologies and infrastructure costs.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 72, Article I of Emergency Order No. in Official 143 of 28 December 2021, published in Gazette No 1259 of 31 December 2021)

Article 46

Obligations of the distribution system owner

(1) Any person who owns or uses an electrical distribution network on the date of entry into force of this Law shall be obliged to provide access to the system, in accordance with the regulations of the competent authority.

(2) If the holder of the electricity distribution system is unable to provide the distribution service or to grant the required power increment, for users connected to that system, it is obliged to hand over the network, for free use in operation, within 15 days from the date on which it is established that it is impossible to provide the distribution service or to grant the requested power allowance, until it is legally taken over, to the concessionaire operator, a licence holder in the area where that electricity network is located, and the latter is required to provide the distribution service to its users.

(on 30-07-2020, paragraph 2 of Article 46, Chapter IV, Title I was amended by Paragraph 30, Article I of Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(2'1) In the situation referred to in paragraph 2 in which the ownership of the electricity distribution system cannot be established, the concessionaire distribution operator, the licence holder in the area where the electricity network concerned is located, shall be required to provide the distribution service to its users, pending the identification of the owner of the system concerned.

(on 30-07-2020, Article 46 of Chapter IV, Title I was supplemented by Paragraph 31, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(2'2) Where the owner of a public-interest distribution system located in the concession area of a concessionary distribution system intends to dispose of the distribution system or in the situation referred to in paragraph 2, it shall make an offer for sale to the concessionaire operator at a justified amount which may not exceed the net book value of the component assets. Where the value cannot be demonstrated by accounting documents, the network owner may request certification of its value by an independent authorised expert who also takes into account its technical status.

(on 31-12-2021, paragraph 2.2 of Article 46, Chapter IV, Title I was amended by Point 73, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2'3) The concessionaire distribution operator has the obligation to purchase based on economic efficiency criteria taking into account the technical condition, according to ANRE regulations, strictly the network elements necessary to ensure the continuity of electricity supply to customers already connected within 120 days from the date of notification of the purchase value to the owner.

(on 31-12-2021, Article 46 of Chapter IV, Title I was supplemented by point 74, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(3) Where the distribution system is not owned by the distribution system operator, the distribution system owner shall have the

following obligations:

- a) cooperate with the distribution system operator in the performance of its tasks by providing it with all relevant information;
- b) cooperate with ANRE and the distribution system operator in establishing the investments in the distribution network, the method of financing them, as well as the transfer of the distribution service to another licensed distribution system operator;
- c) holds responsibility for the assets of the distribution network, except for liability for the functions of the distribution system operator;
- d) facilitate the financing of possible network expansions, with the exception of investments for which it has given its consent to be financed by any interested party, including the distribution system operator.

Article 46¹

- (1) Distribution system operators shall not have the right to own, develop, manage and operate energy storage facilities.
- (2) By way of derogation from paragraph (1), ANRE may allow distribution system operators to own, develop, manage or operate energy storage facilities that are fully integrated network components and have been approved by ANRE or if all of the following conditions are met:
- a) following an open, transparent and non-discriminatory tendering procedure, subject to review and approval by ANRE, other parties have not been granted the right to own, develop, manage or operate such facilities or those other parties are unable to provide those services at a reasonable cost and in a timely manner;
 - b) such facilities are necessary in order for distribution system operators to fulfil their obligations under this Law for the efficient, reliable and secure operation of the distribution system and the installations are not used to buy or sell electricity on electricity markets;
 - c) ANRE assessed the need for such an exception and carried out an assessment of the tender procedure, including the conditions of that procedure, and gave its approval. ANRE may draw up guidelines or procurement clauses to help distribution system operators ensure a fair tendering procedure.
- (3) ANRE shall conduct, at regular intervals or at least every five years, a public consultation on existing energy storage facilities in order to assess the potential availability and interest in investing in such facilities. When the public consultation, assessed by ANRE, reveals that there are third parties that can own, develop, operate or manage such facilities in a cost-effective manner, ANRE shall ensure the gradual cessation of the activities of distribution system operators in this field within 18 months. Under this procedure, ANRE may allow distribution system operators to receive reasonable compensation, in particular to recover the residual value of their investment in energy storage facilities.
- (4) The provisions of paragraph (3) shall not apply to fully integrated network components or to the usual depreciation period of new battery storage facilities for which a final investment decision is taken by 4 July 2019, provided that such battery storage facilities:
- a) be connected to the network in the next two years;
 - b) be integrated into the distribution system;
 - c) be used exclusively for reactive instantaneous restoration of network security in case of network contingencies, if such a restoration measure starts immediately and ends when regular redispatching can resolve the situation;
 - d) not be used to buy or sell electricity in electricity markets, including balancing.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 75, Article I of Emergency Order No. in Official Gazette No 1259 of 31 December 2021) 143 of 28 December 2021, published

Article 47

Limitation or interruption of supply

- (1) The distribution system operator shall be entitled to switch off the electricity supply in the following situations:
- a) when life, human health or the integrity of material property is endangered;
 - b) to prevent or limit enlargement of damage to energy equipment, network areas electrically or the level of the entire NES;
 - c) for the execution of manoeuvres or works what cannot be done without interruptions;
 - d) in the case of electricity absconding; cut-off measure in the power supply will be taken after sampling and proof necessary, immediately if there is no supply contract concluded with a supplier at the place of consumption, or after a final court ruling where there is a supply contract concluded with a supplier at the place of consumption.
- (on 30-07-2020, paragraph 1 of Article 47, Chapter IV, Title I was supplemented by Paragraph 32, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- (2) The distribution system operator shall be obliged to notify the users affected by the planned interruptions, i.e. their suppliers, in the manner laid down in the contracts and to communicate the planned duration of interruptions necessary for the performance of maintenance and repairs.
- (3) The distribution system operator shall be liable for damage caused to users by its fault.
- (4) The supply regulation lays down the conditions under which, in exceptional circumstances, power supply may be electricity of final customers limited or interrupted.

(5) For the situations referred to in paragraph (1), the distribution system operator shall not act to interrupt the supply of electricity to final customers, on a voluntary basis, before taking all the necessary technical measures to avoid endangering life and health of individuals, in order to protect the environment and ensure the integrity of material goods, in compliance with the regulations in force.

(on 30-07-2020, Article 47 of Chapter IV, Title I was supplemented by Paragraph 33, Article I of Law No 155 of Official Gazette No 665 of 27 July 2020) 24 July 2020, published in

Article 48

Unbundling of distribution and supply activities

- (1) Where the distribution system operator is part of a vertically integrated economic operator, it shall be independent at least in terms of its legal form, organisation and decision-making, from other activities not related to distribution. This rule does not create an obligation to unbundle the assets of the distribution system operator from the vertically integrated economic operator.
 - (2) In addition to the requirements laid down in paragraph 1, where the distribution system operator is part of a vertically integrated economic operator, it shall be independent in its organisation and decision-making process from other activities not related to distribution. To this end, the following minimum criteria should be applied:
 - a) the persons responsible for the management of a distribution system operator may not be part of the structures of the integrated electricity undertaking which are responsible, directly or indirectly, for the day-to-day management of the activities of generation, distribution or supply of electricity;
- (on 31-12-2021, letter a) of paragraph 2, Article 48, Chapter IV, Title I was amended by point 76, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- b) appropriate measures must be taken to ensure that the professional interests of the persons responsible for the management of the distribution system operator are taken into account in such a way that they are able to act independently;
- (on 31-12-2021, letter b) of paragraph 2, Article 48, Chapter IV, Title I was amended by point 76, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- c) the distribution system operator shall have the right to take decisions, effectively independent from the vertically integrated economic operator, on the assets necessary for the operation, maintenance or development of the network. It shall be prohibited for the parent company to give any instructions concerning the activity of distribution or to take individual decisions aimed at constructing or rehabilitating distribution energy capacities. The distribution system operator shall not exceed the conditions laid down in the approved financial plan and shall be without prejudice to the rights of the parent company from economic supervision and supervision of the return on assets of a subsidiary, the right to approve the annual financial plan or any instrument equivalent thereto, and the right to set general limits on the level of indebtedness of its subsidiary. The distribution system operator is obliged to publish all costs relating to the operation, maintenance and development of the network, in accordance with ANRE regulations;
- (on 04-10-2014, point (c) of Article 48(2) was amended by Article I(26) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1
- d) operator by distribution establish a compliance programme containing the measures taken to ensure exclusion discriminatory practices and establishes obligation specific requirements imposed on employees in order to achieve the objective of independence;
 - e) operator by distribution designate a person or body, named/called compliance officer, who ensure adequate monitoring of compliance with the compliance programme and submitting to ANRE, in December each year, a report on the measures taken to be published on the distribution operator's website. The compliance officer of the distribution system operator shall be fully independent and shall have access to all information of the distribution system operator or any related economic operator which is necessary for the performance of its tasks.
- (3) Vertically integrated economic operators providing services to fewer than 100,000 connected customers or serving small, isolated systems shall not be required to implement the measures referred to in paragraphs (1) and (2).
- (4) The distribution system operator shall be required to preserve the confidentiality of commercial information obtained in the course of its business.
- (5) The distribution system operator shall be obliged to prevent the discriminatory disclosure of information relating to its own business, which may be commercially advantageous.
- (6) In order to fulfil the obligations laid down in paragraph (2)(c), the distribution system operator must have at its disposal the necessary resources, which
- October 2014.)

include human, technical and financial resources.

(7) In carrying out economic activity, including communication and advertising, the distribution system operator shall be obliged not to create competition vis-à-vis the economic operator performing the electricity supply service within the economic operator vertically integrated.

(8) ANRE monitors the activity of the distribution system operator which is part of a vertically integrated economic operator, taking measures to avoid or eliminate any practices distorting competition.

Article 49

Prohibitions

(1) For the protection of electricity distribution networks, natural and legal persons shall be prohibited:

a) carry out constructions of any kind in the safety zone of the electricity distribution networks, without the location consent of the distribution system operator and/or without compliance with the conditions/limitations laid down therein;

(on 30-07-2020, Letter a), paragraph 1 of Article 49, Chapter IV, Title I was amended by Paragraph 34, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

b) to carry out excavations of any kind or to establish plantations or forest vegetation in the safety zone of the electricity distribution networks without the consent of the distribution system operator;

(on 30-07-2020, letter b), paragraph 1 of Article 49, Chapter IV, Title I was amended by Paragraph 34, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

c) store material in the passageway and in the protection and safety zones of the installations, without the agreement of the distribution system operator;

d) to throw objects of any kind on, or otherwise interfere with, the electrical distribution networks;

e) damage the constructions, enclosures or identification and warning inscriptions of the electrical distribution networks;

f) limit or restrict access to installations by the distribution system operator by means of fencing, by construction or by any other means.

(2) Where the distribution system operator establishes the existence of acts or facts of the kind referred to in paragraph 1, it shall be entitled to take all necessary measures to restore or correct the initial factual situation.

(on 30-07-2020, Article 49 of Chapter IV, Title I was supplemented by point 35, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 50

Closed distribution system

(1) The closed distribution system shall be the system by which electricity is distributed in a geographically limited industrial, commercial or common service area which, notwithstanding the provisions of paragraph 4, does not supply household customers if:

a) for specific technical or security reasons, the activities or production process carried out by the users of that system are integrated; or
b) that system distributes electricity, mainly to the owner of the distribution system, to its operator or to economic operators related to them.

(2) The operator of a closed distribution system shall not be subject to:

a) obligations to purchase the electricity it uses to cover its technological self-consumption and non-frequency system services in its system according to transparent, non-discriminatory and market-based procedures;

b) the obligation for tariffs or the methodologies underlying their calculation to be approved before the entry into force;

c) the obligation to purchase flexibility services provided for in Article 4 5^o 1 and the obligation laid down in Article 45(1) (c) for the distribution system operator to develop its distribution systems on the basis of network development plans;

d) the obligation laid down in Article 45(1^o) of not owning, develop, manage or operate recharging points for vehicles electrical;

e) the obligation laid down in Article 4 6^o 1 (1) of not owning, develop, manage or operate energy storage facilities;

(on 31-12-2021, paragraph 2 of Article 50; Chapter IV Title I was amended by point 77, Article I of the Order Emergency No.143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(3) Tariffs for the distribution service in a closed distribution system or the methodologies underlying their calculation may also be approved and revised by ANRE, at the request of a user of the closed distribution system.

(4) The provisions of paragraph 2 shall also apply where household customers are located in the area served by a closed distribution system only if their annual consumption is less than 5 % of the annual consumption of the closed system and if they are in an employment relationship or in a form of association with the owner of the distribution system.

(5) If an economic operator considers that the distribution system it operates falls within a closed distribution system, it may request ANRE to confirm that distribution system as a closed distribution system by decision. ANRE shall confirm by decision the classification of a distribution system as a closed distribution system if the requirements laid down in paragraphs (1) and (4) are met.

(on 31-12-2021, Article 50(5), Chapter IV, Title I was amended by Point 78, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6) Economic operators operating closed distribution systems falling within the provisions of paragraph (1) shall be entitled to provide the distribution service without a licence on the basis of the decision referred to in paragraph (5).

(on 30-07-2020, Article 50 of Chapter IV, Title I was supplemented by point 36, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 51

Electrification of municipalities and expansion of electricity distribution networks

(1) In the performance of the concession contract, at the request of the local or central public administration authorities, on the basis of regional development and urban planning plans, the distribution operator shall be obliged to ensure the development and financing of the distribution network for the electrification of localities or for the extension of distribution networks to the area covered by the concession or licence agreement which it holds.

(2) If the execution of the investments referred to in paragraph (1) is not economically justified for the distribution operator, they shall be done by co-financing from the own funds of the distribution operator, from funds of local budgets and from the state budget in accordance with the law, as well as by funds of the natural and legal persons who requested the connection to the network in that area, in accordance with ANRE regulations.

(on 19-07-2018, paragraph 2 of Article 51, Chapter IV, Title I was amended by point 2, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3) The assessment of the conditions for financing the investments referred to in paragraphs (1) and (2) shall be determined by the distribution system operator on the basis of a feasibility study carried out within a maximum of 60 days from receipt of the request, in accordance with a methodology approved by ANRE.

(3^o1) The distribution operator shall be obliged to repay the amount invested by the applicant in accordance with the provisions of paragraph (2), within the limit of the economic efficiency ratio of the investment, in accordance with the regulations adopted by ANRE.

(on 30-07-2020, Article 51 of Chapter IV, Title I was supplemented by point 37, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(3^o2) The distribution operator is required to ensure, within the limits of the annual investment plans, the financing and execution of the modernisation/extension works of the distribution system in order to connect all applicants within the concession area, in conditions of economic efficiency. Distribution system operators shall draw up annual investment plans taking into account also ATU requests for regional or local development and urban planning plans.

(on 31-12-2021, paragraph 3^o2) of Article 51, Chapter IV, Title I was amended by Point 79, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3^o3) By way of exception to the provisions of paragraph (3^o2) and in accordance with the provisions of ANRE regulations, applicants may ensure the financing of the extension works of the electricity distribution network, and at the end of the works the distribution system operator shall return the amount due, within a specified period of time, in accordance with ANRE regulations, taking into account the provisions of paragraphs (3^o1) and (3^o2).

(on 31-12-2021, paragraph 3(3) of Article 51, Chapter IV, Title I was amended by Paragraph 79, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3^o4) For applications for connection and connection of applicants, the distribution system operator shall, in accordance with ANRE regulations, issue to the applicant a technical advice for connection including the technical connection solution. The applicant has the right to freely choose any economic operator authorised by ANRE for the design and execution of the connection and/or connection. In order to ensure the quality of the execution works and the commissioning of the connection/brochure, the applicant or the economic operator designated by the applicant for design/execution shall have the obligation to conclude a connection agreement with the distribution system operator. The commissioning of the connection/brochure and the installation of measuring devices/equipments will be carried out within the terms and conditions laid down by ANRE regulations.

(on 31-12-2021, paragraph 3^o4) of Article 51, Chapter IV, Title I was amended by Paragraph 79, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3^o5) In the case of household customers connected to the low network, the distribution operator shall reimburse to the applicant the actual value of the

works for the design and execution of the connection, up to an average value of a connection, established according to a methodology approved by ANRE. The assets resulting from the connection works shall be the property of the distribution operator from the moment of commissioning, by virtue of this Law, to the amount repaid to the household customer. These assets are recognised by ANRE as part of the regulated asset base if the date of full repayment coincides with the date of commissioning of the connection facility. The average value of the connection does not include the costs of restoring the building infrastructure.

(on 31-12-2021, paragraph 3⁵) of Article 51, Chapter IV, Title I was amended by Point 79, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3⁶) In the case of non-household customers, the value of the connection works, including the design of the connection/branchage, carried out in accordance with paragraph (3⁴), shall be fully supported by them. The assets resulting from the connection works shall form part of the assets of the distribution operator from the moment of commissioning, by virtue of the present law, without being recognised by ANRE as part of the basis of the regulated assets. (on 31-12-2021, Article 51 of Chapter IV, Title I was supplemented by Point 80, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(4) For the development of programmes for electrification of municipalities and the expansion of networks by energy distribution electric, authorities

the local public administration and the ministries involved will respond within 60 days of receipt of requests operator of transport and system, as well as distribution system operators, to carry out medium to long-term network development plans.

(5) Municipalities which, for technical or economic reasons, are not connected to the NES may be supplied with electricity through isolated electricity systems, taking into account also the available renewable energy resources at local level.

(on 30-07-2020, paragraph (5) of Article 51, Chapter IV, Title I a form modified b Point 38, pot I of LAW No. 155 of 24 July 2020, published in Official Gazette no. 665 of 27 July 2020)

(6) The selling price of electric energy is determined by the ANRE, on the basis of the costs of production, distribution and sale of electricity, taking into account a reasonable share of the profit.

(on 30-07-2020, paragraph 6 of Article 51, Chapter IV, Title I a form modified b Point 38, pot I of LAW No. 155 of 24 July 2020, published in Official Gazette no. 665 of July 2020)

Article 52 Electricity supply

(1) For the supply of electricity to customers, a contract is concluded in accordance with the legal provisions in force.

(2) Suppliers shall be free to determine the price at which they supply electricity to customers, except in cases expressly covered by this law.

(3) The electricity supplied to the customer shall be invoiced by the supplier, in accordance with the regulations issued by ANRE and the legal provisions in force. The consumption and supply of electricity without the conclusion of the supply contract shall be prohibited, except in the circumstances covered by the law issued by ANRE;

(on 31-12-2021, Article 52 of Chapter IV, Title I was amended by point 81, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

Article 53

Supplier of last resort

(1) Suppliers of last resort shall be appointed by ANRE from among existing suppliers on the energy market, through competitive mechanisms, on the basis of a regulation setting out the modalities and criteria for their selection.

(2) The supplier of last resort shall ensure, in accordance with the regulations issued by ANRE, the supply of electricity to final customers who have no longer ensured the supply of electricity from any other source due to the fact that the supplier is in a position to withdraw its supply licence during the course of its activity or in any other situation identified by ANRE in which the final customers have not ensured the supply of electricity from any other source, except for customers disconnected for electricity absconding or non-payment, in accordance with the regulations issued by ANRE.

(3) The supply of electricity by suppliers of last resort is based on contracts drawn up and approved by ANRE.

(4) The transition of a customer in one of the situations referred to in paragraph (2) to the provider of last resort shall be made in accordance with the regulations issued by ANRE, without the need to sign a supply contract.

(5) In the event of a change of supplier as a result of switching to the supplier of last resort under the conditions laid down in paragraph (2), the network operator to which the demand facility is connected shall ensure continuity in its electricity supply and the electricity and services related to the supply under such conditions shall be borne through the supplier of last resort.

(on 31-12-2021, Article 53 of Chapter IV, Title I was amended by point 82, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

Article 54

Universal service

(2) Electricity suppliers who have concluded contracts in the competitive market with household customers are required to publish, according to

(1) The universal service shall be provided by electricity providers on the basis of a framework contract drawn up and approved by ANRE.

this is from a customer who is entitled to universal service. ANRE regulations, universal service offers and to conclude electricity supply contracts if they receive a request in (on 31-12-2021, Article 54 of Chapter IV, Title I was amended by Point 83, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 55

Repealed.

(on 31-12-2021, Article 55 of Chapter IV, Title I was repealed by Point 84, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 56

Repealed.

(on 31-12-2021, Article 56 of Chapter IV, Title I was repealed by Point 84, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 57

Obligations of the supplier

(1) The supplier/distribution operator must inform the final customers, both through the single points of contact and the website, in accordance with ANRE regulations, and by means of the invoice or documents attached thereto, as well as promotional materials, about their rights, the legislation in force and the means of resolving disputes in case of requests, complaints, complaints or complaints.

(on 04-10-2014, Article 57(1) was amended by Article I(27) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(1¹) The Provider is obliged to set up single points of contact, physical or virtual, to provide final customers with adequate ways of informing about their rights, the legislation in force, the means of resolving disputes in case of requests, complaints, complaints or complaints. Single points of contact may form part of the general end-customer information points and provide information to final customers free of charge.

(on 31-12-2021, paragraph 1¹) of Article 57, Chapter IV, Title I was amended by Point 85, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The supplier shall provide household customers with more than one means of paying for the energy supplied and allow them to opt for any of them.

(2¹) The supplier must offer to final customers the option to receive/access electronically invoices and billing information, as well as flexible ways of making the actual payments of invoices.

(on 31-12-2021, Article 57 of Chapter IV, Title I was supplemented by Point 86, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The supplier shall be obliged to ensure the labelling of electricity in accordance with the regulations of the competent authority and shall regularly inform final customers of the structure, origin, characteristics and environmental impact of the electricity supplied to them.

(4) The provider is obliged to participate in activities that ensure the safety and security of the NES.

(5) The provider shall provide customers with the consumption data in an easily understandable and harmonised format at national level, in accordance with the regulations issued by ANRE.
(on 31-12-2021, Article 57(5), Chapter IV, Title I was amended by Point 87, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6) The supplier is required to purchase electricity in such a way as to ensure that the consumption of its customers is covered.
(on 31-12-2021, Article 57(6), Chapter IV, Title I was amended by Point 87, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(7) The supplier is obliged not to engage in unfair or misleading commercial practices in relation to the final customer. In case of use of incorrect or misleading practices in relation to non-household customers ANRE is the competent authority to establish and sanction contraventions. In order to implement the provisions of this paragraph, ANRE shall refer to the provisions of Articles 1 to 9 and Annex 1 of Law No 363/2007 on combating unfair practices by traders in relation to consumers and harmonising regulations with European consumer protection legislation, published in Official Gazette of Romania, Part I, No 899 of 28 December 2007, as amended.
(on 31-12-2021, Article 57(7), Chapter IV, Title I was amended by Point 87, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(8) The supplier shall be obliged to provide final customers with information on the benefits, costs and risks of dynamic electricity price contracts, including the need to have a smart metering system.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(9) Supplier is obliged to obtain consent final customer prior to his/her transition to a contract of supply of electricity with prices dynamics.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(10) The supplier is obliged to submit to ANRE electricity supply offers, both standard offers for household and micro-enterprises customers and dynamic price offers.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(11) The supplier is obliged to inform the little household customers and micro-enterprises with a estimated annual consumption below 100.000 kWh, by means of invoices or documents attached to them or by other means of communication agreed on the existence of the instrument for comparing suppliers' offers, including offers of electricity supply contracts made available by ANRE.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(12) In order to enable final customers to compare several offers, the electricity supplier must submit standard bids for at least the customers referred to in paragraph 11.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(13) The supplier is obliged to communicate to customers the information referred to in Article 58(2) before the end of the or confirmation of the contract.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(14) The supplier is obliged to provide final customers with a simple, fair and prompt complaint handling system.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(15) In the case of the final household customer, the supplier is obliged to issue consumption settlement invoices at an interval not exceeding 3 months, based on consumption data communicated by the distribution system operator.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

(16) The provider is obliged to provide final customers with a high standard of delivery according to ANRE regulations.
(on 31-12-2021, Article 57 of Chapter IV Title I has been completed by Point 88, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

performance for the supply activity approved by ANRE. In the case of submission of a tender, it shall contain, in a visible and concise manner, a summary of the key contractual conditions, including, but not limited to, information

Article 58

Obligation de Acting
(1) the the obligation to respond in writing to a request to submit a supply offer within the time limits laid down in the standard on the supply price, the payment terms and the closing date for the conclusion of the supply contract.
(on 31-12-2021, paragraph 1 of Article 58, Chapter IV, Title I was amended by Point 89, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(1¹) The supplier does not have the right to unilaterally terminate electricity supply contracts concluded with final customers.
(on 19-07-2018, Article 58 of Chapter IV, Title I was supplemented by Section 4, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(1²) If supply contracts are concluded through intermediaries, information on the matters referred to in paragraph (2) shall be provided to final customers before the conclusion of the contract.
(on 31-12-2021, Article 58 of Chapter IV, Title I was supplemented by Point 90, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) Without prejudice to Law No 193/2000 on unfair terms in contracts concluded between professionals and consumers, republished, as amended, and Government Emergency Order No 34/2014 on consumer rights in contracts concluded with sellers and suppliers, as well as amending and supplementing certain legislative acts, the supply contract negotiated and concluded on the basis of paragraph (1) shall be valid for an indefinite period or for a period agreed by the parties and shall contain at least the following elements:

- the identity and address of the supplier;
- the prices/tariffs and services offered, the level of quality of the services offered, as well as the deadline for initial connection, where applicable;
- the types of maintenance services provided, where appropriate;
- the means by which up-to-date information can be obtained on all applicable prices/tariffs, including those for maintenance, as appropriate;
- the duration of the contract, the conditions for renewal and interruption of services and of the contract and whether there is a right to terminate the contract at no cost;
- any compensation and the method of reimbursement applicable if the contractual service quality levels are not met, including in the case of inaccurate and late billing;
- the procedures for initiating dispute settlement procedures, in accordance with Articles 57(1) and 62(1)(h)⁶;
- information on customers' rights, including the handling of complaints and all information referred to in points (a) to (g), clearly communicated in electricity operators' invoices or websites.

(on 04-10-2014, Article 58(2) was amended by Article I(30) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
(3) Repealed.

(on 31-12-2021, Article 58(3), Chapter IV, Title I was repealed by Paragraph 91, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) The supplier shall be entitled to terminate the contract in the following cases:

- the removal of electricity established by a final court decision;
- non-payment of invoices;
- other situations provided for by the legislation in force.

(5) The supplier shall be entitled to require a final customer to provide financial guarantees for a period of consumption equivalent to a maximum of one year in the event of the finding, in accordance with the legal provisions in force, of actions intended to distort in any way the indications of the measuring equipment or to evade electricity by bypassing the measuring equipment.
(on 31-12-2021, paragraph 5 of Article 58, Chapter IV, Title I was amended by Point 92, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6) The refusal to provide the guarantees referred to in paragraph (5) shall entitle the supplier to require the distribution system operator to disconnect the final customer from the system.

Rule 59

Payment of the energy supplied

In accordance with the terms of the contract, the final customer is obliged to pay the value of the electricity consumed at the price and in the conditions laid down in the electricity supply contract.

Article 59¹

- (1) The electricity supplier shall issue invoices containing concrete, clear, transparent, complete, legible and understandable information enabling final customers to adjust their consumption and compare electricity supply offers.
 - (2) On request, final customers shall receive a clear and understandable explanation of how to calculate the invoice, in particular where invoices are not based on actual consumption.
 - (3) Final customers are entitled to receive bills and billing information free of charge.
- The provider must include in the invoice issued to the final customer at least the information established by ANRE in accordance with the provisions of Annex I to Directive (EU) 2019/944.
(on 31-12-2021, Chapter IV of Title I was supplemented by Point 93, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 60

Liability of the supplier

- (1) The supplier shall be liable for all damages caused to the final customer as a result of his fault, under the conditions laid down in the supply contract.
- (2) The supplier shall be entitled to recover the damage caused to the final customers and to the supplier, respectively, from the distribution system operator, transmission system operator or producer proven to be caused by the fault of any of them.

Article 61

Obligations of the final customer of electricity

- (1) The final electricity customer is liable for proven damage caused to the fault network supplier/operator
- (2) Non-compliance with the final customer's electricity supply contract may lead to the following:
 - a) penalties;
 - b) temporary cessation of electricity supply;
 - c) termination of the electricity supply contract.
- (3) In the case of interventions on electrical installations by unauthorised persons, the electricity network is entitled to cut power operator, in accordance with the specific regulations of ANRE.
- (4) In case of finding, according to the legal provisions in force, of actions intended to distort the measurement or to evade electricity by bypassing the measuring equipment, the final customer is any indication of the equipment required to provide a financial guarantee, in accordance with the provisions of Article 58(5).
- (5) The final electricity customer with a power approved by technical connection advice of at least 1,000 kVA is required to submit forecasts schedules of consumption with the supplier with whom he has a contractual relationship, in accordance with regulations issued by the competent authority. customers are required to pay the equivalent of the bills for the electricity and services they receive at the due dates provided for in contracts concluded between the parties.
- (7) In order to guarantee the payment of electricity bills, suppliers of last resort may require customers to provide guarantees financial, only under the conditions laid down in the regulations issued by the competent authority.
- (8) Final customers are required to contribute, in a transparent and non-discriminatory manner, to the costs associated with the introduction of new equipment, according to ANRE regulations.

(on 31-12-2021, Article 61 of Chapter IV Title I has been completed by Point 94, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in the MONITOR Official No. 1259 of 31 December 2021)

- (9) In order to issue regularisation invoices in accordance with the provisions of art. Article 57(2) of the Treaty on the Functioning of the European Union, (15), customer the final home has obligation to allow access the representative of the distribution system operator in the measurement group.

Article 62

The rights of the final customer of electricity

- (1) Final customers of electricity shall have the following rights:
 - a) have access to electricity networks of public interest and consume electricity in accordance with the terms of the supply contract; a¹) also participate in those final customers offering demand response through aggregation in all electricity markets alongside generators in a non-discriminatory manner;
 - (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by Point 95, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 - b) require the supplier to modify and supplement the supply contract and its annexes, or to initiate addenda to the contracts, when new elements appear or where it considers it necessary to specify or supplement contract terms;
 - c) have read access to measurement groups for settlement;
 - d) require the supplier or distribution system operator to take measures to remedy malfunctions and disturbances in the electricity grids;
 - e) receive compensation from the supplier, network operator or other final customer, in accordance with the contractual provisions, when damage is caused by their fault or in the event of non-compliance with energy quality indicators;
 - f) to voluntarily associate in order to represent clients' interests, in accordance with ANRE regulations;
 - f¹) to act, individually or jointly, as active customers, in accordance with the regulations issued by ANRE;
 - (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by point 96, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 - g) to purchase electricity from an energy supplier, irrespective of the Member State in which the supplier is registered, provided that it complies with the applicable trading and balancing rules established in Romania;
 - (on 31-12-2021, letter g) of paragraph 1, Article 62, Chapter IV, Title I was amended by Point 97, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 - h) to change its supplier or market participant involved in aggregation, in compliance with the contractual conditions/clauses, within a maximum of 21 days from its initiation, and no later than 2026 the technical process of switching provider will be carried out within 24 hours and any working day, in accordance with a procedure approved by ANRE;
 - (on 31-12-2021, Letter h) of paragraph 1, Article 62, Chapter IV, Title I was amended by Point 97, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) h¹) to be duly notified of any intention to modify the contract terms/clauses and to be informed, at the time of notification, of the right to terminate the contract if they do not accept the new contractual conditions or changes in the supply price notified by the supplier. The supplier and, where applicable, other economic operators entitled to enter into bilateral contracts with final customers shall notify customers of any changes in tariffs/prices, directly and in a timely manner, at least 30 days before the adjustment takes effect. Where the contract provides for a future modification of the product or price or a reduction, this shall be indicated on the invoice, together with the date on which the change takes place;
 - (on 31-12-2021, Letter h¹) of paragraph 1, Article 62, Chapter IV, Title I was amended by Point 97, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) h²) to terminate any contract if it does not accept the new conditions/clauses notified by the electricity supplier;
- Article 62(1) of Article 62(1) was inserted on 04-10-2014 by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.) h²(3) to receive transparent information on the prices and tariffs charged, as well as on the contractual conditions/clauses relating to access to and supply of services offered by electricity economic operators;
- Article 62(1) of Article 62(1) was inserted on 04-10-2014 by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.) receive¹¹ relevant consumption data in a non-discriminatory manner in terms of costs, efforts or time needed to provide such data;
- Article 62(1) of Article 62(1) was inserted on 04-10-2014 by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.) h⁵) to benefit from several payment methods, which do not unduly discriminate between customers. Prepayment systems must be fair and adequately reflect probable consumption. In the case of the household customer, if following the adjustment the amount paid by him in excess is more than 100 lei, then the supplier is obliged to refund the amount paid by the customer within 5 days from the date of issue of the invoice of regularisation. Amounts below this amount will be compensated in the account of subsequent invoices. Any difference in terms and conditions should reflect the costs for the provider of the different payment systems. The general conditions must be fair and transparent, presented in clear and easy language but not limited to excessive contractual documentation. Customers are protected against incorrect or misleading selling methods; (at 30-07-2020, Letter h⁵) of paragraph (1), Article 62, Chapter IV Title I was amended by Paragraph 40, Article I of LAW No.155 of 24 July 2020, published in the MONITOR Official No 665 of 27 July 2020)
- h²(6) benefit from transparent, simple and inexpensive complaint handling procedures. Customers are entitled to a high standard of service provision and complaint-handling by the supplier and, where applicable, licensed operators concluding contracts with final customers for electricity. Out-of-court dispute resolution shall provide for the correct and timely resolution of disputes within 90 days and a system of reimbursement and/or compensation of actual amounts due, in accordance with the principles set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to bodies responsible for out-of-court settlement of disputes with consumers; these procedures shall be developed in accordance with a framework procedure

issued by ANRE;*)
 (on 04-10-2014, Article 62(1)(n)(6) was inserted by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 h^7) to be informed of their rights in relation to universal services, when they have access to such services, pursuant to the provisions of this Law;
 (on 04-10-2014, Article 62(1) of Article 62(1) was inserted by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 h^8) hold own consumption data and be able to grant access to measurement data, by explicit agreement and free of charge, to any licensed supplier/aggregator. Network operators shall be obliged to provide such data to the supplier or aggregator concerned. The data presentation format and procedure for the access of providers, aggregators and consumers to these data are regulated by ANRE. No additional costs can be charged to customers for this service;
 (on 31-12-2021, Letter h^8) of paragraph 1, Article 62, Chapter IV, Title I, was amended by Point 98, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 h^9) to be adequately informed about actual electricity consumption and actual costs, sufficiently frequent to enable them to regulate their own electricity consumption. That information shall be provided at appropriate intervals, taking into account the capacity of the customer's measuring equipment and the energy product concerned. The provider shall grant such facilities taking due account of the cost-effectiveness of such measures. No additional costs can be charged to consumers for this service;
 (on 04-10-2014, Article 62(1) of Article 62(1) was inserted by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 H^10) to receive a final settlement statement of all payment obligations, no later than 42 days after the change of provider.
 (on 04-10-2014, Article 62(1) of Law No 127 of 30 September 2014) was inserted by Article I(32) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 h^11) to participate in a collective switching system;
 (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by Point 99, Article I of Emergency Order No 143 of 28 December 2021; published in OFFICIAL MONITOR No 1259 of 31 December 2021)
 (i) to buy energy electrical from a supplier of your choice and end of your choice contracts with one or more suppliers by energy in the same time, for a single demand facility, provided that the necessary connection and measurement points are established;
 (on 31-12-2021, Litera of paragraph 1, Article 62, Chapter IV, Title I a amended point 100, Article I of ORDER BY
 Emergency No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)
 i^1) enter into dynamic electricity price contracts with at least one supplier and any supplier with more than 200,000 final customers, provided that they have a smart metering system;
 (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by point 101, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 I^2) receive information on the benefits, costs and risks of such dynamic electricity price contracts, including the need to have a smart metering system;
 (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by point 101, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 J) to submit to ANRE the divergences resulting from the performance of contracts concluded in the electricity sector, including disputes between market participants involved in aggregation and other market participants, as well as those arising from responsibility for imbalances, based on procedures developed by ANRE;
 (on 31-12-2021, Letter j) of paragraph 1, Article 62, Chapter IV, Title I was amended by Point 102, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 K) to benefit from the services of a mediator under Law No 192/2006 on mediation and organisation of the profession by mediator, with changes
 and subsequent additions, with a view to out-of-court settlement of disputes arising on the market by electricity;
 l) to unilaterally terminate the contract of supply, in accordance with Article 58(3).
 m) to enter into aggregation contracts with market participants involved in aggregation, including independent aggregators, being full informed in
 prior to the contractual terms and conditions offered by them, without the agreement of the supplier or any other market participant being required. The supplier may not impose discriminatory technical and administrative obligations, procedures or charges on customers based on their conclusion or failure to conclude a contract with a market participant involved in aggregation, nor impose unjustified contractual payments, penalties or other restrictions in the supply contract;
 (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by Point 103, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 N) receive free of charge, at least once for each billing period, if the customer so requests, all relevant demand response data or data related to electricity supplied and sold;
 (on 31-12-2021, paragraph 1 of Article 62, Chapter IV, Title I was supplemented by Point 103, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 (2) The procedure provided for in paragraph (1)(h) shall determine mainly the stages of the process of switching supplier, the method of extinguishing the payment obligations owed by the final customer to the supplier to be exchanged, the data that may be requested by the final customer or the new supplier during the change process, as well as the economic operators who are obliged to provide them.
 (3) The procedure provided for in paragraph (1)(h) shall establish, in particular, the stages of the switching process, the data that may be requested by the final customer or the new supplier in the process of switching, the obligation of the system operators to provide those data in such a way as to guarantee to a customer who wishes to change the supplier, in compliance with the contractual conditions, that such change can take place within a maximum of 3 weeks from its initiation;
 (on 31-12-2021, Article 62(3), Chapter IV, Title I was amended by Point 104, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 (4) Household customers shall have the right to receive adequate information on alternatives for interruption of electricity supplies sufficiently in advance of the expected date of interruption. These alternative measures may concern sources of support to avoid interruptions, prepayment systems, energy audits, energy advisory services, alternative payment plans, debt management advice or interruption moratoria and do not constitute an additional cost for customers at risk of interruption. (on 31-12-2021, Article 62 of Chapter IV, Title I was supplemented by point 105, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
 (5) Household customers, small and micro enterprises shall have the right to switch electricity supplier or market participant involved in aggregation without any switching fees.
 (on 31-12-2021, Article 62 of Chapter IV, Title I was supplemented by point 105, Article I of ORDER BY Emergency No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)
 (6) By way of derogation from paragraph (5), electricity suppliers or participants in market involved in aggregation can charge customers and with fixed prices, in final charges for termination of fixed-term electricity supply contracts case
 their early termination by the final customer.
 (on 31-12-2021, Article 62 of Chapter IV, Title I was supplemented by point 105, Article I of ORDER BY Emergency No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)
 (7) The termination fees provided for in paragraph (6) shall meet all of the following conditions:
 a) be clearly communicated to the customer before the conclusion of the contract;
 b) be provided for in the supply contract which the customer has signed;
 c) be proportionate and not exceed the sum of the direct economic losses caused by the customer to the supplier or market participant involved in aggregation by terminating the contract, including the costs of any investment or bundle of services already provided to the client under that contract. The burden of proof of direct economic losses lies with the supplier or market participant involved in aggregation and the compliance of suppliers or market participants involved in the aggregation of the principles for setting the fees set out in this paragraph shall be monitored by ANRE.
 (on 31-12-2021, Article 62 of Chapter IV, Title I was supplemented by point 105, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 63

Active customers

(1) Active customers have the following rights:

- a) enjoy the same rights and rules for the protection of customers as those to which they would be entitled individually, without disproportionate or discriminatory technical or administrative obligations, procedures and charges, nor non-cost-reflective network tariffs;
- b) operate either directly or by aggregation;
- c) sell self-generated electricity, including through electricity purchase agreements/contracts;
- d) participate in flexibility mechanisms allowing changes in production and/or consumption patterns and energy efficiency schemes;
- e) delegate to a third party the management of facilities necessary to carry out their activities, including installation, operation, data processing and maintenance, without the third party being regarded as an active customer;
- f) benefit from the application of transparent, non-discriminatory and cost-reflective network tariffs, calculated separately for electricity fed into the grid and electricity consumed from the grid, in accordance with ANRE regulations, ensuring that they contribute adequately and in a balanced manner to the sharing of the total costs of the system;
- g) have energy storage facilities.

(2) Active customers holding electricity storage facilities shall have the following rights, in accordance with ANRE regulations:

- a) be connected to the network, provided that all necessary conditions are met, such as balancing responsibility and appropriate measurement;
- b) there are no double charges or network charges for stored electricity remaining on their premises or when providing flexibility services to system operators;
- c) they are not subject to disproportionate licensing obligations or fees;
- d) provide multiple services simultaneously, if technically feasible.

(3) Active customers have financial responsibility for the imbalances they produce in the NES; in this respect, they shall be balance responsible parties or delegate their balancing responsibility.

(on 31-12-2021, Article 63 of Chapter IV, Title I was amended by Point 106, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 63¹

Citizens' energy communities

(1) Participation in an energy community of citizens is open and voluntary and its members or shareholders retain their rights and obligations as household customers or active customers.

(2) Citizens' energy communities shall be subject to non-discriminatory, fair, proportionate and transparent procedures and tariffs, including registration and licensing, laid down in the regulations issued by ANRE.

(3) Citizens' energy communities may participate in activities in the energy sector and engage in production, including from renewable sources, distribution, supply, consumption, aggregation, energy storage, energy efficiency services or charging services for electric vehicles, or provide other energy services to its members or shareholders, including by carrying out such integrated activities.

(4) Citizens' energy communities cooperate with distribution system operators to facilitate transfers of electricity within citizens' energy communities subject to fair compensation established by ANRE regulations.

(5) Citizens' energy communities:

- a) they can access all electricity markets, directly or through aggregation, in a non-discriminatory manner and are open to cross-border participation;
- b) be treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers, distribution system operators or market participants involved in aggregation;
- c) are financially responsible for the imbalances they cause in the energy system;
- d) they can act as balancing responsible parties or delegate their balancing responsibility;
- e) are assimilated to active customers for the consumption of electricity produced;
- f) they shall be subject in a transparent and non-discriminatory manner to network charges calculated separately for electricity fed into the grid and electricity consumed;
- g) have the right to organise within their community the sharing of electricity produced by the generating units owned by the community, between its members, subject to the maintenance of the rights and obligations of the members as final customers in compliance with the provisions of paragraph (1) and without modifying the network tariffs and fees established, according to ANRE methodology;
- h) network tariffs shall be applied in a transparent and non-discriminatory manner, in accordance with the ANRE methodology.

(6) The energy communities of citizens shall have the right to own, establish, purchase or rent distribution networks and to manage them autonomously, benefiting from the provisions applicable to closed distribution systems referred to in Article 50.

(7) Citizens' energy communities may autonomously manage distribution networks located in their area of consumption, hereinafter referred to as 'Community networks', in accordance with the regulations issued by ANRE.

(8) Without prejudice to the provisions of Article 45, Article 46 and the general rules governing distribution activities, the energy communities of citizens operating the Community network shall:

- a) have the right to conclude an agreement on the operation of their network with the distribution system operator or transmission system operator to which the network is connected;
- b) are subject to appropriate network charges at connection points between their network and the distribution network outside the citizen's energy community and that these network tariffs account separately for the electricity supplied on the distribution network and the electricity consumed from the distribution network outside the citizen's energy community;
- c) does not discriminate against or harm customers who remain connected to the distribution system.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 107, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 63²

Data management

(1) The data referred to in Article 62(1)(h)² shall include measurement and consumption data, as well as the data necessary for the customer to switch supplier, demand response and other services.

(2) ANRE regulates data protection and data security, as well as access to and exchange of data, including with a view to facilitating the interoperability of energy services across the European Union, so that they are carried out in an efficient and secure manner.

(3) The parties responsible for data management shall provide access to the final customer's data to any eligible party in accordance with this Article. The requested data shall be made available to eligible parties on a non-discriminatory and simultaneous basis. The data shall be easily accessible and the relevant procedures for accessing the data shall be made publicly available.

(4) The rules on access to and storage of data must comply with the relevant European Union legislation and the processing of personal data shall be carried out in accordance with the relevant European Union legislation.

(5) ANRE supervises the parties responsible for data management, in order to ensure compliance, is responsible for setting the relevant tariffs for access to data by the eligible parties and shall ensure that any charges imposed by regulated entities providing data services are reasonable and duly justified.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 107, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 64

Protection of vulnerable consumers

(1) In determining the categories of vulnerable consumers, income levels are taken into account, the share of energy expenditure in income available, energy efficiency of housing, critical dependence on electrical equipment, for reasons of health, age or other criteria.

(2) It shall be prohibited to disconnect demand facilities where vulnerable consumers live in situations of energy crisis from the electricity grid.

(3) Any measures taken in respect of vulnerable consumers must not impede the effective opening and functioning of the market and shall be notified The Commission, where appropriate, in accordance with European legislation. Such notifications may also include measures taken under the general system social security.

(on 31-12-2021, Article 64 of Chapter IV, Title I was amended by Point 108, Article I of Emergency Order No 2021, published in 143 of 28 December Official Gazette No 1259 of 31 December 2021)

Article 65

Measurement of electricity

- (1) The electricity supplied to final customers on the electricity market and electricity produced in users' installations shall be measured by the measuring operators, through measurement groups, according to the measurement code developed by ANRE.
(on 31-12-2021, paragraph 1 of Article 65, Chapter IV, Title I was amended by Point 109, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (2) The measurement transformers of the electric energy measurement groups for settlement shall be ensured, where appropriate, by:
- the transmission system operator;
 - producers;
 - distribution system operators;
 - final customers of electricity.
- (2¹) In cases where, by means of ANRE regulations, the measurement of the electricity produced by users is established in the installations of users, the measurement groups of the electricity produced shall be ensured by the operators to whose networks the respective use installations are connected.
(on 31-12-2021, Article 65 of Chapter IV, Title I was supplemented by point 110, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)
- (3) Measurement operators may be:
- the transmission system operator;
 - producers;
 - distribution system operator.
- (4) The transmission system operator and distribution system operators shall be required to provide the electricity measurement service to the users of the respective electricity networks, namely, in the cases provided for in ANRE regulations, the measurement service in the installations of the users of the electricity produced by them.
(on 31-12-2021, Article 65(4), Chapter IV, Title I was amended by Point 111, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (5) The transmission system operator or distribution system operator may assign the measurement and management of measured data to an economic operator, provided that it is within the costs recognised by the competent authority and in compliance with the applicable regulations issued by it.
- (6) In situations where the electricity consumption cannot be determined by measurement, it shall be determined in a pause system.
(on 30-07-2020, Article 65 of Chapter IV, Title I was supplemented by Paragraph 41, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- (7) The determination of electricity consumption in pause system is allowed only in the following situations:
- for temporary end-customers with a lifetime of less than 6 months for which it is not justified or not possible to mount a measurement group;
 - for consumption facilities with power consumption below 100 W for which it is not justified or not possible to mount a measurement group;
 - in case of erroneous registration or failure of measurement groups, according to ANRE regulations.
- (on 30-07-2020, Article 65 of Chapter IV, Title I was supplemented by Paragraph 41, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- (8) The pause system can be used to determine the damage in cases of suspected absconding of electricity, exclusively as a method of calculation in cases brought to court settlement; the period for which it applies shall be that determined by a final judgment.
(on 30-07-2020, Article 65 of Chapter IV, Title I was supplemented by Paragraph 41, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 66

Intelligent measurement systems

- (1) ANRE shall assess the implementation of intelligent measurement systems in terms of long-term costs and benefits for the electricity market, cost-effectiveness, as well as feasible implementation deadlines, based on all data obtained from the realisation of installed projects and systems ensuring the functionalities specific to intelligent measurement systems.
- (2) Distribution system operators shall submit to ANRE projects for the implementation of intelligent measurement systems based on their own cost-benefit analyses, in order to comply with the provisions of paragraph (3). The cost-benefit analyses will contain a detailed description of how to perform the mandatory functionalities for these systems, as specified by the technical regulations in force, as well as the benefits offered to final consumers after the systems have been installed.
- (3) On the basis of the projects referred to in paragraph (2), ANRE shall approve a timetable for the implementation of intelligent measurement systems, so that:
- final customers who have an annual consumption higher than a threshold, expressed in kWh, established by ANRE on the basis of the information and data collected in accordance with paragraphs (1) and (2), as well as customers with generation sources with installed power of less than 10 kW, shall have intelligent measurement systems in place by 1 January 2024;
 - final customers who do not comply with point (a) shall have intelligent measurement systems in place by 31 December 2028, by implementing large-scale smart measurement systems exclusively in conditions of investment efficiency.
- (4) The implementation of the systems referred to in paragraph (2) shall be approved in the annual investment plans of distribution system operators. ANRE may approve the advancement of the application of the provisions of paragraph (3) under the conditions of cost-benefit analyses that demonstrate the existence of advantages also at consumer level, and the choice of this solution is more advantageous than that of the installation of conventional meters.
- (5) ANRE shall adopt and publish the minimum functional and technical requirements applicable to intelligent measurement systems, in accordance with European standards, and ensure the interoperability of such intelligent measurement systems and their ability to deliver information to consumer energy management systems. Intelligent measurement systems:
- it complies with European standards, accurately measures actual electricity consumption and provides end customers with information on actual time of use. Previously validated consumption data is easy and secure to access and view by final customers on request and at no additional cost. Non-validated near-real-time consumption data shall also be easily and securely accessible to final customers at no additional cost via a standardised interface or remote access to support automated energy efficiency programmes, demand response and other services;
 - ensure that the security of smart metering systems and data communications complies with the best available techniques to ensure the highest level of cybersecurity protection while taking into account costs and the principle of proportionality;
 - ensure that the privacy and data protection of end-customers complies with applicable European Union data protection and privacy rules;
 - enable the metering and settlement of final customers with the same time resolution as the imbalance settlement period in the national market.
- (on 31-12-2021, Article 66 of Chapter IV Title I a completed by Point 112, Article I of ORDER BY EMERGENCYNo.143 of 28 December 2021, published in the MONITOROfficial No. 1259 of 31 December 2021)
- (6) Operators of intelligent measurement systems shall ensure that the electricity meters of active customers entering electricity into network can calculate energy electrical input network of the premises of those customers active.
- (on 31-12-2021, Article 66 of Chapter IV Title I a completed by Point 112, Article I of ORDER BY EMERGENCYNo.143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)
- (7) At the request of final customers, the electricity data they enter into the grid and their electricity consumption shall be made available, in accordance with implementing acts pursuant to Article 63², by means of a standardised communication interface or remote access, or made available to a third party acting on their behalf, in an easily understandable format that allows them to compare different offers under identical conditions. Final customers must be able to obtain their own data recorded by the meters or transmit it to another party at no additional cost and in accordance with their right to data portability under European Union data protection rules.
(on 31-12-2021, Article 66 of Chapter IV, Title I was supplemented by Point 112, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (8) Appropriate advice and information shall be provided to final customers before or when smart measurement systems are installed, in particular on their full potential for managing readings and monitoring electricity consumption, as well as on the collection and processing of personal data in accordance with applicable European Union data protection rules.
(on 31-12-2021, Article 66 of Chapter IV, Title I was supplemented by Point 112, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (9) The provisions on smart measurement systems apply to future installations and installations replacing older smart meters as set out in the ANRE methodology.
(on 31-12-2021, Article 66 of Chapter IV, Title I was supplemented by Point 112, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(on 19-07-2018, Article 66 of Chapter IV Title I was amended by Paragraph 5, Article I of Law No 167 of 10 July 2018, published in

Official Gazette No 604 of 16 July 2018)

Article 66¹

Conventional meters

(1) Where final customers do not have intelligent measurement systems, distribution system operators shall provide them with conventional meters individuals who accurately measure their actual consumption.

(2) Distribution system operators shall ensure that final customers are able to easily read their conventional meters, either directly or indirectly, through an online interface or another appropriate interface not involving physical connection to the meter.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 113, Article I of Emergency Order No 143 in OFFICIAL MONITOR No 1259 of 31 December 2021) of 28 December 2021, published

Article 66²

The aggregation contract. Demand response by aggregation

(1) Each market participant involved in aggregation, including independent aggregators, shall be entitled to enter the electricity markets without the consent of other market participants.

(2) Customers shall be entitled to purchase or offer aggregation services as aggregators, independently from their electricity supply contract, from an electricity economic operator of their choice under an aggregation contract.

(3) Market participants involved in aggregation are liable for the imbalances they cause in the electricity system; in this respect, they shall be balance responsible parties or delegate their balancing responsibility.

(4) When purchasing system services, the transmission system operator and distribution system operators shall treat the demand response of final customers, system service providers, active customers and market participants involved in aggregation in a non-discriminatory manner, alongside producers, dispatchable customers on the basis of their technical capabilities.

(5) ANRE will approve the technical requirements for participation of demand response in all electricity markets on the basis of the technical requirements of the respective markets and the capabilities of demand response.

(6) ANRE shall take measures to ensure, on an equal and non-discriminatory basis, the exchange of data between market participants involved in aggregation and other electricity economic operators, while fully protecting commercially sensitive data and customers' personal data.

(on 31-12-2021, Chapter IV of Title I was supplemented by Point 113, Article I of Emergency Order No 143 in OFFICIAL MONITOR No 1259 of 31 December 2021) of 28 December 2021, published

Chapter V Promotion of electricity produced from renewable energy resources and high-efficiency cogeneration

Article 67

Definition of renewable energy sources

Under the terms of this Title, the following shall be defined as renewable energy sources:

- wind energy;
- solar energy;
- wave and tidal energy;
- geothermal energy;
- hydropower;
- energy contained in the biodegradable fraction of products, waste and residues from agriculture (including plant substances and animal residues), forestry and related industries, as well as the biodegradable fraction of industrial and municipal, municipal and municipal waste called biomass;
- energy contained in the landfill gas, also referred to as landfill gas;
- the energy contained in the sludge fermentation gas of sewage treatment plants;
- energy contained in gaseous by-products, obtained by fermentation from organic waste materials, forming the category of gaseous fuel called biogas;
- repealed;

(on 31-12-2021, Letter j) of Article 67, Chapter V, Title I was repealed by Point 114, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

k) naturally occurring thermal energy and energy accumulated in the environment in specified areas, which can be stored in ambient air, excluding exhaust air, or in surface water or waste water, referred to as ambient energy;

(on 31-12-2021, Letter k) of Article 67, Chapter V, Title I was amended by point 115, Article I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

l) repealed.

(on 31-12-2021, Letter l) of Article 67, Chapter V, Title I was repealed by Point 116, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 68

Cogeneration technologies

Under the conditions of this Title, the following cogeneration technologies shall be defined with:

- gas turbines combined with heat recovery and steam turbines;
- backpressure steam turbine;
- condensing steam turbine and adjustable sockets;
- gas turbines and recovery boilers;
- internal combustion engines;
- microturbines;
- Stirling engines;
- combustion cells;
- thermal motors;
- organic Rankine cycles;
- any other installation or combination of installations through which thermal and electrical energy is produced simultaneously.

Article 69

High-efficiency cogeneration

In order to promote the production of electricity in cogeneration, high-efficiency cogeneration shall be defined as the combined production of electricity and heat, which shall meet the following criteria:

- for cogeneration units with installed electrical power exceeding 25 MW:
 - achieving an overall annual yield of at least 70 %; and
 - achieving a primary energy saving of at least 10 % compared to the separate production benchmarks of the same quantities of electricity and heat;
- in the case of 1 MW and 25 MW, achieving savings of values production reference cogeneration units with primary energy of that separate the same quantities of electricity and heat; electrical power installed between at least 10 % face
- in the case of primary energy savings compared quantities of electricity and heat. cogeneration units with of separate production installed power below 1 MW, achieving of the same

Article 70

ANRE shall establish technical and commercial rules for priority dispatching of electricity produced from renewable energy sources and in

high-efficiency cogeneration, in accordance with the provisions of Article 12 of Regulation (EU) 2019/943, in so far as the level of safety of the NES (3).

(on 31-12-2021, Article 70 of Chapter V, Title I was amended by Point 117, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

is not affected, i.e. for the takeover of electricity produced in plants producing electricity from renewable energy sources accredited for the application of the system of promotion by green certificates established by Law No 220/2008 taking into account the provisions of Article 27(1) of Regulation (EU) 2019/943.

Article 71

Criteria to promote electricity produced from renewable sources and high-efficiency cogeneration

(1) The criteria for promoting electricity produced from renewable energy sources shall take into account the following:

- a) the achievement of the national target for the share of electricity produced from renewable energy sources;
 - b) compatibility with competitive market principles;
 - c) characteristics of different renewable energy sources and electricity generation technologies;
 - d) promoting the use of renewable energy sources in the most efficient way so as to obtain the lowest price to the final consumer.
- (on 11-11-2016, letter d) of paragraph 1, Article 71, Chapter V, Title I was amended by Point 8, Single ARTICLE of Law No 203 of 7 November 2016, published in Official Gazette No 892 of 8 November 2016)

(2) The criteria for promoting electricity produced in high-efficiency cogeneration shall take into account the following:

- a) ensuring access to support schemes, provided that the justified costs of high-efficiency cogeneration are covered;
- b) the characteristics of the different electricity generation technologies in cogeneration;
- c) promoting the efficient use of fuels;
- d) ensuring environmental protection by reducing pollutant emissions from separate production of electricity and heat.

Article 72

Support schemes to promote the production of electricity from renewable sources and high-efficiency cogeneration

(1) Support schemes shall apply to promote the production of electricity from renewable energy sources and high-efficiency cogeneration, in accordance with the provisions of European legislation.

(2) For access to support schemes for the promotion of electricity produced from sources renewable energy and high cogeneration efficiency shall apply the accreditation and qualification rules established by the competent authority.

Article 73

Guarantees of origin

Certification of electricity produced from renewable sources and high-efficiency cogeneration shall be certified by means of guarantees of origin issued by the competent authority.

Article 73¹

Prosumer

(1) Prosumers with renewable electricity generation units with an installed capacity of not more than 400 kW per place of consumption may sell the electricity produced and delivered to the electricity grid to electricity suppliers with whom they have concluded electricity supply contracts, in accordance with ANRE regulations.

(2) Local public authorities holding some or all of the renewable electricity generation capacities from the Structural Funds shall benefit from suppliers with whom they have a contract for the supply of electricity, on request, from the financial settlement service between the energy delivered and the energy consumed from the grid.

(3) At the request of prosumers producing electricity in electricity generating units with an installed capacity of up to 200 kW and with whom they have concluded electricity supply contracts, electricity suppliers shall be obliged to:

- a) make quantitative compensation on the prosumers' bill, i.e. invoice only the difference between the amount of energy consumed and the quantity of energy produced and delivered to the grid;
- b) carry over on prosumers' bills, where the amount of energy produced and delivered to the grid is greater than the amount of energy consumed, the difference between the quantity delivered and that consumed, with prosumers being able to use the amount of energy carried forward for a maximum period of 24 months from the date of billing.

(4) At the request of prosumers producing electricity in power generating units with an installed capacity between 200 kW and 400 kW with whom they have concluded electricity supply contracts, electricity suppliers shall be required to:

- a) purchase the electricity produced and delivered in accordance with paragraph 1 at a price equal to the weighted average market price for the following day in the month in which that energy was produced;
- b) in the prosumer's invoice, make financial adjustment between the electricity delivered and the electricity consumed from the grid.

(5) Prosumers, natural persons, referred to in paragraph (1), other than those organised in accordance with Government Emergency Order No 44/2008 on the pursuit of economic activities by authorised natural persons, individual enterprises and family enterprises, approved with amendments by Law No 182/2016, may carry out the activity of commercialising electricity produced in their electricity generation units without registration and authorisation of their operation.

(6) Electricity distribution operators shall be obliged to connect the prosumers referred to in paragraph (1) and the public authorities referred to in paragraph (2) in accordance with the specific regulations issued by ANRE for this purpose.

(7) Prosumers, natural, legal persons and local public administration authorities holding power plants producing energy from renewable sources, as referred to in paragraph (1), as well as natural or legal persons holding units producing electricity from renewable sources, shall be exempted from the obligation to purchase annual and quarterly green certificates provided for in Article 8(2) and (2¹) of Law No 220/2008, republished, as subsequently amended and supplemented, other than the own technological consumption of the power plant.

(8) By way of derogation from Law No 227/2015 on the Fiscal Code, as amended, and from Law No 207/2015 on the Code of Fiscal Procedure, as amended, prosumers, natural persons, referred to in paragraphs (1) and (4) shall be exempted from paying all tax obligations related to the quantity of electricity produced for self-consumption, as well as for the surplus sold to suppliers, in accordance with paragraph (3).

(9) The quantitative compensation of prosumers with installations with a power of up to 200 kW shall be granted until 31 December 2030, in the context of measures and actions related to the achievement of commitments on the share of energy from renewable sources in 2030 specified in the National Energy and Climate Change Plan, in accordance with an ANRE methodology, and after this period those prosumers may sell the electricity produced under the conditions laid down in paragraph (3) (a) for prosumers with an installed power between 200 kW and 400 kW.

(10) ANRE monitors the development and functioning of prosumers, prepares and makes public annually on its website, by 1 June, a report on prosumers.

(on 31-12-2021, Chapter V of Title I was supplemented by Point 118, Article I of Emergency Order No. in Official Gazette No 1259 of 31 December 2021) 143 of 28 December 2021, published

Rule 74

Implementation of support schemes

The application of support schemes to promote the production of electricity from renewable electricity sources and in high-efficiency cogeneration shall be carried out after their authorisation by the European Commission, in accordance with the law.

Chapter VI Prices and tariffs Types of prices and tariffs.

Article 75

Types of prices and tariffs

(1) For activities carried out in the electricity sector, the following prices and charges shall apply:

- a) regulated tariffs for transmission services, including the costs of purchasing ancillary services, as well as electricity distribution tariffs;
- b) regulated network connection tariffs;

c) prices and tariffs related to the related activities provided by the primary legislation and ANRE regulations carried out by the transmission system operator or the distribution operator;

d) prices for heat for consumption of supply systems public heat (SACET) produced in cogeneration plants.

(2) For electricity sales/purchase transactions and services associated system prices shall be applied to prices negotiated between the parties or established through competitive market mechanisms.

(on 31-12-2021, Article 75 of Chapter VI, Title I was amended by Point 119, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 76

Price and tariff regulation methodologies

(1) Regulated prices and tariffs for the transmission and distribution of electricity and for heat produced in cogeneration plants shall be established on the basis of methodologies approved and published by ANRE. Their calculation will take into account the justified costs of those activities, development expenditure and environmental protection, as well as a reasonable share of profit.

(2) The methodologies for calculating prices and tariffs shall be approved by ANRE after following the public consultation procedure.

(3) In order to publish the underlying costs used to calculate the relevant network tariffs, ensuring the confidentiality of sensitive information, increase market transparency and to provide all interested parties with all information on transmission and distribution tariffs, ANRE (on 31-12-2021, Article 76 of Chapter VI, Title I was amended by Point 120, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 77

Repealed.

(on 31-12-2021, Article 77 of Chapter VI, Title I was repealed by Point 121, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 78

Repealed.

(on 31-12-2021, Article 78 of Chapter VI, Title I was repealed by Point 121, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 79

Principles for setting regulated tariffs

(1) Regulated tariffs shall be set in accordance with methodologies approved by ANRE.

(2) The economic operators in the electricity sector shall submit to ANRE all the data necessary to substantiate the request for tariffs and shall ensure access to these data for the representatives appointed by ANRE.

(3) The Order approving the methodologies for their calculation shall be published in the Official Gazette of Romania, Part I. The Order shall also contain the date of their entry into force.

(4) Regulated tariffs shall be published in accordance with ANRE regulations sufficiently before their entry into force.

(5) The principles underlying the setting of regulated tariffs for activities and services carried out in the electricity sector shall take into account the following:

a) tariffs must be non-discriminatory, based on objective criteria and determined in a transparent manner, based on methodologies approved and published by ANRE;

b) tariffs must cover economically justified costs corresponding to the costs of an efficient and structurally comparable network operator;

c) the tariffs must ensure a reasonable rate of return on the capital invested, established in accordance with the regulations issued by ANRE;

d) connection charges shall contain only the actual costs of carrying out the work of connecting customers to the electricity grid;

e) methodologies for calculating transmission and distribution tariffs or grid connection should contain short- and long-term incentives in relation to the development of a smart grid that promotes increased energy efficiency, security of supply, harmonious market integration, to support field-related research and to facilitate innovation in areas such as flexibility and interconnection services.

f) transmission, distribution or grid connection tariffs must also cover the fees charged by the contracting authority;

g) regulated tariffs shall provide location signals and take into account network losses and congestion, as well as infrastructure investment costs taking into account long-term marginal network costs avoided as a result of distributed generation and demand management measures;

h) the methodologies for calculating regulated tariffs should contain rules to avoid cross-subsidisation between regulated activities as well as between regulated and non-regulated activities of an economic operator.

(on 31-12-2021, Article 79 of Chapter VI, Title I was amended by Point 122, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 80

Interventions in price formation

(1) Suppliers are free to determine the price at which they supply electricity to customers.

(2) The protection of energy-poor and vulnerable household customers is achieved through social policy or any other legal means other than public interventions in electricity supply pricing.

(3) By way of exception to paragraph (1) and paragraph (2), at the proposal of ANRE and the Ministry of Labour and Social Protection, the Government, with the opinion of the Competition Council, may intervene in the formation of prices for the supply of electricity to vulnerable household consumers or affected by energy poverty, after notifying these measures to the European Commission within one month of their adoption.

(4) Any and all public interventions in price formation for the supply of electricity shall:

a) pursue a general economic interest and do not go beyond what is necessary to achieve that general economic interest;

b) be clearly defined, transparent, non-discriminatory and verifiable;

c) guarantee equal access to customers for energy economic operators in the European Union;

d) be time-limited and proportionate in relation to their beneficiaries;

e) not lead to additional costs for market participants in a discriminatory manner.

(5) The notification referred to in paragraph 3 shall be accompanied by an explanation of why the objective pursued could not be sufficiently achieved by other instruments, the manner in which the requirements laid down in paragraph 4 are met and the effects of the notified measures on competition. The notification shall describe the categories of beneficiaries, the duration of the measures and the number of household customers affected by the measures and explain how the regulated prices have been set.

(6) Public interventions in price formation for the supply of electricity shall comply with Article 3(3)(d) and Article 24 of Regulation (EU) 2018/1999, even if there are a significant number of households affected by energy poverty.

(on 31-12-2021, Article 80 of Chapter VI Title I was amended by Point 123, Article I of Emergency Order No of 31 December 2021) 143 of 28 December 2021, published in OFFICIAL MONITOR No. 1259 Article 81

Repealed.

(on 31-12-2021, Article 81 of Chapter VI Title I was repealed by Point 124, Article of 31 I of Emergency Order No 143 of 28 December 2021, published in OFFICIAL MONITOR No. 1259 December 2021)

Article 82

Economic operators producing combined heat and electricity and selling at least one of them will share the costs

Highlighting costs in the combined production of electricity and heat between the two forms of energy, according to regulations approved by the competent authority.

Article 83

Related services

Services provided to third parties by economic operators producing hydropower and having under management, concession or lease of dams, dams and reservoirs shall be carried out on the basis of contracts concluded with the beneficiaries.

Chapter VII Procedure for conducting investigations

Article 84

The President of the competent authority shall, by decision, order the carrying out of investigations, in accordance with Article 86, by his or her staff.

Order the carrying out of investigations authorised for this purpose, ex officio or in response to a complaint registered with the competent authority, made by a natural or

legal person actually and directly affected by a potential breach of the provisions of this Title, only in areas where ANRE has the power of investigation according to the law.

Article 85

Requesting information and documents

In carrying out investigations, as well as the powers conferred on it under this Title, the competent authority may request from economic operators the necessary information and documents, stating the legal basis and purpose of the request, and may set time limits within which such information and documents are to be provided to it.

Article 86

Article 80

Rights of investigation

(1) In order to investigate the violation of the provisions of this Title under the conditions of art. 84, ANRE staff authorised for this purpose shall have the following rights:

- shall have the following rights:
- a) enter the premises, land or means of transport which economic operators legally possess;
 - b) examine any documents, registers, financial-accounting and commercial documents or other records related to the activity of economic operators, irrespective of where they are stored;
 - c) ask any representative or employee of the economic operator to explain the facts or documents relating to the subject matter and purpose of the investigation and to record or record their replies;
 - d) collect or obtain, in any form, copies or extracts of any documents, registers, financial-accounting and commercial documents or other records related to the economic operator's activity;
 - e) seal any location intended for the economic operator's activities and any documents, records of other financial accounting and commercial acts, or records related to the economic operator's activity, for the duration and to the extent necessary for the investigation.
- (2) The competent authority shall proceed with the actions referred to in paragraph (1) only if there are find documents or can be obtained and save that information that information may be considered necessary for the performance of its powers and the outcome recorded in a statement of findings
- (3) The competent authority may make unannounced inspections and request any information or justification relating to the fulfilment of its powers investigating, both on site and by summoning to the premises of the competent authority.

Article 87

On the basis of the judicial authorisation given by conclusion, in accordance with Article 88, ANRE staff, empowered under the conditions of art. 84, may carry out inspections in judicial authorisation of investigations

any other premises, including residence, land or means of transport of economic operators or associations of economic operators under investigation, belonging to managers, managers, directors and other employees

Article 88

Article 88

Obtaining judicial authorisation

(1) ANRE staff shall carry out inspections, in accordance with Article 87, only on the basis of the authorisation decision issued by the President competent authority and with judicial authorisation given by the President of the Bucharest Court of Appeal or a delegated judge it's this one. A certified copy of the authorisation decision and of the judicial authorisation must be communicated to the person subject to inspection before of this.

- (2) The application for authorisation shall be heard in the chamber of the Council, without summoning the parties. The judge shall decide on the application within 48 hours of the submission of the request and of the conclusion. The conclusion shall be reasoned and communicated to the competent authority no later than 48 hours after.
- (3) If the inspection is to be carried out simultaneously in more than one of the premises referred to in Article 87, the competent authority shall, in the application, the court ruling by an order stating the premises in which the inspection is to be carried out.
- (4) The application for authorisation must contain all the information capable of justifying the inspection, and the judge seized is required to verify whether the request is well founded.
- (5) Whatever the circumstances, the inspection takes place between 8.00 and 18.00 and must be carried out in the presence of the person at which it is inspected or of its representative. The inspection may continue beyond 18.00 only with the consent of the person at whom the inspection is carried out or his representative.
- (6) Inventories and seals shall be made in accordance with the provisions of the Criminal Procedure Code.
- (7) The conclusion referred to in paragraph (1) may be appealed to the High Court of Cassation and Justice within 48 hours. The period of appeal for the competent authority shall run from the time of notification of the conclusion, in accordance with the provisions of paragraph (2). As regards the person subject to inspection, the period for appeal shall run from the time of notification of the conclusion, in accordance with the provisions of paragraph (1). The appeal shall not be suspended from enforcement.
- (8) The President of the Bucharest Court of Appeal or the judge delegated by him shall have the power to issue the judicial authorisation for the purpose of carrying out the inspection, in accordance with Article 87. The court verifies whether the empowerment decision issued by the President of ANRE is valid and signed and whether the enforcement measures are necessary and proportionate. Another reason may be the existence of a danger to the safety of the subject matter of the inspection will be kept in the premises for which authorisation is sought. The court may ask ANRE for detailed explanations on the elements needed to enable it to verify the proportionality of the proposed coercive measures.

Article 89

Access to documents and information

(1) Central and local public administration bodies, as well as any other public institutions and authorities, shall be obliged to allow the competent authority access to documents, data and information held by them, in compliance with legal provisions.

(2) The competent authority, by receiving access to the documents, data and information referred to in paragraph 1, shall respect the character of the classified data and information legally assigned to those documents, data and information.

Article 90

Investigation procedure

The investigation procedure shall be carried out in accordance with the Regulation on the organisation and conduct of the investigation activity, approved by order of the President of ANRE.

Chapter VIII Offences and contraventions

Article 91

Responsibilities

Violation of the provisions of this Title shall entail disciplinary, civil, administrative or criminal liability, as the case may be, of the guilty persons.

Article 92

Offences

- (1) Damage, alteration without right or blocking the operation of the equipment for measuring the electricity delivered or the alteration of components of the energy installations without right shall be punished by imprisonment from 3 months to 2 years or by a fine.
- (2) Execution or use of installations clandestine for direct connection purposes to the network or bypassing measuring equipment constitutes a criminal offence and punishable with prison six months to three years or a fine.
- (3) Where the offences referred to in paragraphs (1) and (2) are committed by an employee of a licence holder, the special limits shall be increased by half.
- (4) Attempting the offences referred to in paragraphs (1) and (2) shall be punishable.

Article 93

Contraventions

(1) The following acts shall constitute contraventions:

1. the performance by natural or legal persons of activities and/or provision of services in the electricity sector without having a license or authorisation to set up in accordance with the provisions of this Law and of the Regulation referred to in Article 9(4);
2. design, execution and verification of electrical installations without attestation and/or authorisation;
3. non-compliance with technical rules issued by ANRE;
4. non-compliance with the validity conditions associated with the attestations issued by ANRE;
- (on 19-07-2018, Paragraph 4 of Paragraph 1, Article 93, Chapter VIII, Title I, was amended by Paragraph 6, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- 4'1. non-compliance with the validity conditions associated with the licenses/authorisations issued by ANRE;
- (on 19-07-2018, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by point 7, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
5. non-compliance with technical and/or commercial regulations issued by ANRE, including those concerning the supply of electricity to final customers;
- (on 24-09-2020, point 5. of paragraph 1, Article 93, Chapter VIII, Title I was amended by Paragraph 43, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- 5'1. non-compliance with the regulations issued by ANRE on licensing and authorisations in the electricity sector;
- (to 24-09-2020, paragraph 1 of the pot 93, Chapter VIII, Title I a forme filled by Point 44, oll I of Law No . 155 of 24 Iuli 2020 published in OFFICIAL MONITOR No. 665 of 27 July 2020) a fairies to le it's anpublic
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- '3. decisions 24-09-2020, Paragraph 1ANRE, olChapter amount Title I a completed by Point Pre ol I of LEGEA No . 155 of 24 Iuli 2020 published in the OFFICIAL MONITOR. 665 of 27 July 2020) of
- 0 5 no failure to comply with anythe force idică GravityACER; forme 44,
- '4. decision with 24-09-2020, Paragrapharound obli VIII, Title I a r c filled by Point 44, Artic oll I of Law No . 155 of 24 Iuli 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)
6. the refusal to allow the carrying out of control actions ordered by ANRE, as well as its obstruction in the performance of its tasks;
7. failure to provide/non-submission of data, documents and/or information requested within the deadlines set by ANRE or incomplete or erroneous provision/presentation thereof, as well as/or failure to carry out the measures within the time limits ordered by ANRE and/or unjustified refusal to act upon the convocation addressed by ANRE;
- (on 19-07-2018, point 7. of paragraph 1 of Article 93, Chapter VIII, Title I, was amended by Paragraph 8, Article I of Law No 167 of the European Parliament and of the Council of the European Union
- 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
8. unjustified refusal to grant access to public interest networks to any applicant;
9. the provision by the distribution system operator or transmission system operator of incomplete or erroneous information necessary for access to the network;
10. failure by the distribution system operator or transmission system operator to ensure non-discriminatory treatment between electricity grid users;
11. unjustified delay in connecting/supplying electricity to customers or refuelling them after interruption, as well as proposing connection solutions other than technically optimal and at minimum costs, in accordance with the normative acts in force and regulations issued by ANRE;
12. energising electrical installations without a contract for the supply of electricity, and/or without an electricity measurement group, as appropriate;
13. Repealed.

(on 31-12-2021, point 13. of paragraph 1, Article 93, Chapter VIII, Title I was repealed by Point 125, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

14. unwarranted termination of customers' electricity supply;
15. non-compliance with the performance standards relating to public transmission and distribution services, as well as the supply activity in the electricity sector;
- (on 19-07-2018, point 15. of paragraph 1, Article 93, Chapter VIII, Title I was amended by point 8, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
16. failure to comply with the mandatory clauses of the framework contracts issued by ANRE;
17. failure to comply with the legal provisions on switching electricity suppliers;
18. the disclosure of commercially sensitive information on commercial operations by the transmission system operator, distribution system operator or electricity market operator, including on all transactions in electricity supply contracts and/or electricity derivatives, unless requested by the competent authorities;
19. non-compliance with the requirements of independence of the distribution system operator or transmission system operator and/or regulations concerning direct or indirect control over undertakings in the generation, supply, distribution or transmission of electricity;
20. failure by the provider of last resort to provide universal service to customers as provided for in this Title;
21. failure by producers to comply with their obligations under Articles 6(p) and 28;
22. failure of the transmission system operator to comply with the rules on order of merit in the balancing market, on dispatching of generating installations and/or on the use of interconnections with other systems;
23. failure by the transmission system operator, for approval by ANRE, to submit the transmission network development plan within the deadlines set by the regulations in force;
24. the practice of prices or tariffs not approved by ANRE for regulated activities;
25. failure to comply with the regulations issued by ANRE on pricing and tariffs;
26. non-compliance with the rules on accounting separation of activities carried out by licensed economic operators in the electricity sector;
27. failure to publish and update on its website the technical and commercial data required by the regulations by electricity market participants;
28. the refusal of final customers to allow access to measurement groups as well as to facilities under the assets and/or management of the distribution system operator or transmission system operator;
29. the execution of excavations or works of any kind in the areas of protection of electricity networks without the transmission system/distribution operator's notice of location and/or compliance with the conditions/limitations laid down therein;
- (on 24-09-2020, point 29. of paragraph 1, Article 93, Chapter VIII, Title I was amended by Paragraph 45, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
30. prohibition/prevention by natural or legal persons of the exercise of the rights provided for by this Law, of access, use and servitude or restriction of activities, when performing retrofitting, repairs, revisions, damage interventions, investments, maintenance and/or connection to new users and for deforestation or modelling cuts, for creating and maintaining regulatory distance from electricity networks
31. the use by a third party of the components of the electricity distribution/transmission networks for purposes other than those provided for in the electricity legislation without entering into a contract to that effect with their rightful holder;
32. failure of the transmission system operator to comply with the obligations laid down in Article 49(2), (3) and (6) of Regulation (EU) 2019/943;
- (on 31-12-2021, point 32. of paragraph 1, Article 93, Chapter VIII, Title I was amended by Point 126, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
33. failure of the transmission system operator and other market participants to comply with the obligations laid down in Article 50(1) to (6) of Regulation (EU) 2019/943;
- (on 31-12-2021, point 33. of paragraph 1, Article 93, Chapter VIII, Title I was amended by Point 126, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
34. failure of the transmission system operator and other market participants to comply with the obligations laid down in Article 16 of Regulation (EU) 2019/943;
- (on 31-12-2021, point 34. of paragraph 1, Article 93, Chapter VIII, Title I was amended by point 126, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
35. failure of the transmission system operator to comply with the obligations laid down in Article 50(7) of Regulation (EU) 2019/943;
- (on 31-12-2021, point 35. of paragraph 1, Article 93, Chapter VIII, Title I was amended by point 126, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
36. failure to comply with Article 38(2)(c) and (d) and Article 48(2)(d) and (e) concerning the establishment of the compliance programme and the compliance officer;
37. non-compliance with to transmission network owner of obligations they shall be entitled
- under this Title;
38. non-compliance with to transmission system operator of obligations referred to in Article
- 31(1)(c);
- (on 04-10-2014, Pct. 38 of Article 93(1) has been amended by point 33 of Article I of Law No 127 of 30 September 2014 published in the MONITOR

Official No 720 of 1 October 2014.)

39. failure by suppliers or distribution system operators, as the case may be, to comply with the obligations laid down in Articles 57(1) and 58(2); (on 04-10-2014, Article 93(1) of Article 39(1) was inserted by Article I(34) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

3 Failure by distribution system operators to comply with the obligations laid down in Article 45(10);

(on 31-12-2021, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by point 127, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) 3 9*2. non-compliance by suppliers with the obligations laid down in Article 57(15);

(on 31-12-2021, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 127, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

40. failure by suppliers/network operators to comply with the rights of final customers referred to in Article 62(1), with the exception of those specified in Article 62(1)(a), (f), (h), (j), (k) and (l);

(on 04-10-2014, Article 93(1) Article 40(1) was inserted by Article I(34) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

41. failure by market participants to comply with their obligations under Articles 4(1) to (3), 8(1) and (5), 9(1) and (5) and Article 15 of Regulation (EU) No 1.227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency;

(on 04-10-2014, Article 93(1) of Article 41(1) was inserted by Article I(34) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

42. failure of market participants to comply with their obligations under Article 3(1) to (2)(e) and Article 5 of Regulation (EU) No 1.227/2011;

(on 04-10-2014, Article 93(1) of Article 42(1) was inserted by Article I(34) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

43. failure by suppliers or network operators, as the case may be, to comply with their obligations under Articles 36(7)(s), 45(1)(a) and 57(11);

(on 04-10-2014, Article 93(1) of Article 43(1) was inserted by Article I(34) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

44. non-compliance by the market operator by electricity of the commercial regulations issued by ANRE. 93 was inserted by point 34 of Article I of Law No 127 of 30 September 2014 published in the MONITOR Official No 720 of 1 October 2014.)

45. refusal by concessionaire distribution operators to take over the electricity grid in accordance with the obligation laid down in art. 46 (2) and (2*2);

(on 24-09-2020, paragraph 45. of paragraph 1 Article 93, Chapter VIII, Title I has been amended by paragraph 45, Article I of Law no. 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

46. failure to comply with Article 57(6);

(on 19-07-2018, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by point 9, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

47. failure of the electricity transmission system operator and electricity distribution system operators to comply with the maintenance and investment programmes, within the terms and under the conditions laid down by ANRE regulations.

(on 19-07-2018, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by point 9, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

48. failure to comply with Article 28(b*1) and (c).

(on 29-12-2018, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by point 9, Article 61, Chapter III of Emergency Order No 114 of 28 December 2018, published in Official Gazette No 1116 of 29 December 2018)

49. refusal by wholesale electricity market participants to allow unannounced investigative and/or inspection actions to be carried out on premises belonging to economic operators or associations of economic operators operating in the field of electricity which they legally hold and/or operate at the place of residence, land or means of transport belonging to legal representatives, administrators, directors and other employees of economic operators or associations of economic operators under investigation to be inspected, or to make available the electronic equipment on which the data and information under investigation are stored or archived;

2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(to 24-09-2020, Paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 46, Arti Colul I of Law No. 155 of 24 July 202 published in OFFICIAL MONITOR No 665 of 27 July 2020)

0 non- data and information, provision of inaccurate, incomplete or inducing data and information in eras a result, of requests

ANR realised pursuant to Articles 85 and 86(1)(c) and (d) and (3);

E 24-09-2020, Paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 46, Arti Colul I of Law No. 155 of 24 July 202 non- in OFFICIAL MONITOR No 665 of 27 July 2020) it's

0 compliance a by market participants and transmission system operator of the requirements laid down in European egulations other than

tho mentioned in points 32 to 35, 41 and 42;

se 24-09-2020, Paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 46, Arti Colul I of Law No. 155 of 24 July 202 non- in OFFICIAL MONITOR No 665 of 27 July 2020)

0 compliance a by market participants and transmission system operator of requirements relating to transparency foreseenin regulations

ANR and 24-09- in European regulations, with the exception of Regulation (EU) No 1.227/2011;

E 2020, Paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 46, Arti Colul I of Law No. 155 of 24 July 202 non- in OFFICIAL MONITOR No 665 of 27 July 2020)

0 compliance a by the distribution system operator of the connection deadline referred to in Article 51 ;

53. published para. Colul I of Law No. 155 of 24 July

54. "non-compliance by the supplier, in relation to the non-household end customer, with the provisions of Article 57(7);

(on 31-12-2021, point 54. of paragraph 1, Article 93, Chapter VIII, Title I was amended by Point 128, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

55. failure by the supplier, in relation to the household final customer, to comply with Article 57(7);

(on 31-12-2021, paragraph 1 of Article 93, Chapter VIII, Title I was supplemented by Point 129, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(2) The offences referred to in paragraph (1) shall be punished as follows:

1. in the case of natural persons, as follows:

a) withfine by on1.000 Lei until on 2.000 Lei, for thoseforeseen on item 6 2, 11, 13, point 26-31; 24

b) withfine by on2.000 Lei until on 4.000 Lei, for thoseforeseen on item 63-7, 9, 12, point 14-17, 21, 24

c) withfine by on4.000 Lei until on 8.000 Lei, for thoseforeseen on item 6 1, 8, 18 and 36; amended

(on 19-07-2018, Point c)from point 1. Paragraph 2, Article 93,Chapter VIII, Title I a former

point 10, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

d) with a fine of 20,000 Lei up to 50.000 Lei, for that referred to in point 45;

No table of contents entries found.

of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

2. in the case of legal persons, as follows:

a) a fine of between RON 5 000 and RON 100,000 for those referred to in points 2, 6, 7, 9, 11-14, 16, 17, 23, 25, 27-31, 39 and 44;

(31-12-2021, Letter a) of Point 2. Paragraph 2, Article 93, Chapter VIII, Title I was amended by Point 130, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

b) with a fine of 10,000 Lei up to RON 200,000, for those referred to in point 1, 3-5*3,8, 10, 15,18, 20, 22, 26, 36

and 53;

(on 24-09-2020, Letter b) of Point 2. Paragraph 2, Article 93, Chapter VIII, Title I a former amendedby Point 49, Article I of

Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

c) with a fine of 20,000 Lei up to RON 400,000, for those referred to in points 4*1, 5*4, 24, 37, 38, 39*2, 40 and 54;

No table of contents entries found.

(31-12-2021, Letter e) of Point 2. Paragraph 2, Article 93, Chapter VIII, Title I was amended by Point 132, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

d) a fine of 0.5 % to 1 % of the annual turnover of sales on the competitive energy market in the business year preceding the penalty for those referred to in points 49 and 50;

(on 24-09-2020, point 2 of paragraph 2, Article 93, Chapter VIII, Title I was supplemented by Paragraph 51, Article I of Law No 155 of 24 July 2020, published in the MONITOROFFICIAL No 665 of 27 July 2020)

e) with a fine between 5 %, and 10 % offfigure of business a year prior to application penalties, for planned on point 42;

(31-12-2021, Letter g) of Point 2. Paragraph 2, Article 93, Chapter VIII, Title I was amended by point 133, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR no. 1259 of 31 December 2021)

f) with a fine between 2 %, and 10 % offfigure of business a year prior to application penalties, for the one referred to in point 48.

(on 24-09-2020, point 2 of paragraph 2, Article 93, Chapter VIII, Title I was supplemented by Paragraph 51, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020) (2^1)

(on 24-09-2020, paragraph 2^1) of Article 93, Chapter VIII, Title I was repealed by Paragraph 52, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(3) The detection of contraventions and the application of penalties shall be made by:

a) authorised representatives of ANRE for the infringements referred to in paragraphs 1 to 27 and 32-54;

(on 31-12-2021, letter a) of paragraph 3, Article 93, Chapter VIII, Title I was amended by point 134, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) of the authorised representatives of the National Authority for Consumer Protection, for the offence referred to in paragraph 55, in accordance with the legal provisions on consumer protection;

(on 31-12-2021, Article 93(3), Chapter VIII, Title I was supplemented by Point 135, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

b) the authorised representatives of the local councils, in the case of the offence referred to in paragraph (1) point 29;

(on 19-07-2018, letter b) of paragraph 3, Article 93, Chapter VIII, Title I was amended by Paragraph 12, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

c) police officers, gendarmes or local police officers, together with authorised representatives of the network operators, in the event of infringements referred to in paragraph (1) points 28, 30 and 31.

(on 19-07-2018, letter c) of paragraph 3, Article 93, Chapter VIII, Title I was amended by Paragraph 12, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(4) For the infringements referred to in paragraph (1), with the exception of those referred to in items 19, 21, 42, 43, 45-47, 48 and 54, repeatedly committed by legal persons, the regulatory authority shall impose a fine of between 1 % and 5 % of the annual turnover of the infringer.

(on 24-09-2020, paragraph 4 of Article 93, Chapter VIII, Title I was amended by Paragraph 53, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4^1) For the offences referred to in paragraphs 42, 48 and 54 committed repeatedly by legal persons, the regulatory authority shall withdraw the license of the infringer following a final court decision.

(on 24-09-2020, Article 93 of Chapter VIII, Title I was supplemented by point 54, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4^2) The repeated contravention is understood to mean the commission of the same offence at least twice, over a period of 12 consecutive months.

(on 31-12-2021, Article 93 (4^2) of Article 93, Chapter VIII, Title I was amended by Point 136, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(5) Annual turnover means the turnover of the infringing legal person from the licensed activity, in the business year preceding the penalty of the act. If, in the business year prior to the penalty, the undertaking has not recorded turnover or cannot be determined, account shall be taken of the financial year in which the infringer recorded turnover, a year immediately preceding the reference year for the purposes of calculating the turnover for the purposes of applying the penalty. If even in the year preceding the reference year for the purposes of calculating the turnover for the purposes of imposing the penalty the offender has not achieved turnover, the last recorded turnover will be taken into account. If the infringer is a newly established legal person, which did not register the turnover in the year preceding the sanction, he will be penalised with an administrative fine from RON 100,000 to RON 1 000 000.

(on 24-09-2020, paragraph 5 of Article 93, Chapter VIII, Title I was amended by Paragraph 55, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(6) Repealed.

(on 19-07-2018, paragraph 6 of Article 93, Chapter VIII, Title I was repealed by Paragraph 13, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(7) The imposition of the penalty of the fine shall be time-barred within 2 years of the date on which the offence was committed.

(8) By way of exception to the provisions of paragraph (7), the right of ANRE to impose administrative penalties for committing the offences referred to in paragraphs 32-35, 41, 42, 51 and 52 shall be time-barred within 36 months from the date on which the offence was committed.

(on 24-09-2020, Article 93 of Chapter VIII, Title I was supplemented by point 56, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(9) By way of exception to the provisions of paragraph (2) item 2 in respect of infringements committed by non-residents, the turnover to which the fine is imposed shall be replaced by the income obtained in Romania by the infringer and recorded in his individual financial statements.

(on 24-09-2020, Article 93 of Chapter VIII, Title I was supplemented by point 56, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(10) If within 45 days of notification of the decision of the President of ANRE to complete the investigation, in accordance with the provisions of this Law, the economic operator or association of economic operators concerned does not comply with the measures ordered, the competent authority may apply the maximum fine provided for in paragraph 2.

(on 24-09-2020, Article 93 of Chapter VIII, Title I was supplemented by point 56, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 94

Legal regime of contraventions

The provisions of Government Order No 2/2001 on the legal regime for infringements, approved with amendments by Law No 18 0/2002, as amended and supplemented, with the exception of the provisions of Article 8(2)(a) and Article 28(1) of this last legislative act, shall be applicable to the infringements referred to in Article 93(1).

(on 24-09-2020, Article 94 of Chapter VIII, Title I was amended by point 57, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 95

Finding of contraventions

(1) In order to establish the infringements referred to in Article 93(1), the inspecting agents referred to in Article 93(3) shall have access, under the conditions laid down by law, to buildings, rooms, installations and any other place, up to the energy receivers, and shall have the right to check the installation and to carry out measurements and determinations. Owners and those operating these buildings, places or installations shall be required to make available to the founding agents the documents and documents specific to their activities.

(2) In the case of infringements for which sanctions are provided by reference to turnover, the determination and individualisation of penalties shall be carried out by the Regulatory Committee on the basis of a procedure approved by the President of ANRE, within 60 days from the date of entry into force of this legislative act.

(on 31-12-2021, Article 95 of Chapter VIII, Title I was supplemented by Point 137, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The individualisation of the penalties for the infringements referred to in paragraph (2) shall be based on the seriousness and duration of the offence, the impact on the electricity market and the final customer, depending on the case, in accordance with the principles of effectiveness, proportionality and deterrent effect of the sanction applied.

(on 31-12-2021, Article 95 of Chapter VIII, Title I was supplemented by Point 137, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Chapter IX Transitional and final provisions

Article 96

Entry into force

(1) The provisions of Article 32 shall enter into force on 3 March 2013.

(2) On the date of entry into force of this Law, Law No 13/2007, No 51 of 23 January 2007, as published in the competent Romania, Part I, amended, shall be repealed, with the exception of Articles 7 to 11.

(3) Within no more than 60 days from the date of entry into force of this Law, the authority Official Gazette approves the energy supply

electrical.

(4) Within 6 months from the date of entry into force of this Law, ANRE shall adapt the regulatory framework in accordance with this Title.

(5) Pending the adaptation of the regulatory framework, all normative acts issued pursuant to Law No 13/2007, as subsequently amended and supplemented, it shall remain valid, except as otherwise provided for in this Title.

(6) The authorisation of electricians in the field of electrical installations, project verifiers and technical quality experts, and

out-of-court cases in the field of technological electrical installations are carried out only by ANRE, in accordance with the regulations issued by (on 30-07-2020, paragraph 6 of Article 96, Chapter IX, Title I was amended by Paragraph 58, Article I of Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(7) Any other form of authorisation by other public entities relating to the activities referred to in paragraph (6) shall be prohibited from the date the entry into force of this Law.

(8) Natural persons authorised until the date of entry into force of this Law shall carry out their activities until the expiry of the period of validity of the authorisations.

Article 97

Final provisions

(1) In the normative acts where the words "default supplier" and "supplier of last option" appear, they are replaced by the words "supplier of last resort".

(2) The relevant Ministry shall notify the European Commission of the adoption of this Law and of other administrative acts necessary application of for the implementation of Directive (EU) 2019/944, including by sending the texts of these legislative acts.

(on 31-12-2021, paragraph 2 of Article 97, Chapter IX, Title I was amended by Point 138, Article I of the Order of 28 December 2021, Emergency No 143 published in Official Gazette No 1259 of 31 December 2021)

(3) Repealed.

(on 31-12-2021, Article 97(3), Chapter IX, Title I was repealed by Point 139, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) A vertically integrated economic operator which owns a transmission system may not be prevented from taking the necessary measures to implement the ownership unbundling model provided for in Article 31(2) of this Law.

(on 31-12-2021, Article 97(4), Chapter IX, Title I was amended by Point 140, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Title II Natural gas

Chapter I General provisions

Article 98

Regulatory area

(1) This Title lays down the regulatory framework for the performance of activities concerning the production, transmission, distribution, supply and storage of natural gas and liquefied natural gas, as well as the arrangements for the organisation and functioning of the natural gas sector, market access and the criteria and procedures applicable for the granting of authorisations and/or licences in the gas sector.

(on 19-07-2018, paragraph 1 of Article 98, Chapter I, Title II was amended by point 14, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2) The provisions of this Title shall also apply in a non-discriminatory manner to biogas, gas from biomass or other types of gas, insofar as it is technically possible for them to be injected or transported through natural gas transmission/distribution systems and upstream pipelines and/or to be used in facilities of use in a safe manner.

(3) This Title shall not apply to liquefied petroleum gas (LPG), compressed natural gas (CNG), compressed natural gas for vehicles (CVG).

(on 19-07-2018, Article 98 of Chapter I, Title II was supplemented by point 15, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 99

Objectives of natural gas activities

Activities in the gas sector must be carried out in order to achieve the following basic objectives:

- ensuring the sustainable development of the national economy;
- ensuring continuity and security in the supply of natural gas to customers;
- the protection of the legitimate interests of final customers of natural gas;
- promoting, stimulating and ensuring competition in the gas market;
- the harmonisation of national legislation with the relevant European Union legislation, while respecting the principle of subsidiarity;
- transparency of regulated prices and tariffs in the gas sector;
- development of the natural gas sector in conditions of economic efficiency and environmental protection;
- promoting the production and use of new and renewable sources of gas;
- ensuring non-discriminatory access to natural gas sources;
- ensuring security measures to prevent and combat acts of terrorism and sabotage on gas infrastructure;
- developing interconnections of natural gas transmission systems with similar systems in neighbouring countries and other transmission infrastructures and integrating the National Gas Transmission System into the European Transmission Network for Gas – ENTSO-G, hereinafter referred to as ENTSO-G;
- ensuring the necessary conditions for the proper functioning of the natural gas market and for the integration of the national market into the European internal gas market;
- ensuring non-discriminatory third-party access to upstream pipelines, storage facilities, transmission systems, natural gas distribution systems and LNG facilities;
- ensuring the operation of surface technological installations in production fields, storage facilities, natural gas transmission and distribution systems, in safe and efficient conditions;
- ensuring natural gas storage capacity for current needs and for those contributing to the country's energy security.

Article 100

Meaning of some terms and expressions

For the purposes of this Title, the following terms and expressions shall be defined as follows:

- access to upstream pipelines – the right of an economic operator in the gas sector or of an eligible customer to use upstream pipelines, except for the part used in natural gas production processes or at the point where natural gas meets the technical quality requirements in order to be marketed;
 - access to the distribution system – the right of a natural gas economic operator or customer to use the distribution system;
 - access to the storage system – the right of a natural gas operator or customer to use the underground storage system;
 - access to the transmission system – the right of a natural gas economic operator or customer to use the transmission system;
 - access to the LNG/hydrogen terminal – the right of a natural gas operator or final customer to use the LNG/hydrogen terminal;
- (on 31-12-2021, Point 5. of Article 100, Chapter I, Title II was amended by Point 141, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- related activities – activities complementary to those of production, transmission, distribution, storage of natural gas, which are carried out by the licensed operator, in accordance with the conditions of validity of the licences for operating the respective systems;
 - apparatus for use – part of the installation for the use of natural gas, intended to consume natural gas as fuel or raw material, provided that the legal conditions for its operation are met;
 - authorisation/licence – the individual administrative act issued by ANRE, granted to a natural or legal person, for the exercise of a right and the execution of certain obligations;
 - competent authority – National Energy Regulatory Authority – ANRE, which is organised and operates in accordance with the provisions of the law;
 - technical advice – the document issued following the analysis of a technical documentation attesting compliance with the conditions imposed by the legislation in force;
 - biogas – mixture of gases of biogenic origin produced by fermentation, gasification or pyrolysis processes of organic substances;
 - biomethane – biogas brought to quality parameters in order to be used in transmission and distribution networks mixed with natural gas;
 - property of third parties – components of transmission systems or distribution systems, used by licensed operators for carrying out transmission or distribution services, goods not included in their assets, except those resulting from the connection to the system for new applicants in accordance with the provisions of Article 138(1)(d) and d'3);
- (on 31-12-2021, Point 13. of Article 100, Chapter I, Title II was amended by Point 142, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- capacity – the maximum flow, expressed in volume unit per unit of time or unit of energy per unit of time, to which the network user is entitled in accordance with the contractual provisions;
 - contracted capacity – the capacity that the system operator has allocated to a user through a contract;
 - available capacity – the part of the technical capacity that is not allocated and is still available for the system at that time;

17. firm capacity – contractually guaranteed capacity as uninterruptible by the system operator;
18. interruptible capacity – capacity that may be interrupted by the system operator in accordance with the conditions set out in the contract with the network user;
(on 04-10-2014, point 18 of Article 100 was amended by Article I(38) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)
19. spare capacity – the firm capacity that a network user has purchased under a contract but which the user has not nominated by the deadline specified in the contract;
20. technical capacity – the maximum firm capacity that the system operator can offer to a user, taking into account the integrity of that system and its operational requirements;
21. customer – the wholesale customer, the final customer of natural gas or a natural gas economic operator purchasing natural gas;
22. wholesale customer – a natural or legal person, other than a transmission system operator or distribution system operator, who purchases natural gas for resale inside or outside the system in which it is established;
23. client household – customer buying natural gas for domestic consumption own;
24. client eligible – customer who is free to buy natural gas from a supplier chosen by it;
25. client final – customer who buys natural gas for his own use;
26. client industrial – final non-household customer using natural gas in processes industrial by means of installations defined in accordance with non-discriminatory regulation approved by ANRE;*)
(on 04-10-2014, Article 100 26 was amended by Article I(38) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)
27. Repealed.
(on 19-07-2018, Paragraph 27. of Article 100, Chapter I, Title II was repealed by Paragraph 16, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
28. non-household customer – customer who buys natural gas that is not intended for own household consumption;
29. vulnerable consumer – single person/family, final customer belonging to a category of household customers, who, for reasons of health, age, insufficient income or isolation from energy sources, is at risk of social marginalisation and who, in order to prevent this risk, benefit from social protection measures, including financial ones, and additional services to ensure at least their minimum energy needs. Social protection measures, as well as the eligibility criteria for them, shall be laid down in legislative acts;
(on 01-11-2021, Paragraph 29 of Article 100, Chapter I, Title II was amended by Point 2, Article 41, Chapter IV of Law No 226 of 16 September 2021, published in Official Gazette No 891 of 16 September 2021)
30. interruptible safety customer – final customer who by reducing its consumption until shutdown contributes to maintaining security of gas supply in an emergency. The regulation of the legal regime applicable to interruptible safety customer, as well as any other measures to implement Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC, is carried out by Government Decision drawn up on a proposal from the competent ministry as competent authority;
(on 04-10-2014, Article 100 30 was amended by Article I(38) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)
31. code – collection of technical and/or commercial regulations, elaborated or approved by ANRE, establishing rules and procedures for economic operators in the gas sector;
- 31'1. concessionaire of natural gas transmission/distribution services – a legal person holding a concession contract for the provision of a public service in the gas sector;
(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 143, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
32. upstream pipeline – any pipeline or pipeline network operated and/or constructed as part of a natural gas or crude oil production project or used for the transmission of natural gas from the perimeter(s) where natural gas and crude oil production projects are carried out to a system, plant, processing terminal or coastal discharge terminal;
(on 31-12-2021, Paragraph 32 of Article 100, Chapter I, Title II was amended by Point 144, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- 32'1. distribution line – any pipeline or pipeline network operated and/or constructed as part of a distribution system operating mainly at low, low and medium pressure, through which natural gas is handled between commercial take-over points from upstream pipelines, transmission ducts, or terminals/installations, to delivery points to other distribution systems, i.e. to final customers; the distribution pipeline operating at local high pressure mode may supply an existing/new natural gas distribution system or an industrial final customer from the natural gas transmission system;
(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 145, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
33. transmission pipeline – the pipeline assembly, including facilities, equipment and associated facilities, operating mainly at high pressure, ensuring the transmission of natural gas between pick-up points from upstream pipelines, interconnectors, import pick-up points or LNG terminals to delivery points at distribution operators, final customers or interconnectors;
34. interconnection pipeline – transmission pipeline crossing or crossing a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission pipeline between a Member State and a third country up to the territory of the Member States or to the territorial sea of that Member State;
(on 19-12-2020, point 34. of Article 100, Chapter I, Title II was amended by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
35. technological consumption – the quantity of natural gas determined on the basis of the methodologies developed by ANRE, which is necessary to be consumed by an economic operator in order to ensure the necessary technological parameters for carrying out the distribution activity, namely the transmission of natural gas;
(on 31-12-2021, point 35. of Article 100, Chapter I, Title II was amended by Point 146, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
36. contract for the supply of natural gas – a contract for the sale and purchase of natural gas, which excludes a financing instrument in the field of natural gas;
37. smart metering – advanced metering system that provides information to the final customer and the operator on actual electricity or natural gas consumption, as well as on the actual time of consumption, and which offers choices to the consumer for efficient use of energy;
- 37'1. take or pay contract – a sale-purchase contract that obliges the buyer to pay a certain negotiated quantity, even in the absence of its takeover;
(on 04-10-2014, Article 37'1 of Article 100 was inserted by Article I(39) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)
38. underground storage warehouse – space in the earth's crust having natural qualities or acquired as a result of previous oil operations or mining activities, which are specific to the injection, storage and extraction of volumes of natural gas, which are publicly owned by the State;
39. control – any rights, contracts or any other elements which, individually or taken together and taking into account factual or legal circumstances, give the opportunity to exercise decisive influence over an undertaking, in particular by:
 - a) rights of ownership or use of all or part of the assets of an enterprise;
 - b) rights or contracts which confer a decisive influence on the structure of the undertaking, the vote or decisions of the management bodies of an undertaking;
40. dispatching – the specific permanent and operational balancing activity, at system level, of the quantities of incoming and outgoing natural gas, to the parameters resulting from the delivery obligations, as well as taking measures to limit the effects of exceptional situations, such as: very low temperatures, natural disasters, major damage and the like, using specific means;
41. distribution of natural gas – the activity of transporting natural gas through a distribution pipeline system to be supplied to customers, but not including supply;
42. service life – the period within which a natural gas objective achieves the purpose for which it was built in a safe and economically efficient manner, in accordance with the regulations in force;
- 42'1. economic efficiency – a set of technical-economic and environmental protection principles taken into account at each stage of the design, development and operation of natural gas transmission and distribution networks in order to ensure access to the network for all applicants within a concession area, at the lowest cost, in compliance with technical and safety standards, as well as the standard of performance. The economic efficiency criteria shall be established by ANRE, by order of the President of ANRE;
(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 147, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- 4 2'2. extension of the natural gas distribution system – development of the existing natural gas distribution system in a concession area, where there are no pipelines for the distribution of natural gas in the public domain and/or by private access routes, with a view to connecting end customers;
(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 147, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- 4 2'3. commercial operation of the hydrogen terminal – commercial activity for the sale of hydrogen to customers;
(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 147, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
43. supply of natural gas – commercial activity of selling natural gas, including LNG, to customers;
44. supplier – natural or legal person carrying out the activity of supplying natural gas;
45. supplier of last resort – the supplier designated by the competent authority to provide the service of supply under specific regulated conditions;
- 45'1. Repealed.
(on 19-07-2018, Paragraph 45'1. of Article 100, Chapter I, Title II was repealed by Paragraph 16, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
46. Repealed.

(on 19-07-2018, Paragraph 46. of Article 100, Chapter I, Title II was repealed by Paragraph 16, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

47. liquefied natural gas (LNG) – natural gas which, following specific processes, is brought into a liquid state and stored in special containers;

48. natural gas – free gas from methane gas deposits, gases dissolved in crude oil, gas in the gas field associated with crude oil deposits, as well as gas resulting from the extraction or separation of liquid hydrocarbons;

49. Repealed.

(on 19-07-2018, Paragraph 49. of Article 100, Chapter I, Title II was repealed by Paragraph 16, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

50. commercially sensitive information – information the disclosure of which could restrict, impede or distort competition on the gas market and/or cause harm to market participants;

51. new infrastructure – infrastructure not completed by 4 August 2003;

52. surface technological installation for the production of natural gas – the assembly of appliances, accessories and pipelines, including upstream ones, used for the production and transmission of natural gas;

53. storage facility – the facility used for the storage of natural gas and owned and/or operated by a storage operator, including LNG facilities used for storage, but excluding the part used for production activities, as well as facilities reserved exclusively for transmission system operators for the purpose of carrying out their tasks;

54. installation for use – the assembly of pipes, appliances and accessories, including the flue and flue, located after the pressure control and flow measurement station, if applicable, with the exception of the flow measurement apparatus, which is part of the distribution system;

55. natural gas derivative – commodity derivative, as these types of financial instruments are set out in existing market regulations for financial instruments;

56. natural gas storage – the set of activities and operations carried out by the storage operator for or in connection with the reservation of storage capacity in underground storage facilities and for the injection, storage and extraction of specified quantities of natural gas from those capacities;

57. direct bus – transmission/distribution pipeline of natural gas, complementary to the interconnected transmission/distribution/pipeline system upstream of natural gas;

(on 19-07-2018, Paragraph 57. of Article 100, Chapter I, Title II was amended by Paragraph 17, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

58. natural gas monopoly – a situation in which natural gas transmission or distribution services are provided by a single concessionaire for a specified area;

(on 31-12-2021, Point 58 of Article 100, Chapter I, Title II was amended by Point 148, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

58¹. grantor authority (concedent) for the public service of gas distribution – the local public administration authorities of the administrative-territorial units or their associations, as appropriate;

(on 19-07-2018, Paragraph 58¹. of Article 100, Chapter I, Title II was amended by Paragraph 17, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

59. natural gas objective – upstream pipeline for the production of natural gas, a system of transmission, distribution or storage of natural gas or a component part of one of them;

60. LNG terminal operator – the natural or legal person who carries out the activity of liquefaction of natural gas or the import, discharge and regasification of LNG and is responsible for operating a LNG facility;

60¹. operator of the hydrogen terminal – the natural or legal person who performs the hydrogen production activity or its import, discharge and regasification and is responsible for the operation of the hydrogen terminal;

(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 149, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

61. natural gas market operator – legal entity that ensures the organisation and administration of centralised markets, with the exception of the balancing market, with a view to trading in natural gas in the short, medium and long term, on the wholesale market or on the retail market, under the conditions of regulations issued by ANRE;

(on 19-07-2018, Paragraph 61. of Article 100, Chapter I, Title II was amended by Paragraph 17, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

62. upstream pipeline operator – the natural or legal person who carries out the activity of producing natural gas and is responsible for operating, maintaining and, if necessary, developing upstream pipelines in a given area;

63. distribution system operator – the natural or legal person who carries out the activity of natural gas distribution in one or more demarcated areas and is responsible for the operation, maintenance and development of the system in that area and, where applicable, its interconnections with other systems, as well as for ensuring the long-term capacity of the system, in order to meet at a reasonable level the demand for the distribution of natural gas;

64. storage operator – the natural or legal person who carries out the storage activity and is responsible for the operation of the natural gas storage facility;

65. transmission system operator – the natural or legal person who carries out the activity of natural gas transmission and is responsible for operating, maintaining and, if necessary, developing the transmission system in a given area and, where appropriate, its interconnections with other systems, and for ensuring the long-term capacity of the system in order to meet demand for the transmission of natural gas;

66. related economic operator – any other economic operator which, directly or indirectly, controls the specified economic operator, is controlled by it or is under joint control with that economic operator;

67. natural gas economic operator – the natural or legal person, excluding final customers, carrying out at least one of the following activities: production, transmission, distribution, supply, centralised market administration, purchase or storage of natural gas, including LNG, and having commercial, technical and/or maintenance tasks related to those activities;

68. operator economic integrated natural gas – vertically or horizontally integrated natural gas operator;

69. operator economic integrated horizontally – natural gas economic operator carrying out at least one of the activities of production, transport, distribution, supply or storage of natural gas, as well as an activity outside the natural gas sector;

70. operator economic integrated vertically – economic operator or group of natural gas operators in which the same person; or the same persons are entitled, directly or indirectly, to exercise control over it and who perform at least one of the activities of transmission, distribution, storage of natural gas, including LNG, and at least one of the functions of production or supply of natural gas;

71. gas market – the organisational framework in which natural gas and associated services are traded;

72. centralised gas market – the organised framework for carrying out natural gas transactions between various economic operators, intermediated by a natural gas market operator, on the basis of specific rules approved by the competent authority;

(on 04-10-2014, Article 72 of Article 100 was amended by Article I(41) of Law No 127 of 30 September 2014 published in Official Gazette no. 720 of 1 October 2014.)

73. natural gas balancing market – the organised framework for carrying out natural gas transactions between various economic operators, intermediated by the transmission system operator, on the basis of specific rules approved by ANRE;

74. long-term planning – long-term planning of the supply and transmission capacity of natural gas operators in order to meet the natural gas demand of the system, diversify sources and ensure customer supply;

74¹. complaint – petition, divergence, misunderstanding, dispute, dispute or any other request addressed to ANRE, in the field of natural gas, made by a natural or legal person;

(on 30-07-2020, Article 100 of Chapter I, Title II was supplemented by point 59, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

75. regulated price – the price at which the supply of natural gas is carried out on the basis of a framework contract, quality of service standards and/or specific conditions set by the competent authority;

Virtual trading point (PVT) – abstract point, unique at the level of the national transmission system, between entry points into the national transmission system and exit points from the national transmission system, where it is allowed to transfer the ownership of natural gas from one participant to another participant on the natural gas market; PVT is used by natural gas market participants both for commercial purposes and for individual balancing of their portfolios, in accordance with ANRE regulations;

(on 19-07-2018, Article 100 of Chapter I, Title II was supplemented by Paragraph 18, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

76. connection – the connecting line between a main branch (upstream supply pipeline, transmission pipeline, natural gas distribution pipeline) and a measuring station or adjustment-measurement station, a natural gas delivery station, a measuring, adjusting-measurement station, which supplies a distribution system, one or more final customers;

(on 31-12-2021, point 76. of Article 100, Chapter I, Title II was amended by Point 150, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

77. transmission and/or distribution network – assembly of pipelines connected to each other, including related installations and equipment for the transmission of natural gas, in accordance with specific technical regulations;

77*1. the network of Member States – all upstream transmission, distribution and pipeline networks under the jurisdiction of the Member States of the European Union;

(on 19-12-2020, Article 100 of Chapter I, Title II was supplemented by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

78. capacity reservation – keeping part of the available transmission/distribution/storage capacity available to users for transport/distribution/storage of a specified quantity of natural gas;

79. natural gas sector – all activities carried out by economic operators for the production, transmission, storage, distribution and supply of natural gas, biogas, biomethane and LNG, as well as the facilities and equipment used to carry out these activities;

(on 19-07-2018, Paragraph 79. of Article 100, Chapter I, Title II was amended by Paragraph 17, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

80. system service – any service necessary for the access and operation of transmission networks, distribution networks, LNG and/or storage facilities, including load balancing, mixing and injection of inert gases, but excluding facilities reserved exclusively for transmission, distribution or storage operators in order to fulfil their tasks;

80*1. public service – activity of general interest in the field of natural gas, authorised and monitored by a public authority;

(on 04-10-2014, Article 100(1) was inserted by point 42 of Article I of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

81. security – security of gas supply and technical security of objectives;

82. system – any transmission, distribution, LNG terminal and/or storage facility operated by a natural gas economic operator, including their related facilities providing system services, including pipeline storage, and related economic operators' facilities necessary to ensure access to the transmission, distribution system, storage facility or LNG terminal;

83. transmission system – the assembly of pipelines connected to each other, including the related installations and equipment for the transmission of natural gas, in accordance with specific technical regulations, ensuring that natural gas extracted from the operating or imported areas is taken over and delivered to distributors, direct customers, at storage, and to beneficiaries in various countries;

84. the National Transport System (NTS) – the transport system located on the territory of Romania and which is the public property of the State;

85. interconnected system – a number of linked systems;

86. pipeline storage – storage of gas by compression in natural gas transmission and distribution systems, but excluding quantities of natural gas reserved by transmission or distribution system operators in order to fulfil their tasks;

87. coastal terminal – the set of installations located on the Black Sea shore where it is ensured that natural gas from sub-sea operating areas is taken over, i.e. the point where natural gas meets the technical quality requirements in order to be marketed;

88. LNG terminal – all facilities required for the liquefaction of natural gas or for the import, unloading and regasification of LNG and including ancillary services and temporary storage facilities necessary for the regasification process and subsequent delivery, but not including any part of the facilities/equipment used for LNG storage;

(on 31-12-2021, point 88 of Article 100, Chapter I, Title II was amended by Point 151, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

88*1. natural gas trader – a licensed natural or legal person who buys and sells natural gas exclusively on the wholesale market in natural gas;

(on 19-07-2018, Article 100 of Chapter I, Title II was supplemented by point 19, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

88*2. hydrogen terminal – all the facilities necessary for the import, discharge and regasification of hydrogen with a view to subsequent delivery to the system, but which does not include any part of the facilities/equipment used to store hydrogen in a liquid or gaseous state;

(on 31-12-2021, Article 100 of Chapter I, Title II was supplemented by Point 152, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

89. transmission of natural gas – the transmission of natural gas through a network consisting mainly of high-pressure pipelines, other than an upstream pipeline network and other than that part of the high-pressure pipelines which is mainly used for the distribution of natural gas at local level, for the purpose of delivering natural gas to final non-household customers, but not including supply;

(on 31-12-2021, point 89. of Article 100, Chapter I, Title II was amended by Point 151, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

89*1. network user – any customer of a transmission system operator, as well as the transmission system operators themselves, to the extent necessary for the performance of their functions in the field of transmission, on the basis of ANRE regulations and specific European Union legislation;

(on 19-07-2018, Article 100 of Chapter I, Title II was supplemented by point 20, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

90. system user – the natural or legal person who feeds the system or is served by the system;

91. protection zone – the area adjacent to the objectives of the natural gas sector, extended into space, where there are prohibitions on access to persons, the regime of activities and construction, established by technical regulations;

92. safety zone – the area adjacent to the objectives of the gas sector, extended into space, where restrictions and prohibitions are put in place, in order to ensure normal operation and to avoid endangering persons, property and the environment, established by technical regulations; the safety zone shall also comprise the protection zone.

Chapter II Authorities and powers

Article 101

Energy strategy and policy in the natural gas sector

(1) The national energy strategy defines the objectives of the gas sector in the medium and long term and how to achieve them, while ensuring the sustainable development of the national economy. The energy strategy shall be drawn up by the relevant ministry and approved by the Government, in consultation with non-governmental organisations, social partners and representatives of the business environment.

(2) Energy policy, following the directions set out in the energy strategy, is developed by the relevant ministry, based on the programme of governance, for a medium time frame and taking into account probable long-term developments, in consultation with non-governmental organisations, social partners and business representatives, with particular regard to:

- a) the establishment of the appropriate institutional framework by establishing the bodies and the competent authority for the implementation of this policy;
- b) ensuring security of gas supply;
- c) forecasting natural gas imports and exports;
- d) developing development programmes in the gas sector;
- e) ensuring environmental protection;
- f) increasing economic and/or energy efficiency in the production, storage, transmission, distribution and use of natural gas;
- g) increasing the development of natural gas storage capacities, injection/extraction capacities from landfills and establishment of strategic storage;
- h) specification of the guidelines on gas research and development and the promotion of advanced technologies in domain;
- i) the development of international cooperation.

(3) The government, the competent ministry and the other specialised bodies of the central public administration take measures to achieve the objectives the energy policy referred to in paragraph (2) and shall examine, annually or whenever necessary, the state of compliance with its provisions.

Article 102

Powers of the relevant ministry

The relevant Ministry shall draw up the natural gas policy and ensure its implementation, in accordance with the provisions of this Title, with the following main tasks:

- a) implements the Government's energy policy;
- b) draw up programmes and plans of measures for the implementation of the Government's policy in the gas sector;
- c) ensure the development of studies on the basis of which priorities for gas investments are to be established;
- d) prepare draft regulatory acts for the natural gas sector, in consultation with stakeholders;
- D¹) issues authorisations for the establishment of new LNG/hydrogen production capacities, based on procedures approved by order of the Minister; (on 19-12-2020, Article 102 of Chapter II, Title II was supplemented by point 1, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- e) repealed; (on 19-07-2018, Letter e) of Article 102, Chapter II, Title II was repealed by Paragraph 21, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- f) supervise the implementation and compliance with the measures established for the protection of the environment by the participants in the natural gas sector activities;
- g) ensures harmonisation with European Union standards and regulations in the field of natural gas and creates the necessary mechanisms for their application;
- h) monitor compliance with the commitments made in the Treaty of Accession to the European Union for the gas sector and coordinate the transposition and implementation of these commitments by the institutions concerned;
- i) develops and substantiates, together with the Ministry of Labour, Family and Social Protection and employers' and trade union organisations, the proposals for social policy specific to the natural gas sector, social and medical assistance programmes, risk insurance and accidents, with a view to avoiding occupational risks and rehabilitation of those who have suffered accidents at work and occupational diseases;
- j) monitor security of supply issues, in particular the supply/demand balance on the national market, at the level of forecasted future demand and available reserves, planned or planned additional capacity, planned or under construction, the quality and level of maintenance of the networks, as well as the measures necessary to address peak demand and supply shortages of one or more suppliers. To this end, publish every two years, by 31 July, a report outlining the findings made in monitoring these issues, as well as any measures taken or envisaged to address them, and shall immediately submit this report to the European Commission;
- k) promote and facilitate, together with ANRE, cooperation between transmission system operators at regional level, including on cross-border aspects, with a view to creating a competitive internal market in natural gas based on the principles of transparency, competition, non-discrimination, solidarity and security, with a view to ensuring the consumption of natural gas for final customers in a continuous and secure manner; this cooperation shall cover geographical areas defined in accordance with Article 12(3) of Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1.775/2005 and other geographical areas; (on 19-07-2018, Letter k) of Article 102, Chapter II, Title II was amended by Paragraph 22, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- l) acts as a competent authority under Regulation (EU) No 1.938/2017 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010; (on 19-07-2018, Letter l) of Article 102, Chapter II, Title II was amended by Paragraph 22, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- m) endorses, together with the Ministry of Labour, Family and Social Protection, labour protection regulations in the natural gas sector;
- n) collaborates with the Ministry of Labour and Social Protection, which is responsible for implementing the national action plan in cases of energy poverty, which defines critical situations and customers who cannot be disconnected in such situations; (on 19-07-2018, Letter n) of Article 102, Chapter II, Title II was amended by Paragraph 22, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- o) develop the Preventive Action Plan concerning measures to safeguard security of gas supply and the Emergency Plan as provided for in Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010; (on 01-07-2020, Article 102 of Chapter II, Title II was supplemented by Point 1, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)
- p) order non-market based measures to ensure security of gas supply in the event of a crisis declaration, the level of emergency as competent authority as provided for in Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010. (on 01-07-2020, Article 102 of Chapter II, Title II was supplemented by Point 1, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)

Article 102¹

Regulatory authority

- (1) ANRE shall respect and implement all relevant legally binding decisions of ACER and the European Commission, and the Government, the relevant ministry and the other specialised bodies of the central public administration, as appropriate, shall take all necessary steps in this respect, in accordance with their respective powers and competences.
- (2) ANRE shall cooperate and consult with the other regulatory authorities within the European Union, providing them and ACER with the information necessary for the performance of their tasks under Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC. With regard to the exchange of information, ANRE ensures compliance with the same level of confidentiality as that required of the issuing authority.
- (2¹) ANRE shall cooperate in cross-border matters with the regulatory authority or authorities of the Member States concerned and ACER. With regard to infrastructure to and from a third country, ANRE may cooperate with the relevant authorities of the third country where the first interconnection point with the network of the Member States is located on the territory of Romania, after consultation with the regulatory authorities of the other Member States concerned, with a view to the consistent application of common rules for the internal market in natural gas on the territory of Romania. (on 19-12-2020, Article 102¹ of Chapter II, Title II was supplemented by Point 1¹, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- (2²) ANRE may consult and cooperate with the relevant authorities of third countries as regards the operation of natural gas infrastructure to and from third countries in order to ensure, as regards the infrastructure concerned, the consistent application in Romania's territory and territorial sea of common rules for the internal market in natural gas. (on 19-12-2020, Article 102¹ of Chapter II, Title II was supplemented by Point 1¹, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- (3) ANRE may request ACER's opinion on the compliance of a decision taken by a regulatory authority with the guidelines referred to in Directive 2009/73/EC or Regulation (EC) No 715/2009.
- (4) ANRE may inform the European Commission if it considers that a decision relevant to cross-border trade taken by another regulatory authority does not comply with the guidelines referred to in Directive 2009/73/EC or Regulation (EC) No 715/2009 within 60 days from the date of that decision.
- (5) ANRE shall comply, within 60 days, with a decision of the European Commission requiring the withdrawal/revocation of a decision of ANRE and shall inform the European Commission accordingly.
- (6) ANRE shall approve by order of its President and publish technical rules laying down technical safety criteria and minimum technical requirements for the design, execution and operation for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, as well as direct buses. These technical rules shall ensure the interoperability of the systems and shall be objective and non-discriminatory and shall be notified to the European Commission in accordance with the national legislation in force transposing Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended.
- (7) ANRE controls, through the authorised persons, compliance with the specifications, characteristics and technical safety criteria of the installations and equipment used in the natural gas transmission and distribution networks, approved in compliance with the relevant European legislation.
- (8) ANRE shall ensure the increase of information, education and awareness of the rights of final customers of natural gas in relation to economic operators participating in the gas market and shall take all necessary measures to provide them with practical information. (on 19-07-2018, Article 102¹ of Chapter II, Title II was supplemented by Paragraph 23, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- (9) ANRE is required to conduct information campaigns through any media, online environment and social media aimed at informing consumers about their rights, including the right to switch gas supplier, at no additional cost. ANRE has the right to finance the aforementioned campaigns from its own budget. (on 31-12-2021, Article 102¹ of Chapter II, Title II was supplemented by Point 153, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- (10) In application of the provisions of Article 145(4) (h) in order to digitise the switching activity, ANRE shall establish and operate an integrated IT

platform, unique at national level, through which the final customer changes the gas supplier. Licensees involved in the change of gas supplier are required to provide the data and information necessary for the development and operation of the platform, in accordance with ANRE regulations. ANRE may delegate the operating activity to a service provider that is not affiliated to a natural gas network provider/operator.

(on 31-12-2021, Article 102¹ of Chapter II, Title II a has been completed by Point 153, Article I of the Emergency Order No. 143 of 28 December 2021, published in Official Gazette no. 1259 of 31 December 2021)

(on 04-10-2014, I would. 102¹ was introduced by point 44 of Article I of Law No 127 of 30 September 2014 published in OFFICIAL MONITOR No. 720 of 1 October 2014.)

Article 102²

Complaint handling

(1) Complaints addressed to ANRE shall be settled in accordance with the provisions of this Law and ANRE regulations/procedures, by way of derogation from provisions of Government Order No 27/2002, approved with amendments by Law No 233/2002, as amended.

(2) Before submitting a complaint to ANRE, if it concerns the activity of a service provider/activity provider, the complainant must in prior to contacting the service provider/activity whose performance is dissatisfied.

(3) Complaints of more than 36 months from the date of the commission shall not be subject to the resolution of complaints.

(4) Complaints brought before courts or legal entities out of court may no longer be addressed to resolution and ANRE.

(5) During the handling of complaints by ANRE, the effects of the actions of holders of licences/authorisations/attestations in the field of energy the applicants are suspended, in accordance with the conditions laid down by ANRE, with the exception of those which by their non-application would lead to irretrievable damage.

(on 30-07-2020, Chapter II of Title II was supplemented by Paragraph 60, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Chapter III Concession and regime of rights over the property of another

Article 103

Subject matter of the concession

(1) Public property related to the objectives/systems of natural gas transmission and storage, as well as natural gas transmission, storage and distribution services, are subject to concession to Romanian or foreign legal entities, under the conditions of the law.

(2) The annual fee for the concession of the natural gas transmission service paid by its operator, as concessionaire, is 0.4 % of the gross revenue generated from the activity of the concession contract.

(on 31-12-2021, paragraph 2 of Article 103, Chapter III, Title II was amended by point 154, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(on 30-07-2020, Article 103 of Chapter III, in Title II was amended by Paragraph 61, Article I of Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

Article 104

Concession of the public service for the distribution of natural gas

(1) The public utility service for the distribution of natural gas shall be granted to one or more administrative-territorial units. The concession is exclusive.

(on 19-07-2018, paragraph 1 of Article 104, Chapter III, Title II was amended by Paragraph 24, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(1¹) The capacity of granting authority shall be held by the local public administration authorities of the administrative-territorial units or their associations, as the case may be, for the public utility service of general interest referred to in paragraph (1).

(on 19-07-2018, paragraph 1¹) of Article 104, Chapter III, Title II was amended by Paragraph 24, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(1²) The general framework on the legal regime of contracts for the concession of the public utility service for the distribution of natural gas, the procedures for granting concessions and the framework content of the tender specifications shall be drawn up by the competent ministry, in accordance with the provisions of this Law, and shall be approved by Government Decision.

(on 19-07-2018, paragraph 1²) of Article 104, Chapter III, Title II was amended by Paragraph 24, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(1³) By way of exception to the provisions of paragraph (1¹), the status of granting authority for economic operators designated by Government Decision no. 1.649/2004 on certain measures for the conduct and completion of the privatisation of the Natural Gas Distribution Company "Distrigaz Nord" S.A. Targu Mures and the Commercial Company for Natural Gas Distribution "Distrigaz Sud" S.A. Bucharest is still owned by the Ministry of Energy.

(on 19-07-2018, Article 104 of Chapter III, Title II was supplemented by point 25, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Pursuant to Article III of Law No 167 of 10 July 2018, published in Official Gazette No 602 of 13 July 2018, for concession contracts concluded before the date of entry into force of this Law, the status of grantor shall be ensured by the local public administration authorities of the administrative-territorial units or their associations, as the case may be, by taking over from the competent ministry for the public service of general interest referred to in Article 104(1), with the exception of the contracts referred to in Article 104(1³) of Law No 123/2012, as amended and supplemented by this Law, within 6 months of the entry into force of this Law.

(1⁴) All legislative provisions and regulations issued by ANRE regarding the granting authorities shall also apply to the Ministry of Energy as the granting authority for the situations referred to in paragraph (1³).

(on 19-07-2018, Article 104 of Chapter III, Title II was supplemented by point 25, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2) By way of derogation from the provisions of Law No 100/2016 on works concessions and service concessions, as amended, the granting authorities shall initiate the concession award process, following a request from an interested person or public authority, under the terms of this Law.

(on 19-07-2018, paragraph 2 of Article 104, Chapter III, Title II was amended by Paragraph 26, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2¹) The administrative-territorial units and/or their associations may apply in their own name for specific authorisations/licences provided for by the legislation in force, under the conditions of the law.

(on 19-07-2018, Article 104 of Chapter III, Title II was supplemented by point 27, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3) Repealed.

(to 30-07-2020, Paragraph 3 of Article 104, Chapter III, 27 Title II it was amended by Point 62, Article I of Law No. 155 of 24 July 202 published in the OFFICIAL No 665 of 27 July 2020) Abrogat. MONITOR

(4) (to 30-07-2020, paragraph 4 of Article 104, Chapter III, Title II it was amended by Point 62, Article I of the Law No. 155 of 24 July 202 published in Official Gazette No 665 of 27 July 2020) By way of derogation from the provisions of Law No 100/2016, with amendments and country embeddings, the day, grantor authorities will establish the EC required

so as to ensure, where appropriate, the concession of the public utility service for the distribution of natural gas to one or more neighbouring territorial administrative units and/or their associations under a single contract and to the same technical supply solution in the National Gas Transmission System. The grantor seeks to ensure that, in the case of connection to the National Gas Transmission System, the technical solution for supplying the concession area is usually carried out by means of a single such connection.

(on 30-07-2020, paragraph 5 of Article 104, Chapter III, Title II has been amended paragraph 63, Article I of the Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(6) Grantor of the public utility service for distribution natural gas/ATU may decide and the system operator distribution al gases natural is obliged to accept the extension of the concession area for one or more localities belonging to the administrative-territorial unit within which, for at least one locality, the service has already been leased. The extension of the concession area is carried out by way of an addendum to the concession contract concluded with the concessionaire in the area concerned, an additional act which shall be submitted to ANRE within 30 calendar days from the signature.

The concessionaire shall finance the expansion of gas networks from its own funds, within the limits of the annual investment plans and prioritised, under conditions of economic efficiency.

Investments made by distribution system operators in accordance with the provisions of this Article represent investments in regulated assets and their recovery is carried out through distribution tariffs, in accordance with ANRE regulations.

In order to extend the service of general interest for the distribution of natural gas, local authorities participate with third-party financing, including from local budgets, in which case the investments supported shall not be remunerated by regulated tariffs.

(on 31-12-2021, paragraph 6 of Article 104, Chapter III, Title II was amended by Point 155, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(6¹) The concessionaire/concessor, in order to establish the natural gas distribution system, has the obligation to obtain in advance the specific authorisations provided for by the legislation in force.

(on 29-03-2019, Article 104 of Chapter III, Title II was supplemented by point 4, Article IV of Emergency Order No 19 of 29 March 2019, published in OFFICIAL MONITOR No. 245 of 29 March 2019)

(6²) The concessionaire may approve the sale by the concessionaire of its own gas distribution system in the concession area to a third party operator authorised by ANRE provided that it assumes all the rights and obligations of the concession contract in force.

(on 31-12-2021, Article 104 of Chapter III, Title II was supplemented by Point 156, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(7) After the concession has been awarded, the concessionaire shall apply for the specific authorisations/licences provided for by the legislation in force in order to carry out the activity.

(on 09-01-2020, paragraph 7 of Article 104, Chapter III, Title II was amended by Point 7, Article XIII of Emergency Order No 1 of 6 January 2020, published in Official Gazette No 11 of 9 January 2020)

(8) Repealed.

(on 30-07-2020, paragraph 8 of Article 104, Chapter III, Title II was repealed by Paragraph 64, Article I of Law No 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

(9) Operators holding licences to operate the natural gas distribution system and have concluded contracts for the provision of the public service for the distribution of natural gas with local authorities, treated as concession contracts, shall enjoy all the rights and obligations of the concessionaire provided for in this Law.

(on 04-10-2014, Article 104(9) was inserted by Article I(45) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(10) The distribution system operator designated by ANRE to take over the operation of a distribution system, in accordance with Article 138(1)(g), shall enjoy all the rights and obligations of the concessionaire provided for in this Law.

(on 04-10-2014, Article 104(10) was inserted by Article I(45) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 105

Ensuring the follow-up of the works

The grantor/concessor of the public service for the distribution of natural gas must ensure the monitoring of the execution of the works provided for in the establishment authorisation/concession contract, by its own staff or by contractual staff authorised in accordance with ANRE regulations.

(on 29-03-2019, Article 105 of Chapter III, Title II was amended by Point 6, Article IV of Emergency Order No 19 of 29 March 2019, published in Official Gazette No 245 of 29 March 2019)

Article 106

Withdrawal of concession

(1) The concession right may be withdrawn by the grantor in situations where the holder:

- does not carry out the workload within the time limits laid down in the contract;
- does not comply with the essential terms defined as such by the parties to the contract, which include mandatory royalty and environmental protection clauses;
- it systematically infringes the conditions of validity of natural gas distribution licences or legislation on the operational security of objectives.

(2) The decision to withdraw the concession issued by the grantor may be appealed, competent administrative. The decision which has become final will be published in accordance with the legal provisions.

within 60 days of notification, before the court of law.

(3) The licence related to the concession shall be withdrawn by ANRE, under the conditions of termination of the concession contract.

Article 107

Termination of the concession contract

- Upon termination of the concession contract for any reason, the goods related to the public distribution service owned by the concessionaire may be taken over, in whole or in part, by the grantor or by another concessionaire, with the grantor's consent, in return for payment of compensation equal to the outstanding regulated amount established by ANRE.
- If the concession contract is terminated as a result of the exclusive fault of the concessionaire, the concessionaire may not receive compensation from the grantor or other concessionaire, except for compensation equal to the unamortised regulated amount established by ANRE.

Article 108

Rights of the concessionaire

(1) For the performance of the transmission or distribution service, as regards the use, in the case of use of certain third party property, the concessionaire shall have the following rights:

(on 31-12-2021, Introductory Part of Article 108, Chapter III, Title II was amended by Point 157, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

- use these assets by operation of law;
 - without prejudice to the right referred to in point (a), the conditions for its exercise shall be those laid down in the report of delivery to service and/or in the contract;
 - to include the costs related to the operation, maintenance, repair and modernisation and other works carried out for goods, when setting the tariff for the service provided, in accordance with the specific ANRE regulations;
 - at the request of the owner, to take over these goods in his property within 120 days, with compensation within the limits of their efficiency rate established in accordance with ANRE regulations;
- (on 19-12-2020, letter d) of Article 108, Chapter III, Title II, was amended by Paragraph 1³, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in OFFICIAL MONITOR No 1239 of 16 December 2020)
- use the full capacity of the good;
 - repealed;
- (on 31-12-2021, Letter g) of Article 108, Chapter III, Title II was repealed by Point 158, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- require the owner of the property to provide evidence of the quality of the materials and works carried out and the value of the investment;
 - replace goods as a result of needs arising for the purpose of modernising, increasing the capacity of the system or as a result of increasing wear or deterioration; the concessionaire is obliged to replace these assets in accordance with the regulations approved by ANRE for this purpose; the concessionaire is the owner of the goods thus replaced.
- (2) In conjunction with the rights referred to in paragraph (1), transmission/distribution system operators shall:
- to finance, at the end of the period of operation, investments related to the replacement of goods;
 - to ensure the connection of new applicants, subject to one of the following conditions:
 - presentation of the owner's acceptance;
 - submission of the connection applicant's agreement on compensation of the owner; the applicant's agreement shall be presumed when he agrees in writing, by means of an authentic instrument, to compensate the owner for his share of the investment made;

e) develop the system;

(on 31-12-2021, paragraph 2 of Article 108, Chapter III, Title II was amended by Point 159, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

b) operate and maintain the goods for the safe operation of the system.

(3) In order to ensure continuity and security in the supply of natural gas to customers, where the provision of the public service of transport/distribution is carried out through the property of third parties, it is forbidden to change the destination for which these goods have they were built.

Article 109

Right of use and right of servitude

Over land and other public property or private property of natural or legal persons, as well as on activities carried out by natural or legal persons in the vicinity of capacities, concessionaires in the natural gas sector shall enjoy, under the conditions of the law, during the development, rehabilitation, modernisation and operation and maintenance of those capacities, the following rights:

- the right of use for the execution of the works necessary to achieve, rehabilitate or modernise the objectives/systems;
- the right of use to ensure the normal functioning of capacity by carrying out the necessary overhauls, repairs and interventions;
- the right to legal servitude of underground, surface or air passage for the installation of networks, pipelines, lines or other equipment related to objectives/systems and for access to their location;
- the right to obtain the restriction or cessation of activities which could endanger persons and property;
- right of access to public utilities.

Article 110

Right of use for the execution of works

In exercising the right of use for the execution of the works necessary to achieve, rehabilitate or modernise the objectives/systems, the concessionaire may:

- store on privately owned land, to the extent strictly necessary, materials, equipment, machinery and facilities;
- abolish existing crops or plantations or other facilities or restrict them, to the extent strictly necessary, for the execution of the works, in accordance with the law;
- extract materials, capture water, under the conditions laid down in the legislation in force;
- install and work with machinery, locate offices and construction sites;
- to stop or restrict the activities of the owner, to the extent strictly necessary, for the execution of the work for the objective/system that is.

Article 111

Right of use to ensure the normal operation of the objective/system

(1) The right of use to ensure the normal operation of the objective/system shall extend throughout its lifetime and shall be exercised whenever necessary to ensure the normal operation of the objective/system.

(2) In exercising the right provided for in paragraph (1) the concessionaire may:

- store materials, equipment, machinery, facilities for maintenance, overhaul, repair and intervention;
- to install machinery and work with them;
- to affect crops, plantations or other facilities activities of the owner to the extent and for the duration strictly necessary, existing and to restrict the in to carry out maintenance, repairs, overhauls or interventions.

Article 112

Right of legal servitude of underground, surface or air passage

Legal servitude of underground, surface or air passage includes the right to installation of networks, pipelines, lines, poles and other capacity-related equipment as well as access to its location for intervention, maintenance, repair, overhaul, modifications, and operation, in accordance with the legal provisions in force.

Article 113

Exercise of rights of use and servitude

(1) Rights of use and servitude have as their object the public utility, are legal in nature and their content is provided for in Article 109 and shall be exercised without registration in the land register.

(on 04-10-2014, Article 113(1) was amended by Article I(46) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(2) The exercise of rights of use and servitude is carried out on a compulsory basis throughout the life of the natural gas objective/system, both at the time of its realisation and at the time of the refurbishment of a capacity in service, repair, overhaul, intervention works, in case of damage, on the basis of the law, without any further prior formality.

(on 04-10-2014, Article 113(2) was amended by Article I(46) of Law No 127 of 30 September 2014 published in Official Monitor No. 720 of 1 October 2014.)

(3) For the purpose of awarding compensation and fair compensation related to the exercise of rights for use and servitude, holders by licences and authorisations

conclude with land owners affected by the exercise of rights of use and servitude a Framework Convention the content of which is established by

government decision.

(on 04-10-2014, Article 113(3) was amended by Article I(46) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(4) Holders of licences and authorisations shall be obliged to conclude the framework agreements referred to in paragraph 3, no later than 30 days after the request of the affected owners.

(on 04-10-2014, Article 113(4) was amended by Article I(46) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(5) If, during interventions for development, modernisation, repairs, revisions, damage, damage occurs to owners in the vicinity of natural gas objectives/systems, the concessionaires are obliged to pay compensation in accordance with the law.

(6) Compensation shall be determined taking into account the following criteria:

- the area of land affected during the works;
 - the values for the estimated yields of the affected crops and plantations communicated by the competent bodies and the arrangements affected by the works;
 - the movement value of the affected immovable property.
- (7) The amount of compensation shall be determined by agreement of the parties or, if the parties are not understood, by a court order.

Article 114

Right to obtain restriction or termination of activities

(1) In order to avoid endangering persons, supplies or activities carried out in the area of performance of development, rehabilitation, modernisation of objectives/systems, as well as overhaul, maintenance or repair operations to the operational objective/system, the concessionaire shall have the right to obtain the restriction or termination, to the extent necessary and for the duration of the said works or operations, of activities carried out in the vicinity by other persons.

(2) The distribution system operator shall have the right to intervene at any time on the natural gas distribution networks in order to carry out emergency repair works, in accordance with ANRE regulations, without the need to obtain prior approvals and authorisations provided for in this Title, in order to remedy those defects that endanger the safety and security of consumers.

Article 115

Right of access to public utilities

The right of access to public utilities must be exercised by the concessionaire in good faith, without prejudice to other persons' access to those public utilities. facilities.

Article 116

Right to contract the supply or provision of services

For secondary consequences caused or likely to be caused by the development, rehabilitation or modernisation, i.e. the operation of

objectives/systems in the natural gas sector, the concessionaire may contract with interested parties, as the beneficiary, the supply or provision of appropriate services, in accordance with the law.

Rule 117

Chapter IV Authorisations and licences

Establishment of protection or safety zones

For the protection and normal functioning of objectives/systems in the natural gas sector, ANRE shall establish, through technical regulations, ~~and technical safety~~.

Article 118

Authorisation scheme

(1) The establishment of new upstream supply pipelines related to the production of natural gas, as well as new production targets for biogas, biomethane and LNG, or new transmission, storage and distribution systems of natural gas by Romanian or foreign legal entities shall be carried out on the basis of establishment permits.

(on 19-07-2018, paragraph 1 of Article 118, Chapter IV, Title II was amended by Paragraph 29, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2) The activities of supplying natural gas, biogas/biomethane, LNG, operating upstream supply pipelines related to the production or storage of natural gas, transmission systems, distribution systems, LNG terminals, and the administration of centralised gas markets are carried out on a licence basis.

(on 19-07-2018, paragraph 2 of Article 118, Chapter IV, Title II was amended by Paragraph 29, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2¹) The provision of the natural gas distribution service shall be carried out without a licence granted by ANRE, in accordance with the provisions of this title, to economic operators on the basis of the decision provided for in Article 139(6), to the managers of industrial parks established under Law No 186/2013, as amended, and to the managers of free zones established under Law No 84/1992, as amended, with the same rights and obligations to comply with ANRE regulations corresponding to a licence holder for that activity.

(on 30-07-2020, Article 118 of Chapter IV, Title II was supplemented by point 67, Article I of Law No 155 of 24 July 2020, published in Official Gazette

(3) The procedure for granting, amending, suspending and withdrawing authorisations and licences, the terms and conditions for granting shall be determined by No 665 of 27 July 2020) regulations drawn up by ANRE.

Rule 119

Categories of authorisations and licences

The competent authority shall issue:

1. design/executive/operating authorisations for:

- upstream supply pipelines;
- natural gas transmission systems;
- natural gas distribution systems;
- installations for the use of natural gas;
- installations related to the production/storage of biogas/biomethane;

(on 19-07-2018, Letter e) of Point 1. Article 119, Chapter IV, Title II was amended by Paragraph 30, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

f) surface technological installations related to the storage of natural gas;

g) repealed;

(on 19-07-2018, Letter g) of Point 1. Article 119, Chapter IV, Title II was repealed by Paragraph 31, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

h) LNG facilities;

(on 31-12-2021, point 1 of Article 119, Chapter IV, Title II was supplemented by point 160, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

i) hydrogen production facilities.

(on 31-12-2021, point 1 of Article 119, Chapter IV, Title II was supplemented by point 160, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

2. authorisations for the establishment of:

- upstream supply pipelines;
- surface technological facilities related to storage, in the case of new warehouses;
- installations for the production of biogas/biomethane;
- natural gas transmission/distribution systems in the case of new systems;
- repealed;

(at 31-12-2021, letter e) of Point 2. Article 119, Chapter IV, Title II has been repealed by Point 161, Article I of ORDER BY EMERGENCY published in OFFICIAL MONITOR No 1259 of 31 December 2021)

f) repealed.

(on 31-12-2021, Letter f) of Point 2. Article 119, Chapter IV, Title II has been repealed by Point 161, Article I of ORDER BY EMERGENCY published in OFFICIAL MONITOR No 1259 of 31 December 2021)

3. licences to carry out the activities of:

- supply of natural gas, biogas/biomethane and LNG;
- (on 19-07-2018, Letter a) of Point 3. Article 119, Chapter IV, Title II was amended by Paragraph 33, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- operation of transmission, distribution or underground storage systems;
- operation of upstream supply pipelines related to the production of natural gas;
- operation of LNG terminals;
- centralised market management.
- natural gas trader.

(on 19-07-2018, Point 3. of the Article 119 No Chapter IV,) Title II it was completed by Paragraph Article I of Law no. 167 of 10 July 2018 publication in the OFFICIAL 604 of 16 July 2018 IV,) 34,

g) commercial exploitation of installations production hydr of the (on 30-07-2020, Point 3. of the Article 119 No Chapter IV,) Title II it was completed by Paragraph Article I of Law no. 155 of 24 July 2020 publication in the OFFICIAL 665 of 27 July 2020 69,

Article 120

Refusal to grant an authorisation or licence

(1) ANRE shall refuse to grant an authorisation/licence in the following cases:

- the applicant does not fulfil the conditions laid down in the Act and the Specific Regulations;
- the applicant is in bankruptcy proceedings;
- an authorisation/license has been withdrawn from the applicant by ANRE in the last 5 years for reasons attributable to it, confirmed by a court by a final judgment prohibiting the right to carry out the activity for which he applies for authorisation/licence;
- for the construction and operation of natural gas distribution systems in a demarcated area for which authorisation/licence has been issued to another economic operator, with the exception of the provisions of Article 152.

(on 31-12-2021, paragraph 1 of Article 120, Chapter IV, Title II was amended by Paragraph 162, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(1¹) Applicants who have as controlling shareholders or directors persons who have previously been a controlling shareholder or administrator in economic operators licensed who have failed to pay their payment obligations resulting from transactions carried out on the natural gas market may not be authorised.

(on 30-07-2020, Article 120 of Chapter IV, Title II was supplemented by point 70, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(2) The reasons for refusing to grant an authorisation/license must be objective and non-discriminatory, the refusal shall be ordered and shall be justified by decision of the President of ANRE, the applicant may appeal the decision before the administrative court, under the conditions of the law.

(3) The reasons for refusing to grant a start-up authorisation shall be notified to the European Commission.

Article 121

Design and execution of gas targets

- (1) In order to design, implement and operate objectives/systems in the gas sector, economic operators are required to hold authorisations issued by ANRE on the basis of a specific regulation.
(on 19-07-2018, paragraph 1 of Article 121, Chapter IV, Title II was amended by Paragraph 35, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- (2) The objectives of the natural gas sector, as well as their modification, modernisation or extension work, shall be designed and executed by authorised legal persons.
- (3) In order to design and implement the objectives/systems in the natural gas sector, natural persons have the obligation to hold the status of authorised installer, granted by ANRE on the basis of a specific regulation.

Chapter V General provisions on production, transmission, distribution, underground storage, supply and management of centralised gas markets

Article 122

Common obligations of licence holders

- (1) The common obligations of natural gas licence holders, irrespective of their form of ownership or legal regime, are as follows:
- keep, in the internal accounting system, separate accounting records by type of activity carried out and for each of the regulated activities, as they would be required to do if those activities were carried out by separate economic operators, so as to enable the revenue and expenditure of each activity to be accurately reflected, in order to avoid discrimination and cross-subsidisation, and to encourage competition; they shall also keep separate accounts, which may be consolidated, for other natural gas and non-gas activities; revenues from ownership of the transmission or distribution network shall be specified separately in analytical income accounts; internal accounting records shall comprise a balance sheet and a profit and loss account for each activity;
 - to draw up, submit for audit and publish annual financial statements at economic operator level, which do not separately comprise secondary establishments without legal personality, in accordance with the specific legislation adopted in accordance with the Fourth Council Directive 78/660/EEC of 25 July 1978;
 - preserve the confidentiality of commercial information obtained from third parties;
 - not abuse commercially sensitive information obtained from third parties in the process of ensuring access to the system;
 - provide the information necessary for third party access to the system in a clear, transparent, easily accessible manner and at appropriate intervals;
 - hold all the authorisations and licences provided for in the legislation in force;
 - comply with the conditions of validity associated with the authorisations and licences granted by ANRE;
 - use natural gas in compliance with the provisions of Article 181;
 - provide ANRE, upon request, with copies of all contracts for the purchase/sale/purchase/supply of natural gas and gas transit, as appropriate.
 - not abuse the information classification system and enable public information to be transparent;
- (on 04-10-2014, point j) of Article 122(1) was inserted by Article I(52) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- k) to provide correctly and completely the data and information requested by ANRE, to comply with the measures ordered by ANRE and to comply with the notices issued by ANRE.
(on 04-10-2014, point (k) of Article 122(1) was inserted by Article I(52) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (2) Economic operators who are not required to publish the annual financial statements shall keep at their premises a copy of them, available to the public.
- (3) The audit activity referred to in paragraph (1)(b) consists, in particular, of verifying compliance with the obligation to avoid discrimination and cross-subsidies between the activities carried out by the audited economic operator.
- (4) In their internal accounts, economic operators are required to lay down the rules for the allocation of assets and liabilities, expenses and income and losses, which they shall apply in order to keep the separate records referred to in paragraph (1)(a); these rules may only be amended in exceptional cases and must be duly mentioned and justified in accordance with ANRE regulations.
- (5) Economic operators shall indicate by explanatory notes to the regulated accounting records any transaction carried out with related undertakings of a certain importance, in accordance with ANRE regulations; related undertakings shall mean affiliated undertakings within the meaning of Article 41 of Seventh Council Directive 83/349/EEC of 13 June 1983 and/or associated undertakings within the meaning of Article 33 (1) of the same document and/or undertakings belonging to the same shareholders.

Article 123

Natural gas producer

(1) The natural gas producer is the natural or legal person who has biogas/biomethane, hydrogen or other gases under the conditions of this Title as specific activity the production of natural gas,

(2) Charges for third-party access to upstream pipelines shall be set by the activity, based on a methodology developed by the ANRE and approved by ANRE economic operator carrying out this

prior to their application.

(on 30-07-2020, Article 123 of Chapter V: Title II has been amended by paragraph Artic oll I of LEGEA No. 155 of 24 July 2020, published in Official Monitor No. 665 of 27 July 2020) 71;

Article 124

Obligations and rights of natural gas manufacturer

(3) The tariffs determined on the basis of the methodology approved by ANRE shall be published by the economic operator referred to in paragraph (1) on its own website,

(1) The main obligations of the natural gas producer are:

- hold authorisations for the establishment of upstream pipelines related to the production of natural gas and their operating licence;
 - ensure the operation of upstream supply pipelines related to the production of natural gas in a safe, efficient and environmentally sound manner;
 - ensure third-party access to upstream pipelines under non-discriminatory conditions, in accordance with specific regulations;
 - to carry out activities related to the operation of upstream pipelines, in accordance with the specific regulations developed by ANRE, within the limits of the rights conferred by the conditions of validity associated with the licence;
- D*1) to ensure the supply of natural gas, in compliance with the conditions imposed by licences, contractual clauses and regulations in force;
(on 19-07-2018, paragraph 1 of Article 124, Chapter V, Title II was supplemented by point 36, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018) d*2) to ensure the measurement of natural gas from adjustment and measurement stations to the natural gas transmission system, the distribution system and/or to final customers;
(on 31-12-2021, paragraph 1 of Article 124, Chapter V, Title II was supplemented by Point 163, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- e) by 31 March 2017, make available to suppliers as a matter of priority the quantities of natural gas resulting from the production activity necessary to cover the consumption of household customers, including quantities intended for heat producers, only for the quantities of natural gas used for the production of heat in cogeneration plants and in heat plants intended for the consumption of the population, in accordance with ANRE regulations and in compliance with the schedule for price liberalisation and natural gas insurance for them; suppliers and non-household customers benefiting from these quantities are required to respect the destination of these quantities of natural gas; the remainder of the producers' own production, except for the quantity of natural gas corresponding to the technological consumption defined in Article 100(35), shall be made available to the competitive market;
(on 11-10-2016, letter e) of Article 124, Chapter V, Title II was amended by point 1, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016) to trade by public, transparent and non-discriminatory offer on centralised natural gas markets, in accordance with the provisions of Article 177 and ANRE regulations;
(on 19-07-2018, paragraph 1 of Article 124, Chapter V, Title II was supplemented by Paragraph 37, Article I of Law No 167 of 10 July

2018, published in Official Gazette No 604 of 16 July 2018)

F) to ensure the odourisation of natural gas according to the regulations in force, for natural gas delivered at commercial handover points natural gas to customers connected directly to upstream pipelines as well as to distribution systems.

(1¹) Until 30 June 2020, producers, including their subsidiaries and/or affiliates belonging to the same economic interest group, which carry out both extraction activities and sales of natural gas extracted from Romania are obliged to sell for 68 RON/MWh, under the conditions regulated by ANRE, the quantities of natural gas resulting from the current domestic production activity and/or from the ~~production~~ to the suppliers of household customers and heat producers, only for the quantity of natural gas used in the production of heat in cogeneration plants and in heat plants intended for the consumption of the population. The measure applies only if the price the market environment, monitored by ANRE, taking into account the quantities and prices recorded in each market segment, is above 68 Lei/MWh.

(on 09-01-2020, paragraph 1¹) of Article 124, Chapter V, Title II was amended by Point 8, Article XIII of 6 January 2020, published in Official Gazette No 11 of 09 January 2020) from Emergency Order No 1 will

(1²) The differences in the acquisition costs of 2018 and 2019 of the suppliers, not recovered by the prices charged, of be recovered by the date of 30 June 2020, according to ANRE regulations.

(on 09-01-2020, paragraph 1²) of Article 124, Chapter V, Title II was amended by Point 8, Article XIII of 6 January 2020, published in Official Gazette No 11 of 9 January 2020) Emergency Order No 1 (1³) Repealed.

(on 19-12-2020, paragraph 1³) of Article 124, Chapter V, Title II was repealed by Paragraph 1⁴, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(2) The main rights of the natural gas producer are:

a) develop technical/commercial rules specific to their own activity and submit them to ANRE for approval;

b) market natural gas resulting from the extraction process within the limits of the supply licence;

B¹) to use natural gas from its own production in order to obtain electricity/chemical fertilisers, petrochemical products, on the basis of contracts for the reservation of electricity production capacity/chemical fertilisers, petrochemical products, concluded in accordance with the provisions of Article 23alin. (1¹);

(on 19-12-2020, paragraph 2 of Article 124, Chapter V, Title II was supplemented by Point 1⁵, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

c) to discontinue the operation of the installations for the time strictly necessary for the execution of the maintenance and repair works, as well as in other situations provided for by law, with prior announcement of the dispatchers of the affected systems and, where appropriate, the final customers;

d) deny third parties access to upstream pipelines:

1. where there is an incompatibility with regard to the technical specifications which cannot be resolved in an acceptable way;

2. to avoid difficulties which cannot be overcome in an acceptable way and which could harm the efficient, current and future production of hydrocarbons, including from low economic viability deposits;

3. to respect the reasonable and duly justified needs of the owner or operator of the upstream pipeline network for the transmission and processing of natural gas, as well as the interests of all other users of the upstream pipeline network or the main processing and handling facilities that may be affected;

4. in the situations referred to in Article 149;

e) refuse to connect third parties to upstream pipelines, in accordance with the provisions of Article 148.

Article 125

Transportation of natural gas

(1) The activity of transporting natural gas constitutes a public service of national interest.

(2) The transmission of natural gas shall be carried out by the transmission system operator, certified by the competent authority in accordance with the law.

(3) The national transport system is the public property of the State.

(4) Works for the development, rehabilitation, modernisation, operation and maintenance of natural gas transmission objectives/systems, including connections and adjustment-measurement-surrender stations, are works of public utility.

(on 30-07-2020, paragraph 4 of Article 125, Chapter V, Title II was amended by Paragraph 72, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4¹) The costs of the works referred to in paragraph (4) fall within the category of costs recognised for the activity referred to in Article 179(2) (e). (on 30-07-2020, Article 125 of Chapter V, Title II was supplemented by point 73, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(5) The transmission system delimitation points shall be from the tap at the exit of the adjustment-measurement-surrender station belonging to the producers or operators of storage systems, i.e. the border crossing point, in the case of interconnectors to transmission systems in neighbouring countries, to the tap at the exit of the adjustment-measurement-surrender station belonging to the transmission operator, i.e. the border crossing point, in the case of interconnectors to transmission systems in neighbouring countries.

Natural gas producers are responsible for the operation, maintenance, upgrading and operation of adjustment-measurement and delivery stations to the natural gas transmission system.

(on 31-12-2021, paragraph 5 of Article 125, Chapter V, Title II was amended by Point 164, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(6) The transmission system operator shall be required to draw up investment and development plans for the transmission system over 10 years, in line with the current state and future evolution of natural gas consumption and sources, including imports and exports of natural gas.

(7) The plans will contain the arrangements for financing and implementing investments in transport facilities, taking into account also the plans for the development and systematisation of their territory, while complying with environmental protection rules.

(8) The plans referred to in paragraph (6) shall be approved by ANRE.

(9) Where the State or another body governed by public law at central level has control over both economic operators performing any of the functions of generation or supply and transmission system operators or a transmission system for natural gas or electricity, the government decision shall establish, on the one hand, the public entity representing the State in control of economic operators performing the functions of production and supply in the gas and electricity fields and, on the other hand, the public entity representing the State in control of the transmission operators of natural gas and electricity.

(on 04-10-2014, Article 125(9) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(10) Any public or private entity, including designated natural persons or on its own behalf, exercising direct or indirect control over an economic operator performing any of the functions of production or supply in natural gas or in the field of electricity shall not have the right to exercise control, directly or indirectly, over a transmission operator or transmission system in the field of natural gas or electricity.

(on 04-10-2014, Article 125(10) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(11) Any public or private entity, including designated natural persons or on its own behalf, exercising direct or indirect control over a natural gas or electricity transmission system shall not have the right to exercise control, directly or indirectly, over an economic operator performing any of the functions of production or supply in natural gas or electricity.

(on 04-10-2014, Article 125(11) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(12) Where a transmission system operator has been part of a vertically integrated economic operator, its governing bodies and its staff shall be prohibited from transferring commercially sensitive information referred to in Article 130(2).

(1) point (t)) to any economic operator in the gas sector performing functions of production or supply.

(on 04-10-2014, Article 125(12) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(13) Persons exercising relevant functions within the transmission system operator pursuant to which they have had access to commercially sensitive information shall be required to preserve their confidentiality and shall not be able to perform similar functions within economic operators in the production or supply of natural gas for a period of at least 2 years from the date of termination of the contractual relationship with the transmission system operator, in accordance with the terms laid down and governed by the individual employment contract.

(on 04-10-2014, Article 125(13) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(14) ANRE shall monitor the investment plans of the transmission system operators and provide in its annual report an assessment of these investment plans in terms of their consistency with the Community-wide network development plan referred to in Article 8(3) (b).

b) of Regulation (EC) No 715/2009; such an assessment may include recommendations to amend such investment plans.

(on 04-10-2014, Article 125(14) was inserted by Article I(53) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 126

Operation of the National Transport System

- (1) The transmission system operator of the national transmission system shall be organised and operated as an independent system operator and shall be the legal entity certified by ANRE under the conditions laid down in Article 128.
- (2) In the case of certification of a transmission system operator at which the State has control at the same time as the control of economic operators carrying out production and supply activities in the field of natural gas and electricity, the request for certification, together with supporting documentation regarding compliance with the requirements laid down in Article 128, shall be submitted to ANRE by the transmission system operator, with the consent of the transmission system owner, within 15 days from the date of entry into force of the Government Decision referred to in Article 125(9).
- (3) ANRE shall issue a preliminary certification decision within 120 days from the date of registration of the transmission system operator's request, which shall be notified to the European Commission, together with the related documentation.
- (4) After the expiry of the period referred to in paragraph 3, certification shall be deemed to have been granted. Tacit certification with regard to the certification of a transmission system operator shall be notified to the European Commission, together with the related documentation.
- (5) The procedure for the certification of the transmission system operator shall be completed in accordance with Article 3 of Regulation (EC) No 715/2009.
- (6) The designation of the transmission system operator as independent system operator shall be approved by the European Commission following the notification by ANRE of the certified economic operator, after the completion of the certification procedure in accordance with paragraph (5).
- (7) In addition to the certification decision, the competent authority shall notify the European Commission of any request for certification of the transmission system owner or the transmission system operator, which is controlled by a person or persons from one or more third countries, as well as any circumstances under which a person or persons from one or more third countries would acquire control of the transmission system or the transmission system operator, where appropriate.
- (8) Upon termination of the concession contract for any reason, the assets related to investments made by the transmission system operator of the National Gas Transmission System, as concessionaire, shall be taken over by the owner of the National Gas Transmission System, as a grantor, or by another concessionaire with the grantor's consent, in return for payment of compensation equal to the outstanding regulated amount determined by ANRE.
- (9) The independent system operator is required to plan, execute directly or through the economic operators authorised by ANRE and put into operation the new objectives.

(on 04-10-2014, Article 126 was amended by Article I(54) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 126¹

Operation of transmission systems other than the national transport system

- (1) An economic operator owning a natural gas transmission system shall act as a transmission system operator in as the holder of an oil agreement for the transport of natural gas, under the conditions of the law.
- (2) Before being approved and designated as a transmission system operator, an economic operator owning a system the transport of natural gas must be certified in accordance with Article 12 6¹2.
- (3) The ANRE certification decision is published in the Official Gazette of Romania, Part I, and on ANRE's website.

(on 04-10-2014, Article 126¹ was inserted by Article I(55) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 126²

Certification of transmission system operators owning a natural gas transmission system

- (1) The economic operator owning a natural gas transmission system shall submit a request to ANRE to initiate the certification procedure.
- (2) The certification procedure shall include the verification by ANRE that the economic operator referred to in paragraph (1) complies with the following conditions:
 - a) the same person or persons are/are not entitled to:
 - (i) to directly or indirectly exercise control over an economic operator performing any of the functions of generation or supply of electricity or natural gas and to directly or indirectly exercise control or exercise any right over a transmission system operator in the field of electricity or natural gas or over an electricity or natural gas transmission system;
 - or
 - (ii) to directly or indirectly exercise control over a transmission system operator in the field of electricity or natural gas or over an electricity or natural gas transmission system, and to exercise, directly or indirectly, control or exercise any right over an economic operator performing any of the functions of generation or supply of electricity or natural gas;
 - b) the same person or persons are/are not empowered to appoint members of the supervisory board, the board of directors or other bodies legally representing the economic operator in the case of a transmission system operator or a natural gas transmission system, and also to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of production or supply of natural gas; and
 - c) the same person may not be a member of the supervisory board, the administrative board or other bodies legally representing the economic operator, both for an economic operator performing any of the functions of production or supply of natural gas and of a transmission system operator or transmission system.
- (3) The rights referred to in paragraph (2) (a) and (b) shall include, in particular:
 - a) the power to exercise voting rights;
 - b) the power to appoint members of the supervisory board, board of directors or other bodies legally representing the undertaking; or
 - c) ownership of a majority share.
- (4) ANRE shall issue a certification decision within 120 days from the date of registration of the transmission system operator's application, which shall be notified to the European Commission, together with the related documentation.
- (5) After the expiry of the period laid down in paragraph 4, certification shall be deemed to have been granted. Tacit certification with regard to the certification of a transmission system operator shall be notified to the European Commission, together with the related documentation.
- (6) The procedure for the certification of the transmission system operator shall be completed in accordance with Article 3 of Regulation (EC) No 715/2009.
- (7) A vertically integrated economic operator that owns a transmission network may not be prevented from taking the necessary measures to implement the ownership unbundling model in accordance with the provisions of Article 126¹(1).

(on 04-10-2014, Article 126² was inserted by Article I(55) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 127

Certification of transmission system operators controlled by third countries

- (1) Before certifying a transmission system operator that is controlled by a person or persons from one or more third countries, ANRE shall seek an opinion from the European Commission that:
 - a) the entity concerned fulfils the conditions laid down in Articles 126¹2 or 128, as the case may be; and
- (on 04-10-2014, point (a) of Article 127(1) was amended by Article I(56) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- b) the granting of certification does not jeopardise the security of gas supply to the European Union.
- (2) ANRE shall refuse to certify a transmission system operator which is controlled by a person or persons from one or more third countries in the following situations:
 - a) the entity concerned does not fulfil the conditions laid down in Articles 126¹2 or 128, as the case may be;
 - (on 04-10-2014, point (a) of Article 127(2) was amended by Article I(57) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 - b) the granting of certification may jeopardise the security of supply of natural gas in the national territory and of the European Union; in examining this issue, ANRE shall take into account:
 - (i) the rights and obligations of the European Union vis-à-vis that third country under international law, including any agreement concluded with one or more third countries to which the European Union is a party and to which security of gas supply issues are addressed;
 - (ii) the rights and obligations of Romania vis-à-vis that third country under agreements concluded with that third country in so far as they comply with European Community law; and
 - (iii) other specific elements related to the case or the third country concerned.
- (3) Within two months of the issuance of the opinion by the European Commission, ANRE shall adopt the final decision on certification, taking the utmost account of this opinion. The ANRE Decision shall be published together with the opinion of the European Commission in the Official Gazette of Romania, Part I, and on ANRE's website. If the European Commission does not issue an opinion within two months of receipt of the request, or within 120 days if it has requested an additional opinion, it may be deemed not to have raised objections to the ANRE decision.
- (on 04-10-2014, Article 127(3) was amended by Article I(58) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (4) If ANRE's final decision differs from the opinion of the European Commission, the reasons for this decision shall be published.
- (5) ANRE may, in any event, refuse the certification referred to in paragraph (1) if granting it would jeopardise the security of supply of natural gas on the national territory or on the territory of another Member State of the European Union.

Article 127¹

Joint venture as transmission system operator

Any transmission system operator or independent system operator, which is the holder of an oil agreement for the transmission of natural gas, under the conditions laid down by law, and is certified on the territory of Romania in accordance with Articles 12 6''2 or 128, as the case may be, may form part of a joint venture consisting of 2 or more economic operators which own transmission systems and which act as transmission system operator in two or more Member States for the transmission systems concerned.

(on 04-10-2014, Article 127¹ was inserted by Article I(59) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 128

Conditions for certification of the transmission system operator of the national transmission system

(on 04-10-2014, the marginal designation of Article 128 was amended by Article I(60) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(1) The certification of the transmission system operator shall be carried out if the following requirements are met:

a) the same person or persons shall not be entitled to:

(i) to directly or indirectly exercise control over an economic operator performing any of the functions of generation or supply and at the same time to directly or indirectly exercise control or exercise any right over the transmission system operator or over a transmission system; or

(ii) directly or indirectly to exercise control over the transmission system operator or over a transmission system and to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply;

b) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the transmission system operator in the case of a transmission system operator or in the case of a transmission system, and also to directly or indirectly exercise control or exercise any right over an economic operator performing any of the functions of generation or supply of natural gas;

c) the same person is not entitled to be a member of the supervisory board, the board of directors or other bodies representing the legal economic operator for both an economic operator performing any of the functions of generation or supply and an operator of transmission and system or in the case of a transmission network;

d) operator by transport and by system has the financial, technical, physical and human resources to carry out its tasks;

e) operator by transport and by system and commit to

a transport network development plan over 10 years, approved by ANRE;

f) operator by transport and by system has ability to

comply with its obligations under the Regulation (EC) No 715/2009, including

in as regards cooperation with other transmission system operators at European and regional level;

g) the transmission system owner shall meet the requirements laid down in Article 131.

(2) The rights referred to in paragraph (1) (a) and (b) shall include, in particular:

(i) the power to exercise voting rights;

(ii) the power to appoint members of the supervisory board, the administrative board or other bodies legally representing the economic operator; or

(on 21-09-2012, Article (ii) (2) was amended by RECTIFICATION No 123 of 10 July 2012 published in Official Gazette No 665 of 21 September 2012.)

(iii) ownership of a majority share.

(3) For the purposes of paragraph 1(a), the term "economic operator carrying out the activity of generating or supplying natural gas" shall also include the activities of generation and supply of electricity, and the terms "transmission system operator" and "transmission network" shall also include terms which are used for the same purpose in the electricity sector.

Article 129

Reassessment of the certification of the transmission system operator

(1) The transmission system operator shall notify ANRE of any planned transaction which may require a reassessment of its compliance with the requirements of Article 128, as well as any circumstances under which a person or persons from one or more third countries would acquire control of the transmission system or the transmission system operator.

(2) ANRE may decide to reassess the compliance of the transmission system operator with the requirements laid down in Article 128:

a) following notification by the transmission system operator in accordance with paragraph 1;

b) ex officio;

c) at the reasoned request of the European Commission.

Rule 130

Obligations and rights of the transmission system operator

(1) The transmission system operator shall, in particular, have the following obligations:

a) operate the transmission system and ensure its residual physical equilibrium, i.e. programming, dispatching and safe operation of the transmission system;

b) to maintain, to rehabilitate, to modernise and develop the transport system in a safe, efficient and environmentally sound manner;

c) to achieve, to maintain and to develop an IT system for monitoring, command and acquisition of data to enable monitoring; and operational management of the operation of the natural gas transmission system;

d) to ensure third-party access to the transmission system, in accordance with specific regulations, under non-discriminatory conditions, within the limits of transmission capacities and in compliance with technological regimes;

D¹ develop and submit to ANRE, with a view to their approval and publication, methodologies used to calculate or establish the terms and conditions for access to cross-border infrastructures, including capacity allocation and congestion management procedures;

(on 04-10-2014, Article 130(1) (d) (1) was inserted by Article I(61) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

e) connect all applicants to the transmission system, within 180 days from the date of obtaining the building permit, within the limits of transmission capacities and in compliance with technological regimes;

(on 31-12-2021, letter e) of paragraph 1, Article 130, Chapter V, Title II was amended by Point 165, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) e¹ to extend, until June 2022, the pipeline network until the entry into the

localities certified as tourist resorts of national interest, i.e. local ones, where those localities are not more than 25 km from the connection points of transmission system operators;

(31-12-2021, Letter e¹) of paragraph 1, Rule 130 Chapter V, Title II has been amended paragraph 165, Article I of ORDER BY

Emergency No 143 of 28 December 2021, published in the MONITOROfficial No. 1259 of 31 December 2021)

e²(2) give priority to grid connectionnatural gas in the case of new investments, generating places work;

(on 19-07-2018, paragraph 1 of Article 130 Chapter V Title II it has been completed by Point 38, Article I of LAWNo.167 of 10

July 2018, published in Official Gazette No 604 of 16 July 2018)

f) to carry out activities related to the system operation, in accordance with the specific regulations approved by ANRE, within the limits of the rights conferred by the conditions of validity associated with the licence;

g) develop and apply the optimal transmission and delivery regimes for the quantities of natural gas notified by network users for a certain period in accordance with the contracts concluded;

h) to draw up and update the technical operational arrangements in the border area and submit them to ANRE for endorsement before the entry into force;

h¹) to notify ANRE, prior to entry into force, of technical agreements on the operation of transmission pipelines with a third country; (on 19-12-2020, paragraph 1 of Article 130, Chapter V, Title II, was supplemented by Paragraph 1⁶, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in OFFICIAL MONITOR No 1239 of 16 December 2020)

i) to draw up and monitor the balance of natural gas entered into and out of the system, respectively, in accordance with ANRE regulations;

J) to establish a minimum stock in underground storage warehouses or to ensure the acquisition of gas, including imported gas, for the quantities necessary to operate and ensure the physical equilibrium of the transmission system, in accordance with the specific regulations approved by ANRE; (on 30-07-2020, Letter j) of paragraph 1, Article 130, Chapter V, Title II was amended by Paragraph 75, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

K) to ensure the odourisation of natural gas at the exit of the TTS, in accordance with the regulations proposed by the transmission system operator and approved by ANRE;

L) develop at the request of ANRE and submit for approval to ANRE the pricing methodologies related to the performance of the activity of providing balancing services;

m) exchange information with other interconnected transmission system operators, LNG and distribution storage operators and other energy collaborators, in compliance with ENTSO-G's regulations on information exchange protocols, reports, structure and procedures for access to databases;

N) provide the necessary system services for access to and operation of transport networks;

O) to draw up specific regulations necessary to carry out the operational management activity, in consultation with the natural gas market participants, which it submits to ANRE for approval;

p) to draw up studies, programmes and work on the development of the natural gas transmission system;

Q) ensure the allocation of capacity on interconnectors in compliance with Regulation (EC) No 715/2009;

R) ensure the application of congestion management rules, including interconnection pipelines, as well as the rules for the allocation of capacity on these pipelines;

s) organise and manage the gas balancing market;

S) to ensure the measurement of natural gas from the adjustment-measurement and delivery stations for the takeover of natural gas from upstream pipelines or storage systems in the transmission system, as well as the adjustment-measurement-survey stations for the reception of natural gas to the distribution systems, final customers or storage systems. (on 30-07-2020, Literas) of paragraph 1, Article 130, Chapter V, Title II was amended by Paragraph 75, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

t) provide adequate means for the discharge of public service obligations; (on 04-10-2014, point (t) of Article 130(1) was inserted by Article I(62) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

to preserve the confidentiality of commercially sensitive information which it has obtained in the course of carrying out its activities and prevents the discriminatory disclosure of information relating to its own activities which could give rise to economic advantages; in particular, it shall not disclose any commercially sensitive information to the other parties of the economic operator unless it is necessary to conclude a commercial transaction; (on 04-10-2014, Article 130(1) of Law No 127 of 30 September 2014 was inserted by Article I(62) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

U) purchase the energy it uses to carry out its activities in accordance with transparent, non-discriminatory and market-based procedures. (on 04-10-2014, Article 130(1) of Law No 127 of 30 September 2014 was inserted by Article I(62) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(2) The transmission system operator shall have, in particular, the following rights:

a) charge non-discriminatory tariffs corresponding to the services provided, limit and/or discontinue the provision of the service, in accordance with specific regulations;

b) repealed; (on 30-07-2020, letter b) of paragraph 2, Article 130, Chapter V, Title II was repealed by Paragraph 76, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

c) interrupt or limit the transmission of natural gas when the safety and integrity of the transmission system is jeopardised, in accordance with specific regulations;

d) to discontinue the operation of the installations for the time strictly necessary for the execution of maintenance and repair works, as well as in other situations provided for by law, with prior announcement of the dispatchers of the affected systems and, where appropriate, customers;

e) develop technical/commercial/operational rules specific to their own activity and submit them to ANRE for approval;

f) develop objective, transparent and non-discriminatory draft regulations for the physical balancing of the natural gas transmission system, including proposals to substantiate the tariffs to be paid by system users in case of physical imbalance, and submit them to ANRE for approval;

g) to store natural gas in the transmission system, under the conditions of specific regulations approved by ANRE;

h) use, free of charge, public land occupied by the transport system objectives, as well as public land used for execution, operation, maintenance and repair work, including land forming part of the national forestry fund, by way of derogation from Article 42(1)(b) of Law No 46/2008 – Forest Code, as amended; (on 04-10-2014, point (h) of Article 130(2) was amended by Article I(63) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

i) manage the balancing market with a view to ensuring physical equilibrium and maintaining within the operational parameters of the system, while carrying out the respective business operations; the commercial records of such operations shall be kept distinct from those relating to the transport activity.

j) participate in natural gas trading only for the balancing activity of the system, through sale-purchase operations in the balancing market or in other markets, in accordance with the regulations in force and the ENTSO-G rules. Gas transactions shall be carried out on the basis of transparent and non-discriminatory procedures, through competitive mechanisms, in accordance with the regulations of the competent authority. (on 04-10-2014, point j) of Article 130(2) was inserted by Article I(64) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

k) maintain in force and conclude technical agreements on the operation of transport pipelines with a third country compatible with European Union law and ANRE regulations. (on 19-12-2020, paragraph 2 of Article 130, Chapter V, Title II, was supplemented by Paragraph 1⁷, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in OFFICIAL MONITOR No 1239 of 16 December 2020)

(3) The operation of pipelines that interconnect with non-Member States of the European Union, as well as the allocation of capacity thereon, shall be carried out in accordance with the provisions of agreements with those States.

(4) The transmission system operator and the transmission system owner shall publish the information on its own activities, necessary for system users, in accordance with ANRE regulations, in order to ensure efficient access to the system, effective competition and efficient functioning of the natural gas market, without allowing them to disclose commercially sensitive information obtained during their activities, including that obtained from third parties, in the context of granting access to the network.

(5) As the balancing market operator, the transmission system operator shall carry out the following activities in order to inform stakeholders:

a) management of measuring equipment and provision of natural gas measurement services to transmission system users;

b) the collection, centralisation and distribution of data and information to natural gas economic operators using the transmission system to carry out commercial operations in order to manage imbalances between the quantities of natural gas contracted and those physically delivered;

c) development of forecasts of natural gas consumption of customers who do not benefit from daily measurement;

d) the production of reports and the provision of statistical data in accordance with the legislation in force. (on 04-10-2014, Article 130(5) was inserted by Article I(65) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 130¹

Obligations of the operator of the virtual trading point

(1) The transmission system operator for natural gas or another entity designated by the transmission system operator in which it has a majority shareholding of at least 51 % of the shares, hereinafter referred to as PVT operator, shall ensure the organisation and administration of the PVT, on the basis of the regulations issued by ANRE. (on 19-12-2020, paragraph 1 of Article 130¹, Chapter V, Title II was amended by Paragraph 1⁸, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(2) The PVT operator shall have the following tasks and responsibilities:

a) provides natural gas market participants with services for the transfer of ownership of natural gas to PVT, in transparent and non-discriminatory conditions;

B) make available to natural gas market participants the services referred to in letter a), continuously, i.e. 24 h x 7 days/week, through an online electronic platform;

C) record and process, on a continuous basis, PVT notifications related to transactions entered into by natural gas market participants registered as PVT users;

D) ensures the connection of the electronic PVT service platform to natural gas trading platforms;

e) collaborate with centralised gas market operators to design and promote short-term standardised products to leads to increased liquidity of the wholesale gas market in the short term;

F) actively participates in public debates organised in order to consult natural gas market participants and ANRE on aligning the services offered in PVT with international standards and best practices;

g) ensures the protection and confidentiality of the information and data provided to it or accessed during the activity it, except in cases expressly provided for in the legislation in force;

h) may offer to natural gas market participants other auxiliary services necessary for PVT users, in accordance with ANRE regulations;

I) the PVT operator develops and publishes, according to ANRE regulations, general, anonymous and aggregated market information of the notified PVT operators in

(on 19-07-2018, Chapter V of Title II was supplemented by Paragraph 39, Article I of Law No 167 of 10 July 2018, Official No. 604 of July 16, 2018) published in the MONITOR

Article 131

Tasks of the transmission system owner

(1) Transmission system owner:

- a) cooperate with the transmission system operator in carrying out its tasks by providing it with all relevant information;
 - b) finance investments decided by the independent system operator and approved by ANRE or agree that they will be financed by any interested party, including the independent system operator. The relevant financing measures shall be subject to approval by ANRE. Before approval, ANRE shall consult both the owner of the assets and other stakeholders;
(on 04-10-2014, point (b) of Article 131(1) was amended by Article I(66) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 - c) holds responsibility for the assets of the transmission system, except for the responsibility for the tasks of the transmission system operator;
 - d) provide guarantees to facilitate the financing of any extensions of the system, with the exception of investments for which it has given its consent to be financed by any interested party, including the transmission system operator, pursuant to subparagraph (b).
 - e) is not responsible for the activity of granting or managing third-party access to the transmission system organised by the independent system operator and for investment planning;
(on 04-10-2014, point (e) of Article 131(1) was inserted by Article I(67) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
 - f) preserve the confidentiality of commercially sensitive information which it has obtained in the course of carrying out its activities and prevent the discriminatory disclosure of information relating to its own activities which could give rise to economic advantages. In particular, it shall not disclose any commercially sensitive information to the other parties of the economic operator unless it is necessary to conclude a commercial transaction.
(on 04-10-2014, point (f) of Article 131(1) was inserted by Article I(67) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (1¹) The transmission system owner, including in the case of a combined system operator, the distribution system operator and the remaining part of the economic operator shall be prohibited from using common services, for example the use of a common legal service, except for purely administrative or computer services.
(on 04-10-2014, Article 131(16) was inserted by Article I(68) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (2) The Competition Council, in cooperation with ANRE, shall be empowered with all the necessary powers to effectively monitor the compliance of the transmission system owner with its obligations under paragraph (1).
- (3) ANRE shall monitor the relations and exchanges of information between the transmission system owner and the independent system operator in order to ensure that the independent system operator complies with its obligations, and in particular approves the draft contracts to be concluded between them and acts as the dispute settlement authority between the independent system operator and the transmission system owner concerning complaints submitted by any of them, in accordance with Article 174(11).
(on 04-10-2014, Article 131(3) was inserted by Article I(69) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)

Article 132

Unbundling of transmission system owner

- (1) Where the transmission system owner is part of a vertically integrated economic operator, the transmission system owner shall be independent at least in terms of its legal status, organisation and decision-making from other activities not related to the transmission of natural gas.
- (2) In order to ensure the independence of the transmission system owner in accordance with paragraph 1, the following criteria shall apply:
 - a) the persons responsible for the management of the transmission system owner may not be part of the structures of the integrated natural gas economic operator responsible, directly or indirectly, for the day-to-day management of the production, distribution and supply of natural gas;
 - b) the persons responsible for the management of the transmission system owner shall act independently of any market interest in the performance of their duties;
 - c) the transmission system owner shall establish a compliance programme containing the measures taken to ensure that discriminatory practices are excluded and shall also lay down specific obligations imposed on employees in order to achieve the objective of independence;
 - d) the transmission system owner shall designate a person or body, called a compliance officer, to ensure adequate monitoring of compliance with the compliance programme and shall submit to ANRE in December each year a report on the measures taken, which shall be published on the transmission system operator's website.
- (3) The transmission network owner shall submit to ANRE for approval all draft contracts to be concluded with the transmission system operator, including those relating to the use of existing assets, as well as those carried out as a result of investments in the transmission network.
- (4) Persons who have exercised within the transmission system operator managerial functions or other relevant functions by virtue of which they have had access to commercially sensitive information, as defined by law, may not perform similar functions within economic operators in the production and/or supply of natural gas for a period of at least 6 months from the date of termination of the contractual relationship with the transmission system operator.

Article 133

Prohibitions on control of transmission system operators

Economic operators performing any of the activities of production or supply of natural gas shall be prohibited from directly or indirectly exercising control or exercising any right in respect of separate transmission system operators from other States of the European Union applying Article 9(1) of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

Article 134

Distribution of natural gas

- (1) Distribution of natural gas shall be carried out by the distribution system operator.
- (2) The distribution system operator shall provide the distribution service to all users of the distribution system under non-discriminatory conditions, ensuring access to it to any applicant who meets the requirements of this Title, in compliance with the rules and performance standards laid down in the technical regulations in force.
- (3) The delimitation of a distribution system shall be carried out, where appropriate:
 - a) the production targets at the tap at the outlet of the manufacturer's adjustment-measurement-surrender station;
 - b) the transmission system at the exit of the adjustment-measurement-surrender station of the transmission operator;
 - c) another distribution system at the exit of the adjustment/measurement station between distribution system operators;
 - d) by final customers at the exit of the adjustment/measurement stations/posts or, where applicable, the exit from the connecting valve to their facilities for use.
- (4) Works for the development, rehabilitation, modernisation, operation and maintenance of natural gas objectives/distribution systems, including connections and adjustment-measuring and delivery stations/regulatory stations/measurement stations/measurement control stations/regulatory stations/measurement stations, connections, are works of public utility.

(on 30-07-2020, Article 134 of Chapter OFFICIAL MONITOR No 665 of 27 July 2020
(5) Costs of the works referred to in paragraph (on 30-07-2020, Article 134 of Chapter OFFICIAL MONITOR No 665 of 27 July 2020)

V Title II has been supplemented by point 77)
(4) falls under the specified cost category V Title II has been supplemented by point 77

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Article 135

Nature of the distribution activity

The activity of distributing natural gas, with the exception of that carried out by closed distribution systems, constitutes a service of public utility of general interest.

(on 19-07-2018, Article 135 of Chapter V, Title II was amended by Paragraph 40, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 136

Independence of the distribution system operator

(1) Where the distribution system operator is part of a vertically integrated economic operator, it must be independent at least in terms of its legal form, organisation and decision-making, from other activities not related to distribution; this rule does not create an obligation to unbundle the assets of the distribution system operator from the vertically integrated economic operator.

(2) In addition to the requirements laid down in paragraph 1, where the distribution system operator is part of a vertically integrated economic operator, it shall be independent, in terms of organisation and decision-making, from other activities not related to distribution. In order to ensure such independence, the following minimum criteria shall apply:

- a) the persons responsible for the management of the distribution system operator shall not be part of the structures of the vertically integrated natural gas operator responsible, directly or indirectly, for the day-to-day management of the production, transmission and supply of natural gas;
- b) appropriate measures must be taken to ensure that the professional interests of the managing persons of the distribution system operator are taken into account in a manner that allows them to act fully independently;
- c) the distribution system operator shall have effective decision-making powers, independent from the vertically integrated economic operator in the gas sector, over the assets necessary for the operation, maintenance and development of the distribution system. In order to carry out those tasks, the distribution system operator shall have at its disposal the necessary resources, including human, technical, financial and physical resources; this should not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervisory rights of the parent company in terms of return on assets of a subsidiary are protected; in particular, such arrangements shall enable the parent undertaking to approve the annual financial plan or any equivalent instrument of the distribution system operator and to set general limits on the level of indebtedness of its subsidiary; by contrast, the parent company shall not be permitted to give instructions in respect of current operations, nor with regard to individual decisions relating to the construction or modernisation of the objectives of the distribution systems, which do not exceed the conditions laid down in the approved financial plan or any other equivalent instrument;
- d) the distribution system operator shall establish a compliance programme, containing the measures taken to ensure that discriminatory practices are excluded, and shall ensure adequate monitoring of compliance with that programme. The compliance programme sets out the specific obligations imposed on employees in order to achieve this objective. The person or body responsible for monitoring the compliance programme, known as the compliance officer, shall submit to ANRE and publish in December each year a report setting out the measures taken. The compliance officer of the distribution system operator shall be fully independent and shall have access to all information of the distribution system operator or any affiliated undertaking that is necessary for the performance of its task.

(on 31-12-2021, paragraph 2 of Article 136, Chapter V, Title II was amended by Point 166, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) Vertically integrated distribution system operators shall not, in their communication and advertising activities, create confusion as to the separate identity of the economic operator performing the activity of supplying natural gas within the vertically integrated economic operator.

(on 31-12-2021, Article 136(3), Chapter V, Title II was amended by Paragraph 166, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) Except for the provisions of paragraphs (1)-(3), economic operators engaged in natural gas distribution and serving a maximum of 100,000 final customers.

(5) ANRE monitors the activity of the distribution system operator which is part of a vertically integrated economic operator so that it cannot take advantage of its vertical integration to distort competition.

(on 31-12-2021, Article 136 of Chapter V, Title II was supplemented by Point 167, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 137

Confidentiality obligation

(1) The distribution system operator shall be required to preserve confidentiality of commercially sensitive information obtained in the course of its business.

(2) The distribution system operator shall be obliged to prevent the discriminatory disclosure of information relating to its own business, which may be commercially advantageous.

(3) Any interference, of any kind, between the vertically integrated distribution system operator with a supplier through which it may be commercially advantageous over other independent suppliers operating in the concession area by the distribution system operator shall be prohibited.

(on 30-07-2020, Article 137 of Chapter V, Title II was supplemented by point 78, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 138

Obligations and rights of the distribution system operator

(1) The natural gas distributor shall, in particular, have the following obligations:

- a) operate, maintain, repair, upgrade and develop the distribution system in a safe, economically and environmentally sound manner, with activities to be carried out on the basis of specific authorisations for the design and execution of natural gas distribution systems, and the operation will be carried out under the distribution licence;
- b) to ensure the odourisation of natural gas in accordance with the regulations approved by ANRE, on the basis of service contracts concluded with the upstream operator, and, where appropriate, by additional odourisation in the distribution system;
- c) interconnect with other systems, as appropriate, and ensure long-term capacity of the distribution system;
- d) to ensure third-party access to distribution systems, under non-discriminatory conditions, within the limits of distribution capacities, in compliance with the technological regimes, in accordance with the specific regulations developed by ANRE;

d¹) For requests for connection to the existing distribution system, to provide the applicant with a technical notice of connection, including the technical solution, in accordance with ANRE regulations.

The applicant has the right to freely choose any economic operator authorised by ANRE for the design and execution of the works necessary for the connection.

In order to ensure the quality of the execution works and the commissioning of the connection, the applicant is required to conclude a connection agreement with the distribution system operator.

The commissioning of the connection and the installation of measuring devices/equipments will be carried out within the deadlines provided by ANRE regulations.

(on 31-12-2021, Letter d¹) of paragraph 1, Article 138, Chapter V, Title II was amended by Point 168, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

d²) In the case of household customers, the value of the connection works including the design works carried out in accordance with paragraph (1) letter d¹) shall be fully borne by the distribution system operator up to the limit of the average value of a connection, as determined on the basis of a methodology approved by ANRE.

The applicant may financially bear the value of the connection and design works to be compensated by the distribution operator up to the limit of the average value of a connection, according to ANRE regulations. The assets resulting from the connection works are the property of the distribution operator from the moment of commissioning, by virtue of this Law, at the value borne by the distribution system operator, which is recognised by ANRE in the regulated tariffs. The average value of the connection does not include the costs of restoring the building infrastructure.

(on 31-12-2021, paragraph 1 of Article 138, Chapter V, Title II was supplemented by Point 169, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

d³) In the case of non-household customers, the value of the connection works, including those of design carried out in accordance with paragraph (1) (d)-(1), shall be borne in full by them. The assets resulting from the connection works form part of the assets of the distribution operator from the moment of commissioning, by virtue of the present law, their value not being recognised by ANRE in the regulated tariffs.

(on 31-12-2021, paragraph 1 of Article 138, Chapter V, Title II was supplemented by point 169, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021) d⁴) The distribution operator acting as a concessionaire may sell the natural gas distribution network in the concession area to a third party operator with the consent of the grantor, in accordance with Article 106(6¹);

(on 31-12-2021, paragraph 1 of Article 138, Chapter V, Title II was supplemented by point 169, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

e) to draw up and monitor the balance of natural gas entering and leaving the system;

f) avoid cross-subsidisation between categories of final customers on cost allocation;

g) to take over until obtaining the license for the operation of the distribution system by the new concessionaire, at the request and in accordance with ANRE regulations, by designation, the operation of a distribution system under the conditions that the original operator was withdrawn from the distribution licence, the concession contract was terminated or in any other situation identified by ANRE;

(on 30-07-2020, Letter g) of paragraph 1, Article 138, Chapter V, Title II was amended by Paragraph 80, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

h) ensure the permanent equilibrium of the system operated;

i) ensure security in the supply of natural gas;

j) to carry out activities related to the system operation, in accordance with the specific regulations developed by ANRE, within the limits set by the conditions of validity associated with the licence;

k) to draw up and submit to ANRE for approval investment plans based on prospective studies, carried out over a minimum period of 5 years, in consultation, as appropriate, with the transmission system operator and local authorities in the licence area; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period.

(on 19-07-2018, Letter k) of paragraph 1, Article 138, Chapter V, Title II was amended by Paragraph 41, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

l) develop and submit to ANRE prospective studies on the improvement of the intelligent natural gas distribution system with a view to injecting hydrogen into a mixture with natural gas and/or subsequently converting them into hydrogen distributions in order to ensure compliance with environmental requirements;

(on 19-12-2020, paragraph 1 of Article 138, Chapter V, Title II was supplemented by Point 1¹⁰, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

m) take over the quantities of hydrogen in accordance with the legal technical regulations/standards in force on the injection of hydrogen into natural gas distribution networks, i.e. their conversion from natural gas distribution to hydrogen distribution.

(on 19-12-2020, paragraph 1 of Article 138, Chapter V, Title II was supplemented by Point 1¹⁰, Paragraph 2, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

n) in the case of the final household customer, in order to issue the regularisation invoice, operator by distribution has obligation by a reading index of the customer's measuring apparatus at a maximum time interval 3 on Monday.

(on 31-12-2021, paragraph 1 of Article 138, Chapter V, Title II was completed by Point 170, Article I of ORDER BY Emergency No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(2) The natural gas distribution operator shall have, in particular, the following rights:

a) engage in commercial activities related to the natural gas distribution service;

b) collect the amount of the charges corresponding to the services provided, limit and/or discontinue the provision of the service, in accordance with the specific regulations;

c) to discontinue the operation of the objectives of the distribution system and the supply of natural gas to customers for the time strictly necessary for the execution of the maintenance and repair works, as well as in other situations provided for in this Title or in the event of force majeure, with prior announcement of the dispatchers of the affected systems and, where applicable, customers;

d) use, free of charge, the local public land occupied by the objectives of the distribution system, as well as for the execution, operation, maintenance and repair work, in accordance with the law;

e) repealed;

(on 04-10-2014, point (e) of Article 138(2) was repealed by Article I(71) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

f) cease the supply of natural gas to installations for use, where there is a danger of explosion and safety in operation is affected;

(on 04-10-2014, point (f) of Article 138(2) was amended by Article I(72) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

g) store natural gas in distribution systems, in accordance with regulations approved by ANRE;

h) refuse the connection to the distribution system in accordance with Article 150;

i) develop technical/commercial rules specific to their own activity and submit them to ANRE for approval;

j) in the case of interventions by unauthorised persons on the regulatory and measurement installations at the property limit, which endanger the security of supply of natural gas, the distribution system operator shall be entitled to interrupt the supply, in accordance with the specific regulations of ANRE.

(3) Where a distribution system operator is responsible for balancing the natural gas distribution system, it shall be required to develop objective, transparent and non-discriminatory rules for balancing the system operated, including rules for charging system users in the event of an imbalance in the system. The conditions, including rules and tariffs, applicable to the provision of balancing services by the distribution system operator shall be established in a non-discriminatory and cost-sensitive manner, in accordance with a methodology approved by ANRE, and shall be published.

(on 04-10-2014, Article 138(3) was inserted by Article I(73) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 139

Closed distribution system

(1) The closed distribution system is the system by which natural gas is distributed in a geographically limited industrial, commercial or common service area which, without prejudice to the provisions of paragraph 4, does not supply household customers if, for reasons of technological organisation, the activities carried out by the users of that system are integrated or that system provides gas primarily to the system owner, the system operator or an economic operator affiliated to them, as appropriate.

(2) The obligations relating to the development of the distribution system provided for in Article 138(1) (c), (g) and (k) shall not apply to the operator of a closed distribution system.

(3) The tariffs for the provision of the distribution service in a closed distribution system and the methodologies underlying their calculation shall be published by the economic operator carrying out this activity on its own website. ANRE will publish a best practice guide on how to set tariffs for the distribution service in a closed distribution system.

(on 30-07-2020, paragraph 3 of Article 139, Chapter V, Title II was amended by point 81, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4) The exemption provided for in paragraph 2 shall also apply where household customers are located in the area served by a closed distribution system only if they are in an employment relationship or in a form of association with the owner of the distribution system at the time of the connection.

(5) Repealed.

(on 30-07-2020, paragraph 5 of Article 139, Chapter V, Title II was repealed by Paragraph 82, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(6) At the request of an economic operator, ANRE shall confirm by decision the classification of a distribution system in the provisions of paragraph (1).

(on 30-07-2020, Article 139 of Chapter V, Title 27 I-I was c filled by Point 83, Article I of Law no. 155 of 24 July 2020 Published in Official Monitor No 665 of July 2020)

(7) Economic operators c he' operating distr systems ibutia fits aza in the para . (1) have the to pre St it's , licence Rvi Ju distribution based on c s I referred to in that provisions grap right ez withou shall bec 1

(on 30-07-2020, Article 139 of Chapter V, Title I-I was c filled by Point 83, Article I of Law no. 155 of 24 July 2020 Published in Official Gazette No 665 of 27 July 2020)

Article 140

Natural gas storage

(1) Natural gas storage is carried out by storage operator.

(2) Natural gas shall be stored for the purpose of:

a) ensuring security in the supply of natural gas final customers;

b) the harmonisation of seasonal, daily and timetable with available gas sources;

- c) ensuring the physical equilibrium of the NTS on a permanent basis;
- d) carrying out other commercial activities.

Article 141

Independence of the storage operator

(1) A storage operator which is part of a vertically integrated economic operator must be independent at least in what concerns the legal form, organisation and decision-making process in relation to other activities not related to transport, distribution, or the storage.

(2) The provisions of paragraph (1) shall apply only in respect of storage facilities which are technically and/or economically necessary to ensure efficient access to the system for the purpose of supplying customers, in accordance with specific regulations.

(3) In order to ensure the independence of the storage operator from the vertically integrated economic operator to which it belongs and which performing at least one of the functions of production or supply, the following minimum criteria shall apply:

a) the managers of the storage operator are not part of the structures of the vertically integrated economic operator natural gas, which is responsible, directly or indirectly, for the day-to-day management of the production and supply of natural gas;

C) the storage operator shall have sufficient decision-making powers, independent from the integrated natural gas operator; the assets necessary for the operation, maintenance or development of storage facilities; this does not prevent adequate coordination mechanisms are in place to guarantee the protection of economic surveillance and management oversight rights of the parent company on the return on assets of a subsidiary, regulated indirectly under Article 41(6) of the Directive; the parent company has the right to approve the annual financial plan of the storage operator or any equivalent document and to set global limits on the level of indebtedness of its subsidiary; on the other hand, the parent company is not allowed to give instructions on day-to-day management, nor on decisions individual relating to the construction or upgrading of storage facilities, not exceeding the limits of the approved financial plan, or any equivalent document;

d) the storage operator shall establish a compliance programme, containing the measures taken to ensure the exclusion of discriminatory practices, and ensure adequate monitoring of compliance with this programme. The compliance programme sets out the specific obligations imposed on employees in order to achieve this objective;

e) the storage operator shall designate a person or body, called a compliance officer, who shall be responsible for the proper monitoring of compliance with the compliance programme and shall submit to ANRE, in December each year, a report on the measures taken, which shall be published on the website of the storage operator.

(on 31-12-2021, Article 141(3), Chapter V, Title II was amended by Point 171, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Rule 142

Obligations and rights of the storage operator

(1) The storage operator shall, in particular, have the following obligations:

a) operate, maintain, rehabilitate and upgrade the surface technological facilities related to storage facilities, in a safe, efficient and environmentally sound manner;

b) to ensure third-party access to storage deposits, on the basis of objective, transparent and non-discriminatory criteria, in accordance with ANRE regulations;

c) publish a list of storage facilities or parts thereof that are offered for access to third parties;

d) provide information to storage system users necessary for efficient access to the system;

e) to draw up and submit to ANRE for approval investment plans based on forward-looking studies, carried out over a minimum of 5 years, in consultation, as appropriate, with the transmission system operator, and shall be endorsed by the relevant ministry; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period;

(on 19-07-2018, letter e) of paragraph 1, Article 142, Chapter V, Title II was amended by Paragraph 42, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

f) ensure adequate means of discharging public service obligations.

(on 04-10-2014, point (f) of Article 142(1) was inserted by Article I(74) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(2) The operator of the storage warehouse shall have, in particular, the following rights:

a) collect the charge for the provision of the service of underground storage of natural gas, limit and/or discontinue the provision of the service, in accordance with the specific regulations;

b) develop technical/commercial rules specific to their own activity and submit them to ANRE for approval;

c) to discontinue the operation of the installations for the time strictly necessary for the execution of maintenance and repair works, as well as in other situations provided for by law, with prior announcement of the dispatchers of the affected systems and, where appropriate, customers;

d) to rightly deny third parties access to storage deposits, in accordance with the law.

(3) The storage operator shall preserve the confidentiality of commercially sensitive information it has obtained in the course of the conduct of its business and prevents discriminatory disclosure of information relating to its own activities which could bring economic benefits. In particular, it does not disclose any sensitive information from the point of view of operator commercial. commercial view to the other parties of economical than in where required in order to conclude a transaction

(on 04-10-2014, Article 142(3) was amended by Article 75(75) of Article 142. I of Law No 127 of 30 September OFFICIAL MONITOR No. 720 of 1 October 2014.)

Article 143

Obligations and rights of the natural gas supplier

(1) The natural gas supplier shall, in particular, have the following obligations:

a) conclude contracts for the purchase of natural gas on competitive, transparent and non-discriminatory terms so as to ensure coverage of consumption for its customers;

(on 30-07-2020, letter a) of paragraph 1, Article 143, Chapter V, Title II, was amended by Paragraph 84, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020) to purchase the natural gas which it supplies to household customers, under conditions which minimise the cost of allocated resources, on the basis of own procedures, drawn up in conjunction with Article 177(3^15), (3^16) and (3^17), ensuring the transparency of the natural gas procurement process and at the same time equal and non-discriminatory treatment of persons participating in the procedure for the procurement of natural gas as bidders;

(on 01-07-2020, Letter a^1) of paragraph 1, Article 143, Chapter V, Title II was amended by Point 2, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)

b) to pay the value of the natural gas purchased, in accordance with the contracts concluded;

c) Repealed.

(on 01-07-2020, letter c) of paragraph 1, Article 143, Chapter V, Title II was repealed by Point 4, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)

d) comply with the performance standards for the gas supply activity;

e) promptly and free of charge make the relevant consumption data available to final customers, using the easily understood presentation format, harmonised at national level, established by ANRE upon their request;

f) set up single points of contact to inform final customers about their rights, the legislation in force and the means of resolving disputes in case of requests, complaints, complaints, complaints or appeals. The single point of contact shall consist of a central point coordinating the regional/local information points, where appropriate, forming a network which provides final customers free of charge with all necessary information on their rights, legislation and dispute settlement in the event of disagreement, ensuring immediate access to information for all applicants;

(on 30-07-2020, letter f) of paragraph 1, Article 143, Chapter V, Title II was amended by Paragraph 84, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

g) allow customers, free of charge, to change their gas supplier effectively within 21 days of the date of the request and submit to them a final liquidation statement no later than 42 days after the change of supplier;

h) conclude contracts with final customers providing for fair contractual conditions and at least the information referred to in Article 145(4) (b) and provide the final customer free of charge with a copy of the contract before the conclusion or confirmation of its conclusion. Where the contract is concluded through intermediaries, the information referred to in Article 145(4) (b) shall also be provided before the conclusion of the contract;

i) notify final customers accordingly of any intention to modify the terms of the contract and of any increase in the price/tariff charged, where appropriate, directly and in a timely manner, but no later than the end of the first normal billing period following the entry into force of the mark-up, in a transparent and comprehensible manner;

j) inform final customers, at the time of the notification referred to in (i), of the right to terminate the contract if they do not

(4) Final customers of natural gas shall have the following rights:

- a) have access to the objectives/systems in the natural gas sector under the conditions of the law and be informed, when connected to them, their rights to be supplied with natural gas of a specified quality, at reasonable prices, in accordance with the legal provisions of effective;
- B) without prejudice to Law No 193/2000, republished, as subsequently amended and supplemented, and Government Emergency Order No 34/2014, enter into a contract with the gas supplier providing for fair contractual conditions/clauses and containing at least the following information:
 - (I) the identity and address of the supplier;
 - (II) the services offered, the quality of the services offered and the time limit for starting the contract, i.e. the time limit for start of initial gas supply, as appropriate;
 - (III) the types of maintenance services provided, where appropriate, by contract;
 - (IV) the means by which up-to-date information on all applicable prices/tariffs, including maintenance, where applicable, can be obtained;
 - (v) the duration of the contract, the conditions for renewal/extension and interruption of services and the contract and whether the right to terminate the contract free of charge;
 - (VI) any compensation/compensation and the method of reimbursement applicable in the event of non-compliance with the quality of the services provided for in the contract, including in the case of inaccurate and late invoicing;
 - (VII) the arrangements for initiating dispute settlement procedures in accordance with point j);
 - (VIII) information on customers' rights, including on the handling of complaints and all information referred to in point (b) clearly communicated by means of invoices or on the websites of such economic operators;
- c) receive free of charge from the natural gas supplier a copy of the contract containing at least the information referred to in (b) before the conclusion or confirmation of its conclusion. Where the contract is concluded through intermediaries, the information referred to in (b) shall also be received before the conclusion of the contract;
- d) require the supplier/system operator to modify and complete the contract concluded with it, when new elements appear or when it considers it necessary to specify or supplement contractual clauses, in accordance with the legal provisions in force;
- e) be duly notified of any intention to modify the contract and of any price/tariff increase, directly and in a timely manner, but no later than the end of the first normal billing period following the entry into force of the mark-up, in a transparent and comprehensible manner, and be informed, at the time of notification, of the right to terminate the contract if they do not accept the new conditions;
- f) terminate the contract if it does not accept the new conditions notified by the gas supplier;
- g) provide them with a wide range of payment methods that enable them to fulfil their contractually contractual payment obligations for invoices and which do not create unjustified discrimination between customers. Prepayment systems must be fair and adequately reflect probable consumption. In the case of the household customer, if following the adjustment the amount paid by him in excess is more than 100 lei, then the supplier is obliged to refund the amount paid by the customer, within 5 days from the date of issue of the regularisation invoice. Amounts below this amount will be compensated in the account of subsequent invoices. Any difference in terms and conditions of payment systems should reflect the costs incurred by the provider for the different payment systems. The general terms and conditions shall be fair and transparent, presented in clear and comprehensible language, and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers are protected against unfair or misleading commercial practices;
- (on 30-07-2020, Letter g) of paragraph 4, Article 145, Chapter V, Title II was amended by Paragraph 89, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- h) to change its supplier free of charge, in compliance with the contractual conditions/clauses, within 21 days from the date of the request, in accordance with a procedure approved by ANRE, which sets out mainly the stages of the switching process, the method of settling the payment obligations owed by the final customer to the supplier to be exchanged, the data that may be requested by the final customer or the new provider in the switching process, as well as the system operators that are obliged to provide them;
- i) receive a final liquidation statement after the change of gas supplier, no later than 42 days after the change of supplier;

- J) benefit from transparent, simple procedures and at the lowest costs of handling complaints. All final customers are entitled to a high standard of service and complaint-handling by their gas supplier. Such out-of-court dispute resolution procedures must enable them to be settled correctly and promptly, within a maximum period of 90 days, and provide, in all justified cases, for a system of reimbursement and/or compensation; these procedures should, where possible, comply with the principles set out in Recommendation 98/257/EC; these procedures shall be drawn up in accordance with a framework procedure issued by ANRE;
- k) receive transparent information on applicable prices/tariffs as well as on the general conditions for access to and use of the services offered by the gas supplier;
- l) require the supplier to interrupt the supply of natural gas where the disruption is related to the safe operation of the final customer's or system operator's facilities;
- m) require the system supplier/operator to take measures to ensure security of gas supply when technical deficiencies are detected;
- n) require and receive penalties incurred by the system provider/operator for non-compliance, in accordance with the provisions of the performance standards;
- o) to request and to receive, without to they are charged additional costs for this service, all relevant data on own consumption or empower any licensed supplier, on the basis of an explicit agreement and free of charge, to have access to the measurement data, the system operator responsible for managing such data being required to provide it. ANRE shall ensure access to end-customer consumption data by establishing, with a view to optional use, an easily understandable format for the presentation of such data, harmonised at national level, as well as the way final customers and suppliers have access to them;
- p) be properly informed of their actual gas consumption and the related actual costs, frequently enough to enable them to adjust their own gas consumption. This information shall be provided by the supplier at appropriate intervals, taking into account the capacity of the final customer's measuring equipment and the cost-benefit ratio of these measures, without charging final customers any additional costs for this service.
- (on 04-10-2014, Article 145(4) was amended by Article I(78) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (5) Final customers participating in the wholesale gas market have the right to sell natural gas only in order to efficiently balance their own portfolio, according to ANRE regulations.
- (on 19-07-2018, paragraph 5 of Article 145, Chapter V, Title II was amended by Paragraph 46, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- (6) Until 30.04.2022, final customers, producers of heat, using natural gas shall have the right to divest under the same contractual conditions part of the quantity of natural gas purchased to other heat producers within the same territorial-administrative unit.

Article 146

(on 31-12-2021, Article 145 of Chapter V, Title II was supplemented by Point 175, Article I of Emergency Order No 2021, published 143 of 28 December in Official Gazette No 1259 of 31 December 2021)

Obligations and rights of the natural gas market operator

- (1) The natural gas market operator shall be the legal person licensed to manage the centralised natural gas markets, with the exception of the balancing market, for short, medium and long-term natural gas trading in accordance with the regulations issued by the competent authority.
- (2) The natural gas market operator shall not be permitted to disclose information relating to its natural gas transactions obtained in the course of its business other than under the terms of the law.
- (2¹) In order to obtain a licence to carry out the activity of managing centralised natural gas markets, the applicant shall:
 - a) have IT systems and applications capable of ensuring the organisation and administration of centralised wholesale gas markets defined by this Law;
 - b) ensure the separation of licensed activities through management accounting by means of a specialised integrated IT application;
 - c) demonstrate the certification of information systems used to an international standard containing the requirements for an information security management system so as to confirm the capability of the organisation to assess information security risks and implement control measures to ensure the confidentiality, integrity and availability of information;
 - d) demonstrate the certification of the management system used to an international standard demonstrating its capability to provide products and services that meet both customer requirements and applicable legal and regulatory requirements;
 - e) demonstrate the existence of a valid contract with an independent auditor for auditing the financial statements;
 - f) make publicly available information on the annual financial statements and the auditors' report;
 - g) to submit reports to ANRE in accordance with the regulations in force;
 - h) comply with the regulations and conditions established by the license granted by ANRE.
- (on 19-07-2018, Article 146 of Chapter V, Title II was supplemented by Paragraph 47, Article I of Law No 167 of 10 July 2018, published in

Official Gazette No 604 of 16 July 2018)

(2²) Operators of centralised natural gas markets are required to obtain licensing under the conditions of par(2¹) and in accordance with ANRE regulations; otherwise the current licences shall cease to be valid.

(on 19-07-2018, Article 146 of Chapter V Title II was supplemented by Paragraph 47, Article I of Law No 167 of 10 July 2018, published in OFFICIAL MONITOR No 604 of 16 July 2018)

(3) Prices set on centralised gas markets shall be made public according to ANRE regulations.

Chapter VI Network access and connection

Rule 147

Third-party access regime

Third-party access to upstream pipelines, transmission systems, storage facilities, LNG systems and natural gas distribution systems shall be subject to a regulated regime.

Rule 148

Arrangements for connection to natural gas targets

(1) The connection of third parties as system users to upstream pipelines, transmission systems, LNG facilities/terminals and natural gas distribution systems is carried out under a regulated regime, in accordance with the specific regulations developed by ANRE.

(on 19-07-2018, paragraph 1 of Article 148, Chapter VI, Title II was amended by Paragraph 48, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2) Connection to upstream pipelines and the transmission system shall be permitted for the following categories of applicants:

a) holders of public service concession contracts for the distribution of natural gas in order to fulfil their contractual obligations in that capacity;

a¹) the administrative-territorial units or their specialised services to which the attributes of the concession of the public service for the distribution of natural gas have been delegated;

(on 30-07-2020, paragraph 2 of Article 148, Chapter VI, Title II was supplemented by Paragraph 90, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

b) LNG terminal operators;

c) operators of underground storage of natural gas;

d) industrial customers with an annual consumption of more than 150.000 MWh;

(on 19-07-2018, letter d) of paragraph 2, Article 148, Chapter VI, Title II was amended by Paragraph 49, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

e) economic operators holding a distribution licence;

f) natural gas producers;

g) repealed;

(on 20-12-2014, point g) of Article 148(2) was repealed by Article 148(1) of Law No 174 of 16 December 2014, published in Official Gazette No 919 of 17 December 2014, which inserted the new point of Article I of Emergency Order No 35 of 11 June 2014, published in Official Gazette No 459 of 24 June 2014.

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(3) Repealed.

(on 31-12-2021, Article 148(3), Chapter VI, Title II was repealed by Point 176, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) The applicant, a future non-household final customer, is obliged to use the demand facility and to keep its destination for a period of 5 years from the date of commissioning of the connection installation.

(on 30-07-2020, Article 148 of Chapter VI, Title II was supplemented by Paragraph 91, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(5) If the non-household final customer does not comply with the provisions of paragraph (4), he shall be obliged to return to the distribution operator the value of the design and execution of the connection installation, in proportion to the remaining unused period, in a gradual manner, in accordance with the regulations adopted by ANRE.

(on 30-07-2020, Article 148 of Chapter VI, Title II was supplemented by Paragraph 91, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Rule 149

Refusal of access

(1) Third-party access to gas objectives/systems may be denied in the following situations:

a) the capacity of the objective/system is insufficient;

b) access to the system prevents the fulfilment of public service obligations and operational safety;

c) access to the system may lead to serious economic and/or financial difficulties related to licence/authorisation to which access is requested; take-or-pay contracts for the holder of

(2) The refusal of access to the system materialises in a document called 'Refusal of Access', which must contain the grounds for refusal.

d) the quality of natural gas to be introduced into systems and/or warehouses does not meet the requirements of the regulations in force.

Article 149¹ the natural gas sector refused access to the system, the application shall be submitted immediately.

Derogations concerning payment commitments under take or pay contracts

(1) Where an economic operator in the gas sector encounters, or considers that it is experiencing, serious economic and financial difficulties as a result of payment commitments under take or pay contracts accepted under one or more of its contracts for the purchase of natural gas, it may submit to ANRE a request for a temporary derogation from the application of Articles 147 and 148.

(2) The request for derogation may be submitted to ANRE either before or after the refusal of access to the system. Where the economic operator of

(3) The application shall be accompanied by all relevant information on the nature and significance of the problem, as well as on the efforts made by the economic operator, i.e. to resolve the problem.

(4) The decision on the request for a derogation relating to take or pay contracts concluded before 4 August 2003 must not lead to situations which make it impossible to find alternative, economically viable markets.

(5) The request shall not be accepted if natural gas sales do not fall below the minimum demand guarantees included in take or pay purchase contracts or to the extent that these contracts can be adapted, i.e. the natural gas economic operator is able to find alternative markets.

(6) ANRE shall consider the request for derogation taking into account the following criteria:

a) the objective of achieving a competitive gas market;

b) the need to fulfil public service obligations and to guarantee security of supply;

c) the market position of the economic operator in the gas sector and the actual situation of competition in that market;

d) the severity of the economic and financial difficulties faced by natural gas economic operators and the transmission system operator or eligible customers;

e) the dates of signature and the terms of the contract or contracts concerned, including the extent to which they take account of changes in the market;

f) the diligence taken to resolve the problem;

g) the extent to which, in the event of acceptance of the payment commitments in question entered into under take or pay contracts, the economic operator could reasonably have foreseen, taking into account the provisions of this Law, the possibility of serious difficulties arising;

h) the degree of connection of the system with other systems and the degree of interoperability of these systems;

i) the effects of granting a derogation on the correct application of the provisions of this Law relating to the proper functioning of the internal market in natural gas.

(7) If there are no reasonable alternative solutions and, having regard to the criteria referred to in paragraph (6), ANRE may decide to grant an exemption.

(8) ANRE shall immediately notify the European Commission of the decision to grant the derogation, providing, in a consolidated form, all relevant information concerning that derogation.

(9) If the European Commission requests ANRE to amend or withdraw the decision granting the derogation, it shall comply within 28 days.

(10) Any derogation granted under the above provisions will be duly substantiated and published in the Official Journal of the Union

European.

(11) Natural gas economic operators which have not been granted a derogation as referred to in this Article shall not refuse or continue to refuse access to the system on the grounds of payment commitments under take or pay contracts for the purchase of natural gas.

(on 04-10-2014, Article 149¹ was inserted by Article I(80) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 150

Refusal to connect

The refusal to connect to natural gas objectives/systems can be made in the following situations:

a) the capacity of the objective/system is insufficient;

(on 04-10-2014, point (a) of Article 150 was amended by Article I(81) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

b) there are no objective/pipeline component parts of the systems to which the connection is to be made;

c) repealed.

(on 30-07-2020, Letter c) of Article 150, Chapter VI, Title II was repealed by Paragraph 92, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 151

Financing of works to achieve the necessary connection objectives/pipes

(1) The distribution system operator or the transmission system operator may not refuse requests for connection to the system and shall be obliged to ensure, within the limits of the annual investment plans and under conditions of economic efficiency, the financing and execution of the extension of the transmission or distribution system with a view to connecting all applicants within the concession area. The distribution system operator or the transmission operator, as the case may be, shall draw up the annual investment plans taking into account also the ATU's requests for regional or local development and urban planning plans.

(on 31-12-2021, paragraph 1¹ of Article 151, Chapter VI, Title II was amended by Point 177, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(1¹) In order to carry out the work on the expansion of the natural gas transmission/distribution systems, licensed natural gas transmission/distribution operators shall ensure the participation of any licensed company in a competitive, transparent and non-discriminatory manner, in compliance with the legal provisions on public procurement.

(on 31-12-2021, paragraph 1¹ of Article 151, Chapter VI, Title II was amended by Point 177, Article I of Emergency Order No.

143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(1²) By way of exception to the provisions of paragraph (1) and in accordance with the provisions of ANRE regulations, applicants may ensure the financing of the works on the expansion of the natural gas transmission/distribution network, and the transmission/distribution operator will return the amount financed by the applicants, in accordance with the efficiency conditions established by ANRE. The resulting assets enter property of licensed operators, from timeplacing in

function, by the effect of the present law, and their value is recognised in the tariffs regulated according to the regulations ANRE.

(on 31-12-2021, Article 151 of Chapter VI, Title II was supplemented by Point 178, Article I of Emergency Order No. 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(2) Repealed.

(on 31-12-2021, paragraph 2 of Article 151, Chapter VI, Title II was repealed by Point 179, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) For the development of programmes for the supply of natural gas to localities and for the expansion/establishment of natural gas distribution systems, the local public administration authorities and the ministries concerned shall be responsible, within 60 days from receipt of requests from the transmission system operator, as well as of distribution system operators, for the implementation of medium and long-term system development plans.

(4) Repealed.

(on 31-12-2021, paragraph 4 of Article 151, Chapter VI, Title II was repealed by Point 179, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(on 30-07-2020, Article 151 of Chapter VI, Title II was amended by point 93, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 152

(1) In justified cases, ANRE shall issue authorisations for the establishment of a direct bus to enable:

a) suppliers licensed by ANRE to supply natural gas to eligible customers supplied from a direct line;

b) supply of natural gas by a supplier licensed by ANRE to any such eligible customer through a direct bus.

(2) The direct bus is fully financed by and owned by the applicants.

(3) The transparent and non-discriminatory criteria for granting the establishment authorisations, as well as the conditions for the operation of the direct bus, shall be approved by ANRE.

(4) The holder of a direct bus has the obligation to ensure access and connection to it, without changing the destination for which these goods were built, in accordance with ANRE regulations.

(5) Within 60 days from the date on which it concluded the concession contract for the public service of natural gas distribution, the concessionaire operator shall take over the direct bus carried out in accordance with paragraph (2) and may take over the assets resulting under the conditions of paragraph (4¹) in accordance with ANRE regulations, with the payment of fair compensation.

(6) The design and execution of the objectives necessary to achieve the direct buses will be done according to the specific technical rules.

(7) ANRE may also allow the establishment of a direct bus in the following cases:

a) where there is a refusal of access to the distribution system on the grounds of lack of capacity or where access to the system would prevent the concessionaire's natural gas distribution operator from fulfilling its public service obligations;

b) due to serious economic and financial difficulties relating to take-or-pay contracts, having regard to the criteria and procedures referred to in Article 149.

(8) In order to fulfil the public service obligations, within 60 days from the date of receipt of a new request for connection to the distribution system, the operator of the concession system in the area where the direct bus is carried out in accordance with paragraph (6) shall be obliged to take those objectives into use in accordance with ANRE regulations, with the payment of fair compensation.

(on 31-12-2021, Article 152 of Chapter VI, Title II was amended by Point 181, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Rule 153

Resolving divergences in access to the system

(1) In order to resolve divergences in access to the system by administrative-jurisdictional means, a specialised committee shall be set up within ANRE.

(2) The organisation and functioning of the commission referred to in paragraph (1) shall be carried out on the basis of a regulation approved by ANRE.

(3) The Commission referred to in paragraph 1 shall take a decision within 60 days of receipt of the complaint.

(4) The decision of the committee referred to in paragraph (3) shall be final, binding on the parties and may be appealed under Law No 554/2004 on administrative litigation, as amended.

Chapter VII

General provisions on liquefied natural gas (LNG) (on 19-07-2018, Title of Chapter VII was amended by Paragraph 56, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 154

Repealed.

(on 19-07-2018, Article 154 of Chapter VII, Title II was repealed by Paragraph 57, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 155

Repealed.

(on 19-07-2018, Article 155 of Chapter VII, Title II was repealed by Paragraph 58, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 156

Regulating the use of LNG and hydrogen

- (1) The general regulatory framework for LNG and hydrogen shall be established by ANRE.
- (2) ANRE shall develop the technical and commercial regulations on the operation of the LNG/hydrogen terminal and the related charging methodology within 6 months of receiving an application for authorisation for the construction of a LNG/hydrogen terminal.
- (3) The charges for the services provided by the LNG/hydrogen terminal operator, including LNG/hydrogen storage facilities, in connection with the operation of the terminal shall be set by the respective economic operator, on the basis of a methodology approved by ANRE, and shall be published on the operator's own website.
- (4) ANRE establishes the conditions and standards for the implementation of hydrogen injection facilities in existing natural gas transmission/distribution networks.

(on 30-07-2020, Article 156 of Chapter VII, Title II was amended by point 97, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 156'1

LNG facilities

- (1) Liquefaction of natural gas, unloading, storage and regasification of LNG is carried out by the operator of the terminal(s) of storage LNG.

- (2) LNG shall be used for the purpose of:

- a) carrying out commercial activities;
- b) ensuring security in the supply of natural gas to final customers;
- c) harmonisation of seasonal, daily and hourly consumption variations with other available gas sources.

(on 04-10-2014, Article 156'1 was inserted by Article I(87) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 156'2

Obligations and rights of the LNG terminal operator

- (1) The LNG terminal operator shall, in particular, have the following obligations:
 - a) operate, maintain, rehabilitate and upgrade the LNG terminal surface technological facilities in a safe, efficient and environmentally sound manner;
 - b) to ensure third-party access to the LNG terminal, on the basis of objective, transparent and non-discriminatory criteria, in accordance with ANRE regulations;
 - B'1) to ensure the connection of third parties to the LNG/hydrogen terminal, on the basis of objective, transparent and non-discriminatory criteria, in accordance with ANRE regulations;
- (on 30-07-2020, paragraph 1 of Article 156'2, Chapter VII, Title II was supplemented by point 98, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- c) publish the list of LNG facilities or parts thereof that are offered for access to third parties;
- d) provide information to LNG terminal users necessary for efficient access to the system;
- e) to draw up and submit to ANRE for approval investment plans based on prospective studies carried out over a period of at least 5 years, in consultation, where appropriate, with the transmission system operator; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period; investment plans shall be reviewed in the light of the emergence of national or European programmes to promote new energy efficiency technologies and to promote renewable energy systems;
- (on 30-07-2020, letter e) of paragraph 1, Article 156'2, Chapter VII, Title II, was amended by Paragraph 99, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- f) provide adequate means for the discharge of public service obligations;
- g) preserve the confidentiality of commercially sensitive information which it has obtained in the course of carrying out its activities and prevent the discriminatory disclosure of information relating to its own activities which could give rise to economic advantages; not disclose any commercially sensitive information to the other parties of the economic operator unless it is necessary to conclude a commercial transaction.
- h) propose to ANRE technical, commercial and pricing rules specific to its own activity.

(on 30-07-2020, paragraph 1 of Article 156'2, Chapter VII, Title II was supplemented by point 100, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

- (2) The LNG terminal operator shall primarily have the following rights:

- a) collect charges for services provided in connection with the operation of the LNG/hydrogen terminal, including LNG/hydrogen storage facilities, limit and/or discontinue the provision of services, in accordance with specific regulations;
- (on 30-07-2020, Letter a) of Paragraph 2, Article 156'2, Chapter VII, Title II, was amended by Paragraph 101, Article I of Law No. 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- b) repealed;
- (on 30-07-2020, letter b) of paragraph 2, Article 156'2, Chapter VII, Title II, was repealed by Paragraph 102, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- c) to discontinue the operation of LNG facilities for the time strictly necessary for the execution of maintenance and repair works, as well as in other situations provided for by law, with prior announcement of the dispatchers of the affected systems and, where appropriate, customers;
- d) rightly deny third parties access to the LNG terminal under the terms of the law.
- (3) The LNG terminal operator shall publish the information on its own activities necessary for system users/access applicants, in accordance with ANRE regulations, in order to ensure efficient access to the system, effective competition and efficient functioning of the natural gas market, without allowing them to disclose commercially sensitive information obtained during their activities, including those obtained from third parties in the context of granting access to the network.

(on 04-10-2014, Article 156'2 was inserted by Article I(87) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 156'3

Hydrogen production facilities/hydrogen terminal

- (1) Hydrogen production, discharge, storage and regasification shall be carried out by the operator of the authorised hydrogen terminal(s).
- (2) Hydrogen shall be used for the purpose of:
 - a) carrying out commercial activities;
 - b) ensuring security in the supply of natural gas to final customers;
 - c) harmonisation of seasonal, daily and hourly consumption variations with other available gas sources;
 - d) decarbonisation of natural gas transmission/distribution networks.

(on 31-12-2021, Chapter VII of Title II was supplemented by Point 183, Article I of the Emergency Order No published 143 of 28 December 2021, in Official Gazette No 1259 of 31 December 2021)

Article 106'4

Obligations and rights of the hydrogen terminal operator

- (1) The operator of the hydrogen terminal shall, in particular, have the following obligations:
 - a) operate, maintain, rehabilitate and upgrade the surface technological facilities related to the hydrogen terminal under conditions of safety, efficiency and environmental protection;
 - B) to ensure third-party access to the hydrogen terminal, on the basis of objective, transparent and non-discriminatory criteria, in accordance with ~~approved by~~ANRE;
 - C) to ensure the connection of third parties to the hydrogen terminal, on the basis of objective, transparent and non-discriminatory criteria, according ~~approved by~~ANREs
 - D) publish the list of hydrogen production facilities/hydrogen terminals or parts thereof that are offered for access to third parties;
 - e) provide information to the users of the hydrogen terminal necessary for efficient access to the system;

f) to draw up and submit to ANRE for approval investment plans based on prospective studies carried out over a period of at least 5 years, in consultation, where appropriate, with the transmission system operator; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period; investment plans shall be reviewed in the light of the emergence of national or European programmes to promote new energy efficiency technologies and to promote renewable energy systems;

g) provide adequate means for the discharge of public service obligations;

h) preserve the confidentiality of commercially sensitive information which it has obtained in the course of carrying out its activities and prevent the discriminatory disclosure of information relating to its own activities which could give rise to economic advantages; not disclose any commercially sensitive information to the other parties of the economic operator unless it is necessary to conclude a commercial transaction;

i) propose to ANRE technical, commercial and pricing rules specific to its own activity.

(2) The operator of the hydrogen terminal/installations shall mainly have the following rights:

a) charge charges for services provided in connection with the operation of the hydrogen terminal, including hydrogen storage facilities, limit and/or interrupt the provision of services, in accordance with specific regulations;

b) to discontinue the operation of hydrogen/hydrogen terminal facilities for the time strictly necessary for the execution of maintenance and repair works, as well as in other situations provided by law, with prior announcement of the dispatchers of the affected systems and, where appropriate, customers;

c) to rightly deny third parties access to the hydrogen terminal, in accordance with the law.

(3) The hydrogen terminal operator shall publish the information on its own activities necessary for system users/access applicants, in accordance with ANRE regulations, in order to ensure efficient access to the system, effective competition and efficient functioning of the natural gas market, without allowing them to disclose commercially sensitive information obtained during their activities, including those obtained from third parties in the context of granting access to the network.

(on 31-12-2021, Chapter VII of Title II was supplemented by Point 183, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 156'5

Hydrogen authorisation regime

Economic operators and/or natural persons carrying out activities of design, execution and operation in the field of hydrogen production must hold authorisations/licences issued by ANRE on the basis of specific regulations.

(on 31-12-2021, Chapter VII of Title II was supplemented by Point 183, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

Article 157

LNG authorisation regime

Economic operators and/or natural persons carrying out activities of design, execution and operation in the field of LNG must hold authorisations/licences issued by ANRE on the basis of specific regulations.

(on 19-07-2018, Article 157 of Chapter VIII, Title II was amended by Paragraph 59, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Chapter VIII Quality assurance of equipment, installations, appliances, products and processes used in the natural gas sector

Article 158

Use of equipment, installations, appliances, products and processes in the natural gas sector

(1) The use of equipment, installations, appliances, products and processes in the natural gas sector is permitted after obtaining the prior acceptance of the system operator, based on methodologies/procedures developed by the system operator and approved by ANRE.

(2) ANRE ensures the transparency of this process by publishing the methodologies/procedures approved on its website.

Rule 159

Intelligent measurement systems

(1) By 3 September 2012, ANRE shall assess the implementation of smart measurement systems that contribute to the active participation of consumers in the gas supply market, in terms of long-term costs and benefits for the market and for individual consumers, the type of smart metering and the feasible implementation deadlines.

(2) Given that the assessment provided for in paragraph 1 finds that the implementation of intelligent measurement systems is advantageous for the functioning of the natural gas market, ANRE shall draw up, in consultation with distribution and transmission operators, and approve a timetable for implementation, with due regard to the use of appropriate standards and best practices, as well as to the importance of the development of the natural gas market.

Article 160

Verification of projects

(1) Prior to the execution of the works for the objectives/systems in the natural gas sector, in order to comply with the quality requirements in construction, ANRE licensed operators operating the respective objectives/systems are required to ensure that the execution projects are checked in accordance with their own procedures, by project verifiers certified by ANRE, their employees or in a commercial relationship with the licensed operators. (on 31-12-2021, paragraph 1 of Article 160, Chapter VIII, Title II was amended by Paragraph 184, Article I of Emergency Order No.

143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(2) Projects related to the execution/changes of use facilities shall be verified by verifiers certified by the Ministry of Development, Public Works and Administration.

(on 30-07-2020, paragraph 2 of Article 160, Chapter VIII, Title II was amended by Paragraph 103, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(on 29-12-2020, the phrase: The Ministry of Public Works, Development and Administration was replaced by letter b), Article 12 of Emergency Order No 212 of 28 December 2020, published in Official Gazette No 1307 of 29 December 2020)

(3) Projects shall be deemed to be approved if they have been declared compliant by the project verifier:

a) referred to in paragraph 1, for objectives/systems in the natural gas sector;

b) referred to in paragraph 2, for installations for the use of natural gas.

(on 30-07-2020, paragraph 3 of Article 160, Chapter VIII, Title II was amended by Paragraph 103, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 161

Certification of project verifiers

(1) The certification of project verifiers referred to in Article 160(1) shall be carried out in accordance with a regulation approved by ANRE.

(2) Project verifiers who have been certified by other institutions shall retain their powers by equating the attestation, in accordance with the Regulation referred to in paragraph (1).

(3) Certified project verifiers shall be jointly and severally liable with the designers for ensuring through the project all the technical and quality requirements laid down by the legislation in force, in order to achieve and safely operate the intended objective, as well as for any changes to the project during implementation.

Article 162

Reception of works

(1) The reception of objectives/systems in the natural gas sector is carried out by specialists, installers authorised by ANRE, employees of the licensed economic operators who have monitored their execution, in accordance with the provisions of the specific technical rules.

(2) Reception of installations for the use of natural gas belonging to final customers shall be carried out by the beneficiary of the work and by specialists of the economic operator authorised by ANRE who carried out the work in question, in accordance with the provisions of the specific technical regulations.

Article 163

Expertise of the work

(1) Natural gas objectives/systems are subject, where appropriate, to technical expertise by authorised experts according to a regulation approved by ANRE.

(2) Experts who have been certified by other institutions shall retain their powers by equating the attestation, in accordance with the Regulation referred to in par.

Chapter IX New infrastructure

Article 164

Derogation conditions for new infrastructures

(1) Major new gas infrastructure, such as interconnections between Member States, LNG and storage facilities, may benefit from a derogation, for a specified period of time, upon request, from the provisions of the legislation in force, relating to third-party access to transmission systems, storage and upstream pipelines, as well as from charging methodologies, in the following conditions:

- a) investment it has to strengthen competition in the supply of natural gas and to improve security of supply;
 - b) level of the risk related to the investment is in such a way that the investment No SE perform only if a derogation is granted;
 - c) the infrastructure must be owned by a legal person which is separate at least in its legal form from the system operators in whose systems the infrastructure is built;
 - d) charges shall be levied on users of that infrastructure;
- on the 23-02-2021, article 164, paragraph 1, letter d) is amended by point 5'3, paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- (2) The provisions of paragraph (1) shall also apply to significant increases in capacity of existing infrastructures, as well as to changes to such infrastructure-enabling the development of new sources of gas supply.

Article 165

Granting of derogations

ANRE shall decide on the granting of the derogation provided for in Article 164, adopting a duly reasoned decision. ANRE's decision is published in the Official Gazette I.

Rule 166

Type of derogation

The derogation may cover all or part of new infrastructure, existing infrastructure with significantly increased capacity or modification of existing infrastructure.

Article 167

Conditions for granting the derogation

When deciding whether to grant an exemption, account shall be taken, where appropriate, of the need to impose conditions relating to the duration of the non-discriminatory access to the interconnector. derogation; and

Article 168

Conditions for granting the derogation in the case of an interconnector

When deciding on the conditions laid down in Article 170, account shall be taken, in principally, duration of contracts, additional capacity that will the construction or modification of the existing capacity, of the time horizon of the be national conditions. project; and

Article 169

Rules and mechanisms for capacity management and allocation

When granting a derogation, ANRE may decide on the rules and mechanisms to prevent capacity management and allocation, if not the implementation of long-term contracts.

Rule 170

Consultation with other Member States, or regulatory authorities

(1) Before adopting a decision on derogation, ANRE consults with:

- a) the national regulatory authorities of Member States whose markets are likely to be affected by the new infrastructure; and
- b) competent authorities of third countries, where the infrastructure concerned is connected to the European Union network under jurisdiction a Member State and has its origin or ends in a country third party or in may many countries third parties. In case in which authorities consulted from countries third parties do not respond to the consultation in a reasonable time or within a time limit determined which No maybe exceed 3 months, ANRE maybe adopt the necessary decision.

(2) Where all regulatory authorities concerned reach an agreement on the exemption request within 6 months of the date on which the request for derogation was received by the last of the regulatory authorities, it shall inform ACER of their decision.

(3) Where the new infrastructure is a transmission pipeline between a third country and which has the first interconnection point with the network of the Member States on the territory of Romania, ANRE shall further inform the competent authority of the third State in compliance with paragraph 2, before adopting a derogation decision, in order to ensure the consistent application of the common rules for the internal market in natural gas in the territory and, where applicable, in the territorial sea of Romania. If the advisory authority of the third country does not respond to the consultation within a reasonable period or within a period not exceeding 3 months, ANRE may take the necessary decision.

(on 19-12-2020, Article 170 of Chapter IX, Title II was amended by Point 5'3, Paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

Article 170'1

Empowerment procedure

(1) Existing agreements concluded by the transmission system operator/upstream pipeline operator with a third country concerning the operation of an upstream transmission pipeline/pipeline shall remain valid until the date of entry into force of a subsequent agreement between the European Union and the same third country or until new agreements concluded in accordance with the procedure in paragraphs 2 to 8 enter into force.

(2) Where the transmission system operator/upstream pipeline operator intends to enter into negotiations with a third country with a view to amending, extending, adapting, renewing or concluding an agreement on the operation of a transmission pipeline with a third country on matters falling wholly or partly within the scope of this Law, it shall notify the European Commission in writing.

(3) The notification referred to in paragraph 2 shall contain the relevant documents and shall indicate the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the European Commission at least 5 months before the intended start of negotiations.

(4) The transmission system operator/upstream pipeline operator may enter into negotiations with a third country only after authorisation by the European Commission.

(5) The transmission system operator/upstream pipeline operator shall regularly inform the European Commission of the progress and results of negotiations to amend, extend, adapt, renew or conclude an agreement with a third country.

(6) Before signing an agreement with a third country, the transmission system operator/upstream pipeline operator shall notify the outcome of the negotiations to the European Commission and send it the text of the negotiated agreement.

(7) The transmission system operator/upstream pipeline operator may sign and conclude the agreement only after its authorisation by the European Commission.

(8) The transmission system operator/upstream pipeline operator shall notify the European Commission of the conclusion and entry into force of the agreement with a third country and any subsequent changes to the status of that agreement.

(on 19-12-2020, Chapter IX of Title II was supplemented by Point 5'4, Paragraph 3, Article I of Law No 290

Official Gazette No 1239 of 16 December 2020) of 15 December 2020, published in

Article 171

The regulatory authority shall, without delay, transmit to the European Commission a copy of all requests for derogation as soon as they are received.

Transmission of requests for derogation

The exemption decision shall be communicated by ANRE to the European Commission without delay, together with all relevant information.

Article 172

Relevant information

(1) The information referred to in Article 171 shall include, in particular:

- a) the detailed reasons on the basis of which the regulatory authority or the Member State granted the exemption, including financial information justifying the need;
- b) the analysis of the effect on competition and the efficient functioning of the internal market in natural gas resulting from the granting of the derogation;
- c) the reasons for the time period and the part of the total capacity of the natural gas infrastructure for which the derogation was granted;
- d) where the derogation concerns an interconnector, the outcome of the consultation with those Member States or regulatory authorities;
- e) the contribution of infrastructure to the diversification of natural gas supplies.

(2) ANRE shall comply with the decision of the European Commission to amend or withdraw the exemption decision within 30 days and shall notify the European Commission thereof.

(on 04-10-2014, Article 171(2) was inserted by Article I(89) of Law No 127 of 30 September 2014 published in Official Gazette No. 720 of 1 October 2014.)

Chapter X Public service obligation

Rule 173

Public service obligation

(1) Holders of licences for storage, transmission, distribution and supply of natural gas and the holder of the LNG terminal operating licence shall carry out their activities in compliance with the obligations stipulated in the licenses, i.e. authorisations issued by ANRE, regarding safety, quality, continuity of supply, energy efficiency, compliance with occupational safety and health and environmental protection standards, as well as the provisions of direct contracts with customers.

(on 04-10-2014, Article 173(1) was amended by Article I(90) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(2) ANRE may establish through specific regulations public service obligations for each natural gas activity, applicable to all licence holders, or authorisations in a transparent, equidistant and non-discriminatory manner.

(3) The public service obligations referred to in paragraph (2) shall not prevent the liberalisation of the natural gas market, constitute barriers to the entry of new entrants into the market or distort competition and the transparent functioning of the market.

(4) Public service obligations likely to affect the natural gas market within the meaning of paragraph (3) shall be notified to the Competition Council.

(5) Costs incurred in a prudent manner by economic operators to discharge public service obligations shall be justified costs and shall be covered by the prices or tariffs charged by them, in accordance with the specific regulations of ANRE.

(6) ANRE shall review every 2 years the necessity and manner of imposing public service obligations, taking into account the evolution of the gas sector.

(7) ANRE shall draw up and submit to the Prime Minister and the relevant Ministry a report on the measures taken to fulfil public service obligations, including consumer and environmental protection, and their possible effect on domestic and international competition, which will be updated every 2 years in view of the changes made to these measures. This report is sent to the specialised committees of the Romanian Parliament and the European Commission for information.

Chapter XI Natural gas market

Article 174

Natural gas market structure

(1) The natural gas market is composed of regulated and competitive markets and transactions in natural gas are wholesale or retail. (1'1) On the wholesale gas market, all prices and quantities determined as a result of transactions carried out on each of the centralised natural gas markets, the prices and quantities of natural gas used to balance the NTS, as well as all prices and quantities in export contracts, import contracts, intra-group contracts and related quantities, shall be made public, by type of transaction, in aggregated forms that do not affect the commercial interests of operators, in accordance with ANRE regulations.

(on 19-07-2018, Article 174 of Chapter XI, Title II was supplemented by Paragraph 60, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(2) The share of the competitive market shall be increased gradually by ensuring access to this market for as many participants, suppliers and final customers as possible, in accordance with the provisions of Article 175.

(3) The participants in the gas market must comply with the rules for its operation, approved by ANRE.

(4) Natural gas market participants and associated operational structures are: natural gas producers, suppliers, traders, final customers, transmission system operator(s), upstream gas pipeline operators, operators of centralised gas markets, distribution system operators, storage/storage operators and LNG terminal operator.

(on 19-07-2018, paragraph 4 of Article 174, Chapter XI, Title II was amended by Paragraph 61, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(5) Natural gas market participants are obliged to assume financial responsibility for paying the imbalances they generate on the gas market, in accordance with regulations approved by ANRE.

(6) Final customers of natural gas shall have the right to choose their supplier and to negotiate sales/purchase contracts directly with it.

(7) Where final customers have exercised their right of eligibility, they are no longer entitled to return to the regulated supply.

(7'1) By way of exception to paragraph 7, household customers who have exercised their right of eligibility shall be entitled to return to the regulated supply.

(on 29-12-2018, Article 174 of Chapter XI, Title II was supplemented by point 13, Article 61, Chapter III of Emergency Order No 114 of 28 December 2018, published in Official Gazette No 1116 of 29 December 2018)

(8) The Dispute Settlement Commission shall be established as the body to settle disputes on the wholesale and retail market between natural gas market participants.

(9) The Dispute Settlement Commission consists of 5 members who are appointed by decision of the President of ANRE, for a period of 3 years, among ANRE employees with a minimum of 5 years in the field of natural gas.

(10) The Dispute Settlement Commission operates on the basis of an organisation and functioning regulation approved by decision of the President of ANRE, after public consultation.

(11) ANRE shall act as a dispute settlement authority for any complaint made by third parties against a transmission system operator, LNG terminal operator, storage or distribution system operator concerning the operator's obligations under this Law and shall issue a decision within two months from the date of receipt of the complaint. This period may be extended by two months if ANRE wishes to obtain additional information. That period may then be extended with the agreement of the applicant. The start of the complaint-handling process by ANRE is without prejudice to the right of complainants to apply to the courts for the settlement of the same complaints.

(on 04-10-2014, Article 174(11) was inserted by Article I(92) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(12) ANRE acts as a dispute resolution authority for cross-border disputes if access to the upstream pipeline under the jurisdiction of the Romanian State is denied.

(on 19-12-2020, Article 174 of Chapter XI, Title II was supplemented by Point 5'5, Paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(13) Where, in cross-border disputes, the upstream pipeline falls under the jurisdiction of more than one Member State, ANRE shall consult the competent authorities acting as dispute resolution authorities of those Member States in order to ensure the consistent application of common rules for the internal market in natural gas.

(on 19-12-2020, Article 174 of Chapter XI, Title II was supplemented by Point 5'5, Paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(14) The upstream pipeline originating in a third country in relation to the European Union shall be connected to the Romanian transmission and/or distribution network in compliance with the provisions of this Law.

(on 19-12-2020, Article 174 of Chapter XI, Title II was supplemented by Point 5'5, Paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(15) Where the upstream pipeline originates in a third country in relation to the European Union and transits through the territory of Romania and is connected to a transmission/distribution network in another Member State of the European Union, ANRE shall consult the competent authorities of the Member States concerned in order to ensure the consistent application of the common rules for the internal market in natural gas.

(on 19-12-2020, Article 174 of Chapter XI, Title II was supplemented by Point 5'5, Paragraph 3, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)

(16) Where the first connection point of an upstream pipeline originating in a third country in relation to the European Union to a the transmission/distribution network is located on the territory of Romania. ANRE shall consult with the competent authorities of Member States whose territories are transited by feed pipes upstream having origin in a third country in relation to the Union European and with the third country concerned, with the aim of ensuring consistent application of common rules for internal market in natural gas.

(on 19-12-2020, Article 174 of Chapter XI, Title II has been completed by Point 5'5, Paragraph 3, Article I of the Law No. 290 of 15 December 2020, published in OFFICIAL MONITOR No 1239 of 16 December 2020)

Article 175

Functioning of the regulated gas market

- (1) The regulated market in natural gas shall operate mainly to ensure the supply of natural gas to final customers referred to in Article 3.
 - 179 (2) (a) to (c).
 - (2) On the regulated gas market, the competent authority shall be entitled to:
 - a) impose public service obligations in accordance with Article 173;
 - b) to impose transparent procedures on suppliers for the purchase of natural gas on the competitive market for carrying out the activities referred to in Article 179(2) (a) to (c);
 - c) set the prices applied by suppliers of last resort natural gas to final customers;
 - d) approve methodologies for verification/control of expenditure on the acquisition of natural gas.
 - e) require transmission system operators, distribution system operators, storage operators and LNG terminal operator, where necessary, to amend the terms and conditions of commercial/technical regulations, including tariffs and methodologies, developed by them in order to ensure proportionality and their application in a non-discriminatory manner.
- (on 04-10-2014, point (e) of Article 175(2) was inserted by Article I(93) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
- (3) The supply of natural gas on the regulated market is based on framework contracts approved by ANRE.
 - (4) ANRE continuously monitors the effect of the regulated market on the competitive gas market and takes the necessary measures to avoid potential distortions of competition and to increase the transparency of commercial transactions.
 - (5) ANRE shall organise, as part of the monitoring action, a process to evaluate the functioning of the natural gas market under the conditions of waiving the application of regulated prices for final customers, in which at least the following general criteria will be used:
 - a) number of suppliers active in the gas market each year;
 - b) the market share of each of the active suppliers;
 - c) the economic and financial capacity of active suppliers and their behaviour in the market;
 - d) the evolution of the annual number of gas supplier changes;
 - e) the level and evolution of prices in the market;
 - f) number and type of vulnerable consumers.

Article 176

- (1) The Preventive Action Plan on measures to safeguard the security of gas supply and the Emergency Plan referred to in Article 102(o) shall be approved by Government Decision, initiated by the relevant Ministry.
- (2) In the event of a crisis situation, at the three levels laid down in Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard security of gas supply and repealing Regulation (EU) No 994/2010, the competent ministry, as competent authority, shall implement the measures set out in the Preventive Action Plan concerning measures to safeguard security of gas supply and/or the Emergency Plan.
- (3) In crisis situations, during the emergency level, in order to ensure security of gas supply, the Competent Authority may order the application of the administrative measures, provided for in the Emergency Plan, which are not based on market mechanisms.
- (4) The measures referred to in paragraph 2 shall have the least possible impact on the proper functioning of the internal market of the European Union and shall be strictly limited to remedying the crisis situation which has caused them.
- (5) The relevant Ministry shall notify the European Commission of the safety measures taken in each case as a matter of urgency.

(on 01-07-2020, Article 176 of Chapter XI, Title II was amended by Point 6, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)

Article 177

Functioning of the competitive gas market

- (1) On the competitive market, commercial gas transactions are carried out wholesale or retail, in compliance with ANRE regulations, and prices are formed on the basis of supply and demand, as a result of competitive mechanisms.
 - (2) The wholesale competitive market operates on the basis of:
 - a) bilateral contracts between natural gas economic operators;
 - b) transactions on centralised markets managed by the natural gas market operator or the balancing market operator, as applicable;
 - c) other types of transactions or contracts.
 - (3) In the competitive retail market, suppliers sell natural gas to final customers through negotiated price contracts or standard offers.
 - (3'1) During the period from 15 July 2014 to 30 November 2016, natural gas producers in Romania or their affiliates, as the case may be, are obliged to enter into transactions on centralised markets in Romania, transparent and non-discriminatory, for the sale of a minimum quantity of natural gas from their own production, intended for domestic consumption, in accordance with the regulations issued by ANRE.
- (on 11-10-2016, Alin. (3'1) of Article 177 of Chapter XI, Title II was amended by Point 3, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016)
- (3'2) During the period from 1 January 2015 to 30 November 2016, licensed suppliers are obliged to enter into transactions on centralised, transparent and non-discriminatory markets for the sale/purchase of a minimum quantity of natural gas, in accordance with the regulations issued by ANRE.
- (on 11-10-2016, Alin. (3'2) of Article 177 of Chapter XI, Title II was amended by Point 3, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016)
- (3'3) In order to ensure non-discrimination between the same categories of consumers, by 31 March 2017, household customers and heat producers shall, solely for the quantities of natural gas used for the production of heat in cogeneration plants and in heat plants intended for consumption, have the same treatment in terms of ensuring the quantities and the selling price of natural gas consumed, irrespective of whether they have chosen to be eligible or regulated.
- (on 11-10-2016, Article 177, Chapter XI, Title II, paragraph 3, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016) (3'4) Repealed.
- (on 19-07-2018, paragraph 3'4) of Article 177, Chapter XI, Title II was repealed by Paragraph 62, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018) (3'5) Repealed.
- (on 19-07-2018, paragraph 3'5) of Article 177, Chapter XI, Title II was repealed by Paragraph 62, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- (3'6) During the period from 1 January 2018 to 31 December 2018, each natural gas producer, in so far as it contracts for the sale of natural gas, in a calendar year, is obliged to conclude, in that calendar year, contracts on the centralised markets in Romania, transparent and non-discriminatory, in accordance with the regulations issued by ANRE, for the sale of a minimum quantity of natural gas from its own production which may not be lower than that represented by a percentage share, established by Government Decision, of the quantity of natural gas for which it concludes sales/purchase contracts, in that calendar year, as seller. If the delivery period provided for in the contracts is in a calendar year other than the one in which the contracting takes place, the obligation to trade on the centralised markets in Romania is carried out in the delivery year.
- (on 19-07-2018, paragraph 3'6) of Article 177, Chapter XI, Title II was amended by Paragraph 63, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- (3'7) During the period from 1 January 2018 to 31 December 2018, each natural gas supplier, which is not also a producer, in so far as it contracts for the sale/purchase of natural gas, in a calendar year, shall conclude, in that calendar year, contracts on the centralised markets in Romania, transparent and non-discriminatory, in accordance with the regulations issued by ANRE, in order to:
 - a) the purchase of a minimum quantity of natural gas which may not be less than that represented by a percentage share, established by Government Decision, of the quantity of natural gas for which it concludes contracts for the sale and purchase of natural gas, in that calendar year, as a buyer;
 - b) the sale of a minimum quantity of natural gas to wholesale customers, which may not be less than that represented by a percentage share, established by Government Decision, of the quantity of natural gas for which it concludes contracts for the sale and purchase of natural gas, in that calendar year, with wholesale customers as seller;
 - c) if the delivery period provided for in the contracts is in a calendar year other than the one in which the contracting takes place, the obligation to trade on the centralised markets in Romania is carried out in the delivery year.
- (on 19-07-2018, Paragraph 3'7) of Article 177, Chapter XI, Title II was amended by Paragraph 63, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018) (3'8) Repealed.
- (on 19-07-2018, paragraph 3'8) of Article 177, Chapter XI, Title II was repealed by Paragraph 64, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3⁹) The provisions of paragraph (3⁶) are not applicable to the quantities of natural gas for which the producer transfers ownership, in any form, to an affiliate who is a supplier, without being a producer, provided that these quantities are traded by the affiliate under the conditions and within the quantitative limits laid down in paragraph (3⁶), to the producer's responsibility.
(on 19-07-2018, paragraph 3⁹) of Article 177, Chapter XI, Title II was amended by Paragraph 65, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3¹⁰) The provisions of paragraph (3⁷) lit. b) are not applicable to suppliers who do not conclude sales/purchase agreements with wholesale customers as seller.
(on 19-07-2018, paragraph 3¹⁰) of Article 177, Chapter XI, Title II was amended by Paragraph 65, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3¹¹) Until 30 November 2016, ANRE will approve, with the approval of the Competition Council, the specific rules that will be applied on centralised gas markets, for the purpose of natural gas trading, under competitive conditions and in a transparent, public and non-discriminatory manner. (on 11-10-2016, Article 177 of Chapter XI, Title II was supplemented by point 4, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016)

(3¹²) By 30 November 2016, ANRE shall, with the approval of the Competition Council, issue the necessary regulations for the application of the provisions of this Article, so as to ensure the conditions of competition and transparent and non-discriminatory access of buyers to the quantities of natural gas offered on the competitive market.
(on 11-10-2016, Article 177 of Chapter XI, Title II was supplemented by Point 4, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016) (3¹³) Repealed.
(on 19-07-2018, Paragraph 3¹³) of Article 177, Chapter XI, Title II was repealed by Paragraph 66, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018) (3¹⁴) Repealed.
(on 19-07-2018, paragraph 3¹⁴) of Article 177, Chapter XI, Title II was repealed by Paragraph 66, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(3¹⁵) During the period from 1 July 2020 to 31 December 2022, all natural gas market participants, with the exception of producers whose annual production in the previous year exceeds 3 000 000 MWh, in so far as they contract for the sale of natural gas on the wholesale market, in a calendar year, shall be required to offer annually, as a seller, in the calendar year in which they deliver natural gas, quantities of gas on centralised, transparent, public and non-discriminatory markets, in accordance with the regulations issued by ANRE.
(on 01-07-2020, paragraph 3¹⁵) of Article 177, Chapter XI, Title II was amended by Point 7, Article I of Emergency Order No. 106 of 25 June 2020, published in OFFICIAL MONITOR No 572 of 1 July 2020)

(3¹⁶)
a) During the period from 1 July 2020 to 31 December 2022 natural gas producers whose annual production in the previous year exceeds 3 000 000 MWh shall be required to offer annually the sale of quantities of natural gas, with delivery between 1 July 2020 and 31 December 2023, in a transparent, public and non-discriminatory manner, on centralised markets, in accordance with the regulations issued by ANRE;
(on 31-12-2021, Letter a) of paragraph 3 (16), Article 177, Chapter XI, Title II was amended by Point 185, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
b) for the period from 1 July 2020 to 31 December 2022, the quantities of natural gas referred to in point (a) shall be a 40 % percentage of the annual production recorded in the year preceding the tender, excluding technological and own consumption, for the years 2021 and 2022; for the period from 1 July 2020 to 31 December 2020, the 40 % percentage share shall be calculated from the annual production of the year 2019, taking into account the products that can be tendered from 1 July 2020;
(on 19-12-2020, letter b) of paragraph 3 (16), Article 177, Chapter XI, Title II was amended by Paragraph 4, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
c) the ANRE regulations referred to in point (a) establish a mandatory bidding programme, including the distribution of the quantities offered by monthly, quarterly, half-yearly, seasonal and annual standardised products, so as to ensure the conditions of competition, transparency and non-discrimination for all potential buyers.
(on 01-07-2020, paragraph 3¹⁶) of Article 177, Chapter XI, Title II was amended by Point 7, Article I of Emergency Order No. 106 of 25 June 2020, published in OFFICIAL MONITOR No 572 of 1 July 2020)

(3¹⁷) During the period from 1 July 2020 to 31 December 2022, all natural gas market participants, in so far as they contract for the purchase of natural gas on the wholesale market, in a calendar year, are required to bid annually, as a buyer, in the calendar year in which they purchase natural gas, requests for the purchase of natural gas on centralised, transparent, public and non-discriminatory markets, in accordance with the regulations issued by ANRE.
(on 01-07-2020, paragraph 3¹⁷) of Article 177, Chapter XI, Title II was amended by Point 7, Article I of Emergency Order No. 106 of 25 June 2020, published in OFFICIAL MONITOR No 572 of 1 July 2020)

(3¹⁸) Repealed.
(on 01-07-2020, paragraph 3¹⁸) of Article 177, Chapter XI, Title II was repealed by Point 8, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020)

(3¹⁹) The provisions of paragraph (3¹⁷) are not applicable to suppliers who have access to a single source of natural gas acquisition, according to the connection solution.
(on 19-07-2018, Article 177 of Chapter XI, Title II was supplemented by point 67, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(4) Relevant data such as duration, delivery and settlement rules, quantity, execution deadlines, transaction prices, means of identification of the wholesale customer, with regard to all transactions in gas supply contracts and natural gas derivatives concluded with wholesale customers and transmission system operators, as well as storage and LNG operators, shall be kept by suppliers for at least 5 years and shall be made available to ANRE, the Competition Council, the European Commission and other competent national authorities upon their request.
(5) The obligation to retain data on derivative transactions only applies once the guidelines have been published by the European Commission.
(6) The data referred to in paragraph (5) may be published in accordance with the confidentiality of commercially sensitive information.

Article 177¹

Technological consumption

(1) The National Agency for Mineral Resources shall draw up the methodology on the basis of which it calculates and certifies the quantities of natural gas required to be consumed by economic operators in order to ensure the technological parameters necessary for carrying out the production and storage activity, representing the technological consumption related to this activity.
(2) ANRE shall develop the methodologies on the basis of which the quantities of natural gas necessary to be consumed by economic operators are calculated and certified in order to ensure the technological parameters necessary for carrying out the distribution activity, namely the transport activity, representing the technological consumption related to this activity.

(on 04-10-2014, Article 177¹ was inserted by Article I(94) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Chapter XII Prices and tariffs

Rule 178

The system of prices and tariffs. Principles

(1) The system of prices and tariffs for natural gas shall be designed to ensure:

- a) approximation of the market value of alternative fuels, promotion of competition in the gas market, diversification of natural gas supplies and increased security of supply;

b) recovering costs incurred in a prudent manner related to regulated activities, ensuring a reasonable rate of return on capital invested in regulated activities, stimulating the development of production, transmission, storage, distribution of natural gas and LNG terminal capacities, both in the short and in the long term;
(on 04-10-2014, point (b) of Article 178(1) was amended by Article I(95) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

c) energy saving at final customers;
d) improving the quality of natural gas and services provided to customers.

(2) The principles underlying the regulatory development of price and tariff systems for regulated activities are the following:
a) regulated prices and tariffs shall be determined on the basis of methodologies approved and published by the competent authority;
(on 04-10-2014, point (a) of Article 178(2) was amended by Article I(96) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.) a¹) methodologies for setting regulated prices and tariffs shall be applied in a non-discriminatory manner, shall be based on objective and transparent criteria and shall be subject to the public consultation process prior to their approval;
Article 178(2) of Article 178(2) was inserted on 04-10-2014 by Article I(97) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

b) stimulating the efficient use of natural gas, ensuring the quality of services, ensuring the calorific value of natural gas, promoting competition in the gas market and protecting the interests of customers;
c) prevention of speculation and speculative behaviour in the gas market;
d) encouraging demand to shift from peak consumption to periods of low consumption.

(3) It is prohibited to recover the costs of the service provided for a particular category of final customers through tariffs charged to other categories of final customers.

(4) Cross-subsidisation between regulated activities and between regulated and non-regulated activities of an economic operator shall be prohibited.

(5) All transaction prices, including from intra-group contracts, of natural gas from domestic production, import, export shall be made public, by type of transaction, in an aggregated form if the commercial interests of the parties involved in the transactions are affected, in accordance with ANRE regulations.
(on 19-07-2018, Article 178 of Chapter XII, Title II was supplemented by point 68, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(6) For the calculation of transmission and distribution tariffs for natural gas during the regulatory period 2019-2024, the rate of return on capital invested, representing the average cost of invested capital, expressed in real terms, before tax, is 6.9 %.
(on 29-03-2019, Article 178 of Chapter XII, Title II was supplemented by Point 7, Article IV of Emergency Order No 19 of 29 March 2019, published in Official Gazette No 245 of 29 March 2019)

In accordance with point 9 of Article XIII of Regulation (EC) No 1 of 6 January 2020, published in Official Gazette No 11 of 9 January 2020, Article 178(6) is repealed on 30 April 2020.

(7) Repealed.

(on 31-12-2021, Article 178(7), Chapter XII, Title II was repealed by Paragraph 186, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(8) The fee for the provision of the pipeline storage service shall be set by the economic operator carrying out this activity, on the basis of a methodology approved by ANRE.
(on 30-07-2020, Article 178 of Chapter XII, Title II was supplemented by point 104, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(9) The transmission system operator has the obligation to propose to ANRE technical, commercial and pricing rules regarding the activity of pipeline storage.
(on 30-07-2020, Article 178 of Chapter XII, Title II was supplemented by point 104, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Rule 179

Regulated market activities

(1) On the regulated market comprising activities of a natural monopoly, activities related to the operation of the LNG terminal, their related activities and provision at regulated price and on the basis of framework contracts, pricing and pricing systems shall be established by ANRE.
(on 04-10-2014, Article 179(1) was amended by Article I(98) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(2) Activities related to the regulated market shall include:
a) the supply of natural gas at regulated price and under framework contracts until 31 December 2014 to non-household customers, unless a significant difference between the selling price of domestic production and the European import price, which could jeopardise market stability, is found on that date, in which case the deadline shall be extended to 31 December 2015;
b) supply of natural gas at regulated price and under framework contracts by 30 June 2020 to household customers;
(on 09-01-2020, letter b) of paragraph 2, Article 179, Chapter XII, Title II was amended by Point 10, Article XIII of Emergency Order No 1 of 6 January 2020, published in Official Gazette No 11 of 09 January 2020)

c) the supply of natural gas as a last resort;
(on 04-10-2014, point (c) of Article 179(2) was amended by Article I(100) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

d) repealed;
(on 04-10-2014, point (d) of Article 179(2) was repealed by Article I(101) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

e) transportation of natural gas;
f) repealed;
(on 31-12-2021, letter f) of paragraph 2, Article 179, Chapter XII, Title II was repealed by Point 187, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

g) underground storage of natural gas until the end of the 2020-2021 extraction cycle;
(on 01-07-2020, Paragraph (g) (2) Article 179, Chapter XII, Title II it was change ATA by Point 9, Article I of the Order of Emergency No 106 of 25 June 2020, natural a cat in Official Gazette no. 572 of 01 July 2020)

h) gas storage of gas pipelines;
i) distributio Point (i) of paragraph Article 179, Chapter XII, Title II it was change ATA by Point 188 Artic pot I of ORDER OF Emergency No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

related by licensed operators.
J) activities LNG ermal and hydrogen terminal.
K) use of t Point k) of paragraph 2, Article 179, Chapter XII, Title II was change ATA by Point 189 Artic pot I of ORDER OF Emergency No 143 of 28 December 2021, published in OFFICIAL MONITOR No 1259 of 31 December 2021)

(3) The schedule for phasing out regulated prices for final customers with effect from 1 December 2012 for non-household customers, i.e. from 1 July 2013 for household customers, is established by the Government, in accordance with the schedule for staggering the prices of producers, proposed by ANRE and ANRM, taking into account the possible negative effects of the elimination of regulated prices, so that they are as little as possible felt by the customers.

(4) For activities related to the regulated market, prices and tariffs shall be established on the basis of methodologies approved and published by ANRE.

(5) The methodologies for setting regulated prices and tariffs shall be approved by ANRE, after informing and consulting all interested parties. Their calculation shall take into account justified costs for the activities concerned, development expenditure and environmental protection, as well as a reasonable share of profit.
(on 19-07-2018, paragraph 5 of Article 179, Chapter XII, Title II was amended by Paragraph 69, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(6) The Order approving regulated prices and tariffs in the natural gas sector, as well as the order approving the methodologies for regulating them, shall be published in the Official Gazette of Romania, Part I. The Order approving regulated prices and tariffs in the natural gas sector shall include the date of their entry into force.

(7) ANRE annually monitors the results of the schedule for phasing out regulated prices for final customers and proposes to the Government, as appropriate, the exploitation of the domestic production of natural gas on the internal market until the end of the approved timetable.
(on 04-10-2014, Article 179(7) was amended by point 103 of Article I of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

Article 180

Price/tariff limitation

(1) In the event of a major imbalance between supply and demand and/or a clear failure of the natural gas market, the Government, at ANRE's proposal and with the opinion of the Competition Council may limit excessive price/tariff increases or their blocking for a period of time determined by a maximum of 6 months, which may be extended successively for durations of up to 3 months, as long as the circumstances persist. determined the adoption of that decision, by:

- fixing an upper price limit;
- limitation of income from regulated activity.

(2) Costs recognised and deferred in accordance with paragraph 1 shall be recovered in full in accordance with the procedure approved by the competent authority.

Article 181

Establishment of mixing structures

(1) In order to cover the consumption needs, final customers have the right to be supplied with natural gas in an internal/import mixture, according to the structures approved/established by ANRE.

(2) The provisions of paragraph 1 shall apply until the price of natural gas from domestic production is converged with that of imported natural gas.

(3) ANRE may establish:

- until 31 December 2014, and until 31 December 2015, in accordance with Article 179(2) (a), a specific import/internal blending structure for the quantity of natural gas intended for the consumption of household customers and heat producers, only for the quantity of natural gas used for the production of heat in cogeneration plants and in heat plants intended for consumption by the population, and a specific import/internal mix structure for the quantity of natural gas intended for non-household customers' consumption, excluding heat producers, for the quantity of natural gas used for the production of heat in cogeneration plants and in heat plants intended for consumption by the population;
- with effect from 1 January 2015 and from 1 January 2016, in accordance with Article 179(2) (a), and until 30 June 2021, in accordance with Article 179(2) (b), a specific import/internal mix structure for the quantity of natural gas intended for the consumption of household customers and non-household customers, heat producers, only for the quantities of natural gas used for the production of heat in cogeneration plants and in heat plants intended for consumption by the general public.

(on 20-12-2014, point (b) of Article 181(3) was amended by Article 181(3) of Law No 174 of 16 December 2014, published in Official Gazette No 919 of 17 December 2014, which introduces Article I(1) (3) of Emergency Order No 35 of 11 June 2014, published in Official Gazette No 459 of 24 June 2014.)

(4) In order to ensure the bearability of the costs related to the energy bill, in particular those related to the heating of the population, the establishment of the import/internal blend structure and the approval of the regulated final price for household customers will also take into account the prerequisites considered when setting the data for the elimination of regulated prices to this category of customers.

(5) Until 31 March 2017, the purchase price of natural gas from domestic production to household customers and producers of heat, only for the quantities of natural gas used for the production of heat in plants cogeneration and in power plants thermal intended for the consumption of the population, shall be established by Government Decision, at the proposal of the competent ministry. (on 11-10-2016, paragraph 5 of Article 181, Chapter XII, Title II was amended by Point 5, Article I of ORDER BY EMERGENCY No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016)

(6) The following are exempted from compliance with the structures of natural gas mixtures established/approved by ANRE:

Accounting separation obligation

Legal persons in the gas sector engaged in regulated activities pursuant to Article 179(2) shall be obliged to ensure unbundling accounting, according to the legal norms and regulations of ANRE.

Chapter XIII Procedure for conducting investigations

Article 183

Ordering investigations

The President of the competent authority shall, by decision, order investigations to be carried out in accordance with Article 185 by his or her staff ~~at his premises or~~ in response to a complaint registered with the competent authority, made by an affected natural or legal person genuinely and directly of a potential breach of the provisions of this Title, only in areas where ANRE has the power of investigation, according to the law.

Article 184

Requesting information and documents

In carrying out the investigations, as well as the powers conferred on it under this Title, the competent authority may request from economic operators the necessary information and documents, stating the legal basis and the purpose of the request, and may set time limits within which such ~~to be provided and to be submitted and documents.~~

Article 185

Rights of investigation

(1) In order to investigate the violation of the provisions of this Title, under the conditions of art. 183, ANRE staff authorised for this purpose shall have the following rights:

- enter the premises, land or means of transport which economic operators legally possess;
- examine any documents, registers, financial-accounting and commercial documents or other records related to the activity of economic operators, irrespective of where they are stored;
- to ask any representative or employee of the economic operator to explain the facts or documents relating to the subject matter and purpose of the investigation and to record or record its replies;
- to collect or obtain in any form copies or extracts of any documents, books, financial-accounting and commercial documents or other records relating to the economic operator's activity;
- seal any establishment intended for the economic operator's activities and any documents, registers, financial-accounting and commercial documents or other records related to the economic operator's activity, for the duration and to the extent necessary for the investigation.

(2) The competent authority shall proceed with the actions referred to in paragraph (1) only if there are indications that documents may be found or information deemed necessary for the fulfilment of its powers may be obtained and the outcome of the investigation shall be recorded in a report of findings and inventory.

(3) The competent authority may make unannounced inspections and request that any information or justifications relating to the fulfilment of investigative powers be submitted to it within a reasonable time, both on site and by summoning it to its premises.

Article 186

Judicial authorisation of investigations

On the basis of the judicial authorisation given by conclusion, in accordance with Article 187, ANRE staff authorised under the conditions of art. 183 ~~may enter premises including~~ domicile, land or means of transport belonging to managers, managers, directors and other employees of economic operators or associations of economic operators under investigation.

Article 187

- quantities by gas natural re-injected into deposits, ptat by to pay r edeptitud in conditions the law;
- quantities by gas natural for use in technolos gice spe ifice stakes Pet potters handed over by oil agreement holders
- quantities by gas natural designed to balance the NTS.

(7) Exceptions by to respectat of the structures of mixtures gas natural ATE by ANRE establish by decision of the Government, proposal of the competent ministry within 45 days of the entry into force of this law.

(8) On the basis of the data referred to in Article 179(2) and (3), ANRE shall gradually eliminate regulated prices for the supply of natural gas to final customers.

(9) Removed.

(to 29-03-2019, paragraph 9 of Article 181, Chapter XII, Title II was deleted by Point 8, Article I of Emergency Order No 19 of 29 March 2019, published in Official Gazette No 245 of 29 March 2019)

Article 182

Obtaining judicial authorisation

- (1) ANRE staff shall carry out inspections in accordance with Article 186 only on the basis of the authorisation decision issued by the President competent authority and with judicial authorisation given by the President of the Bucharest Court of Appeal or a delegated judge it's this one. A certified copy of the authorisation decision and of the judicial authorisation must be communicated to the inspected person before start of this.
- (2) The application for authorisation shall be dealt with in the chamber of the Council, without summoning the parties. The judge shall decide on the application for authorisation no later than 48 hours after the date of registration of the application by final closure. Such termination shall be reasoned and communicated to the competent authority no later than 48 hours after the decision has been given.
(on 01-02-2014, Article 187(2) was amended by Article 101(1) of Law No 255 of 19 July 2013 published in Official Gazette No 515 of 14 August 2013.)
- (3) If the inspection is to be carried out simultaneously in more than one of the premises referred to in Article 186, the competent authority shall introduce a single application, the court ruling by an order stating the premises in which the inspection is to be carried out.
- (4) The application for authorisation must contain all the information capable of justifying the inspection, and the judge seized is required to verify whether or not well founded.
- (5) Whatever the circumstances, the inspection takes place between 8.00 and 18.00 and must be carried out in the presence of the person at which it is inspected or of its representative. The inspection may continue beyond 18.00 only with the consent of the person at whom the inspection is carried out his representative.
- (6) Inventories and seals shall be made in accordance with the provisions of the Criminal Procedure Code.
- (7) Repealed.
(on 01-02-2014, Article 187(7) was repealed by Article 101(2) of Law No 255 of 19 July 2013 published in Official Gazette No 515 of 14 August 2013.)
- (8) The President of the Bucharest Court of Appeal or the judge delegated by it has the power to issue the judicial authorisation to carry out inspection according to Art. 186. The court verifies whether the empowerment decision issued by the President of ANRE is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard, in particular, to the seriousness of the suspected infringement, the importance of the evidence sought, the involvement of the undertaking concerned and the reasonable likelihood that the books and documents relating to the activity ~~which~~ ~~shall~~ be the object of the inspection to be kept in premises for which authorisation is sought. The court may ask ANRE for explanations details of what it needs to enable it to verify the proportionality of the coercive measures envisaged.

Article 188

Access to documents and information

- (1) Central and local public administration bodies, as well as any other public institutions and authorities, shall be obliged to allow the competent authority access to documents, data and information held by them, in compliance with legal provisions.
- (2) The competent authority, by receiving access to the documents, data and information referred to in paragraph (1), shall respect the character of State secrecy or service secrecy lawfully attributed to those documents, data and information.

Rule 189

Investigation procedure

The investigation procedure shall be carried out in accordance with the Regulation on the organisation and conduct of the investigation activity approved by order of the President of ANRE.

Chapter XIV Prohibitions

Rule 190

Protection of objectives/systems

For the protection of natural gas objectives/systems, third parties shall be prohibited:

- to carry out constructions of any kind in the safety zone of the natural gas objectives; where, exceptionally, it is necessary for the land on which they are located to carry out a construction, the applicant shall bear all the costs relating to the necessary modifications, subject to all provisions relating to the design and execution of the works in the gas sector and subject to the disposal of the resulting property to the operator;
- to carry out excavations or works of any kind in the area of protection of natural gas objectives without the prior consent of the system operator;
- store materials in the access routes and in the protection zone of natural gas objectives;
- interfere in any way with natural gas pipelines, equipment and installations.

Article 191

Prohibitions

For the purposes of the safe operation of the natural gas transmission system, it shall be prohibited, except in the case of force majeure, to interrupt the supply of electricity, telephone or radio links and rail transport.

Chapter XV Offences and Offences

Rule 192

Responsibilities

Violation of the provisions of this Title shall entail disciplinary, civil, administrative or criminal liability, as the case may be, of the guilty persons.

Rule 193

Offences

- (1) Deterioration, alteration without right or blocking of the operation of the measuring equipment a consumption by natural gas provided constitutes: criminal offence and he sentences three months to two years' imprisonment or a fine.
- (2) Execution or use of clandestine installations for the purpose of direct connection on system by food supply gasnatural or for bypass equipment of measurement constitutes a criminal offence and is punishable by imprisonment of on 3 months at 2 years, or with fine.
- (3) Where the offences referred to in paragraphs (1) and (2) are committed by an employee of a licence holder, the special limits shall be increased by half.
- (4) Attempting the offences referred to in paragraphs (1) and (2) shall be punishable.

Article 194

Contraventions

The following acts shall constitute contraventions to the rules on the pursuit of activities in the gas sector:

- design, approval, verification, technical expertise, execution, reception, commissioning and/or operation of new works, modifications, extensions or revisions of natural gas objectives and installations for the use of natural gas by unauthorised natural or legal persons;
(on 19-07-2018, Paragraph 1 of Article 194, Chapter XV, Title II was amended by Paragraph 70, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
1^1. unauthorised intervention on installations for use of natural gas in operation by persons physical or legal;
(on 19-07-2018, Article 194 of Chapter XV, Title II a former completed by Point 71, Article I of Law no. 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
1^2. unwarranted cessation of gas supply a final customer by natural persons or legal;
(on 19-07-2018, Article 194 of Chapter XV, Title II a former completed by Point 71, Article I of Law no. 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- the design and/or execution of new works, modifications, extensions of natural gas objectives and installations for the use of natural gas without obtaining the necessary agreements, permits and authorisations and/or without complying with the restrictions/conditions laid down therein;
(on 19-07-2018, Paragraph 2 of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- design, execution, reception, commissioning and/or operation of new works, modifications, extensions, checks/revisions of natural gas objectives and installations for the use of natural gas, in breach of the technical regulations issued in the field;
(on 19-07-2018, Paragraph 3. of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- approval/verification by a certified project verifier of technical projects/documents for the execution, reception and/or commissioning of new works, modifications, extensions of objectives in the natural gas sector and installations for the use of natural gas, which do not meet the requirements of the technical regulations in force;

(on 19-07-2018, Article 194(4), Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

5. the execution of new works, modifications, extensions of the objectives of the natural gas sector, in breach of Articles 104, 105 and 151;
6. execution of new works, modifications, extensions of objectives in the natural gas sector and installations for the use of natural gas, without project/technical execution documentation verified, in accordance with the legal provisions;
- (on 19-07-2018, Paragraph 6. of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
7. the execution of new works, modifications, extensions of natural gas objectives, excluding installations for use of any kind, without tracking them by a licensed operator;
8. the use of equipment, installations, appliances, products and processes which do not comply with the technical regulations in force;
9. the use/operation of installations, equipment and appliances which do not have metrological checks and/or technical checks/revisions within the period of validity, in accordance with the regulations in force;
10. carrying out, without the consent of the licensed operator, any works, operations, manoeuvres or interventions, of any kind, to pipelines, appliances, equipment, measuring installations and accessories, related to the production, storage/storage, transmission or distribution of natural gas objectives/systems;
11. reception, commissioning and/or operation of natural gas objectives/systems/installations/equipment for which the documents required by the regulations in force have not been drawn up and/or for which the necessary authorisations and/or licences have not been obtained;
- (on 19-07-2018, Paragraph 11. of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
12. non-fulfilment and/or inadequate fulfilment of the conditions of validity of the authorisations referred to in point 1 of Article 119 other than those referred to in this Article;
13. the non-fulfilment and/or inadequate fulfilment of the conditions of validity of the authorisations/licences referred to in points 2 and 3 of Article 119 other than those referred to in this Article;
14. failure to comply with the provisions of the Regulations on access and/or connection to transmission/distribution systems and/or upstream pipelines;
- (on 19-07-2018, Paragraph 14. of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
15. non-compliance with the framework contracts approved by ANRE;
16. non-compliance with the natural gas performance standards;
17. interruption or undue delay in the supply of natural gas;
18. unjustified refusal of applicants' access/connection to upstream pipelines, transmission system, distribution system or natural gas storage facilities;
19. resale of natural gas by final customers;
20. refusal or obstruction of the founding agents empowered by ANRE to carry out checks and/or inspections, in accordance with the legal provisions;
21. failure to provide/non-submission of the data, documents and/or information requested within the deadlines set by ANRE or their incomplete/erorated provision/presentation, as well as/or failure to comply with the measures within the time limits ordered by ANRE and/or the refusal to act upon the invitation addressed by ANRE;
- (on 19-07-2018, Paragraph 21. of Article 194, Chapter XV, Title II was amended by Paragraph 72, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
22. failure to comply with the obligations/requirements set out in the Regulations for the authorisation and verification of natural persons and economic operators carrying out natural gas design, execution and operation activities;
23. non-compliance with the obligations/requirements set out in the Gas Authorisation and Licensing Regulations;
24. failure to comply with the storage programme established in accordance with the regulations in force;
- 24*1. failure of natural gas market participants to comply with their obligations under Articles 143(1), 144*1 and 145(4)(g);
- (on 24-09-2020, Paragraph 24*1. of Article 194, Chapter XV, Title II was amended by Paragraph 106, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020) 24*2. non-compliance by natural gas market participants with their obligations under Article 143(1)(a)*1);
- (on 11-07-2020, Article 194 of Chapter XV, Title II was supplemented by point 11, Article I of Emergency Order No 106 of 25 June 2020, published in Official Gazette No 572 of 1 July 2020) 24*3. non-compliance by suppliers or operators of the pipeline/system to which the final customer's consumption site is connected, as the case may be, with the obligations laid down in Article 138(1)(n);
- (on 31-12-2021, Article 194 of Chapter XV Title II has been supplemented by Point 190, Article I of ORDER BY EMERGENCYNo. 143 of 28 December 2021, published in the OFFICIAL MONITORNo 1259 of 31 December 2021)
- 24*4. non-compliance by suppliers or operators of pipeline/system at which is connected to the site of consumption of customer final, after the obligations referred to in Article 143(1)(t).
- (on 31-12-2021, Article 194 of Chapter XV Title II has been supplemented by Point 190, Article I of ORDER BY EMERGENCYNo. 143 of 28 December 2021, published in the OFFICIAL MONITORNo 1259 of 31 December 2021)
25. failure to establish the minimum stock of natural gas, which holders of supply/transport licences are required to hold in underground storage warehouses, established in accordance with the regulations in force;
26. non-compliance with the prohibitions laid down in Article 190 on the protection of objectives/systems;
- (on 24-09-2020, point 26. of Article 194, Chapter XV, Title II was amended by point 107, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
27. non-compliance with the commercial regulations approved by ANRE, including price and tariff methodologies;
28. non-compliance with regulations on legal and/or accounting unbundling of regulated activities in the gas sector;
29. carrying out any activity without holding the necessary licence/authorisation issued in accordance with the provisions of this Title and the regulations developed under it;
- (on 24-09-2020, Paragraph 29 of Article 194, Chapter XV, Title II was amended by Paragraph 107, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
30. failure to comply with the legal provisions on the change of gas supplier;
31. failure to comply with the legal provisions on the measurement of natural gas;
32. failure to comply with the information reporting requirements laid down in the regulations in force, including in European regulations;
33. failure to comply with the provisions on information to natural gas customers;
34. failure to comply with the provisions of the technical regulations issued/approved by ANRE;
35. failure of the transmission system operator to comply with the provisions on conditions for access to the natural gas transmission networks laid down in European regulations;
- 35z1. non-fulfilment by producers or their affiliates, as the case may be, and by the licensed suppliers, of the obligations laid down in Articles 177 and 178;
- (on 19-07-2018, Paragraph 35z1. of Article 194, Chapter XV, Title II was amended by Paragraph 74, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
36. failure by the transmission system operator to comply with the provisions on capacity allocation mechanisms and congestion management procedures laid down in European regulations;
- 36z1. failure by the transmission system operator to comply with the requirements laid down in European regulations other than those referred to in points 35 and 36;
- (on 04-10-2014, Article 194, Article 36z1, was inserted by point 105 of Article I of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)
37. non-compliance with the transparency requirements laid down in ANRE regulations, as well as in European regulations, with the exception of Regulation (EU) No 1.227/2011;
- (on 24-09-2020, Paragraph 37 of Article 194, Chapter XV, Title II was amended by Paragraph 107, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
38. failure or incomplete provision by the transmission system operator of the information necessary for network users to take appropriate corrective measures to avoid imbalances;
39. failure to comply with orders and decisions of ANRE other than those provided for in the contraventions contained in this Article;
- (on 24-09-2020, Paragraph 39 of Article 194, Chapter XV, Title II was amended by Paragraph 107, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
40. non-compliance with confidentiality provisions.

41. Repealed.
(on 19-07-2018, Paragraph 41. of Article 194, Chapter XV, Title II was repealed by Paragraph 75, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

42. failure of the natural gas transmission system operator and natural gas distribution system operators to comply with the maintenance and investment programmes, within the terms and under the conditions established by ANRE regulations.
(on 19-07-2018, Article 194, Chapter XV, Title II was supplemented by Paragraph 76, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

43. failure to comply with Article 124alin. (1¹) and (1²) and Article 177alin. (3¹⁵)-(3¹⁷);
(on 24-09-2020, Paragraph 43 of Article 194, Chapter XV, Title II was amended by Paragraph 107, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

44. failure by market participants to comply with their obligations under Articles 4(1) to (3), 8(1) and (5), 9(1) and (5) and Article 15 of Regulation (EU) No 1.227/2011;
(on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

45. failure of market participants to comply with their obligations under Article 3(1), (2)(e) and Article 5 of Regulation (EU) No 1.227/2011;
(on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

46. the refusal of wholesale gas market participants to allow unexpected investigative and/or inspection actions to be carried out on premises belonging to economic operators or associations of economic operators active in the field of natural gas which they legally own and/or operate also at the place of residence, land or means of transport belonging to legal representatives, managers, directors and other employees of economic operators or associations of economic operators under investigation to be inspected, or to make available the electronic equipment on which the data and information under investigation are stored or archived; (on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

47. failure to provide data and information, provision of data and information as a result of inaccurate, incomplete or misleading, as requests
ANRE, carried out pursuant to Article 184 and Article 185(1)(a) C) and d) and (3);
(on 24-09-2020, Article 194 of Chapter XV, Title II has been completed paragraph 108, Article I of the Law No. 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

48. non-fulfilment of gas producersthe natural nature of the obligations referred to in Article 124(1)(e);
(on 24-09-2020, Article 194 of Chapter XV, Title II has been completed paragraph 108, Article I of the Law No. 155 of 24 July 2020, published in OFFICIAL MONITOR No 665 of 27 July 2020)

49. failure to fulfil obligations to ensure continuity in the supply of natural gas to final customers in the event of termination of the oil concession;
(on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

50. failure of the transmission system operator/gas distribution operator to comply with the connection deadlines provided for in Articles 130(1)(e), 138(1)(d) (1), 148(3) and 151(4);
(on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

51. non-compliance by suppliers in relation to the non-household final customer with the provisions of art. 143 para. (1¹);
(on 31-12-2021, Point 51 of Article 194, Chapter XV, Title II was modified by Point 191, Article I of ORDER OF EMERGENCY No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

51¹. the suppliers' failure to comply with the provisions of art. 143 para. (1¹) in relation to the household final customer;
(on 31-12-2021, Article 194 of Chapter XV, Title II has been supplemented by point 192, Article I of ORDER BY EMERGENCY No. 143 of 28 December 2021, published in Official Gazette no. 1259 of 31 December 2021)

52. failure by the distributor to comply with the confidentiality provisions pursuant to Article 137.
(on 24-09-2020, Article 194 of Chapter XV, Title II was supplemented by point 108, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 195

Penalties

(1) The offences referred to in Article 194 shall be punished as follows:

- a) where committed by natural persons, those in 121, 122 9, 20 and 21;
(at -07-2018, a) of point 1. Paragraph 1, Article 195, Chapter XV, Title II has been amended by Point 77, Article I of Law No 167 out of July 2018, published in the OFFICIAL No. 604 of 16 July 2018)
- B) fine from 2. 000 lei to 4,000 lei, those in 2, 3, 8, 22 and 34;
(at -07-2018, a b) of point 1. Paragraph 1, Article 195, Chapter XV, Title II has been amended by Point 77, Article I of Law No 167 out of July 2018, published in the OFFICIAL No. 604 of 16 July 2018)
- C) fine from RON 000 to 8,000 lei, those in 4, 10 26 and 40;
(at -07-2018, a c) of point 1. Paragraph 1, Article 195, Chapter XV, Title II has been amended by Point 77, Article I of Law No 167 out of July 2018, published in the OFFICIAL No. 604 of 16 July 2018)
- d) by a fine of between RON 10 000 and RON 50,000 for those referred to in points 46 and 47.
(on 24-09-2020, Paragraph 1 of Paragraph 1, Article 195, Chapter XV, Title II was supplemented by Paragraph 109, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020).
- a) a fine of between RON 5 000 and RON 100,000, points 1, 1¹, 1², 2, 9, 12, 20, 22 and 33;
(on 19-07-2018, Letter a) of Point 2. Paragraph 1, Article 195, Chapter XV, Title II was amended by Paragraph 78, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- b) with a fine of 10,000 Lei to 200,000 lions, the ones from points 3, 6, 8, 15, 16, 19, 21, 23, 30, 34 and 41;
(on 19-07-2018, Letter b) of Point 2. Paragraph 1 Article 195, Chapter XV, Title II was amended by Point 78, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- c) with a fine of 20,000 Lei to 400,000 lions, the ones from points 4, 5, 7, 10, 11, 13, 14, 17, 24, 24¹, 24⁴, 26, 27, 29, 31, 32, 39, 40 and 51;
(at 31-12-2021, Letter c) of Point 2. Paragraph 1 Article 195, Chapter XV, Title II was amended by Point 193, Article I of Order OF URGENCE No 143 of 28 December 2021, published in OFFICIAL MONITOR no. 1259 of 31 December 2021)
- d) a fine of between RON 100,000 and RON 500,000, as referred to in points 18, 28, 36, 37 and 38;
(on 19-07-2018, Letter d) of Point 2. Paragraph 1, Article 195, Chapter XV, Title II was amended by Paragraph 78, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)
- D¹) with a fine of RON 500,000 to 1,000,000 RON, items 24², 25, 35, 35¹, 36¹ and 42;
(on 19-12-2020, Paragraph 2 of Paragraph 1, Article 195, Chapter XV, Title II, was supplemented by Point 11¹, Paragraph 5, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- e) for repeated infringements, with a fine of between 5 % and 10 % of annual turnover, those referred to in points 24², 25, 35, 35¹, 36¹ and 42;
(on 19-12-2020, Letter e) of Point 2. Paragraph 1, Article 195, Chapter XV, Title II was amended by point 6, Article I of Law No 290 of 15 December 2020, published in Official Gazette No 1239 of 16 December 2020)
- f) by a fine of between RON 50 000 and RON 100,000, for failure by producers or their affiliates, as the case may be, and by the licensed suppliers to comply with the obligations referred to in Article 177(3¹) and (3²), and by a fine of between 0.2 % and 1 % of the annual turnover for non-compliance by producers or their affiliates, as the case may be, and by the licensed suppliers of the obligations referred to in Article 177(3⁴ to 3⁷)).
(on 10-11-2016, letter f) of point 2 of Article 195(1) of Chapter XV, Title II was amended by Point 7, Article I of Emergency Order No 64 of 5 October 2016, published in Official Gazette No 801 of 11 October 2016)
- g) with a fine of 1 % at 5 % of the figure by annual business of the year financial pre-sanction, those from item 624³, 44 and 48;
(on 31-12-2021, Point g) from Point 2. Paragraph 1, Article 195, Chapter XV, Title II has been amended by Point 194, Article I of Emergency Ordinance no.143 of 28 December 2021, published in MONITOR Official No. 1259 of 31 December 2021)
- h) with a fine of 1 % at 3 % of the figure by annual business of the year financial pre-sanction, those from item 6 46, 47 and 49;
(on 24-09-2020, point 2 of paragraph 1, Article 195, Chapter XV, Title II was supplemented by point 110, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- i) by a fine from 5 % to 10 % of the annual turnover in the business year preceding the penalty, as referred to in points 45 and 52;
(31-12-2021, Letter i) of Point 2. Paragraph 1, Article 195, Chapter XV, Title II has been amended by Point 195, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)
- j) by a fine from 2 % to 10 % of the turnover of the year preceding the imposition of the penalty, those referred to in points 43 and 50.
(on 24-09-2020, point 2 of paragraph 1, Article 195, Chapter XV, Title II was supplemented by point 110, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)
- (2) For the contraventions referred to in Article 194, with the exception of those provided for in Article 194pct. 25, 35, 35¹, 36¹, 42-45, 48 and 50-52, repeatedly committed by legal persons, the regulatory authority may impose a fine of between 1 % and 5 % of the offender's annual turnover.

(on 24-09-2020, paragraph 2 of Article 195, Chapter XV, Title II was amended by Paragraph 111, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020) (2^1)

(on 31-12-2021, paragraph 2^1) of Article 195, Chapter XV, Title II was repealed by Paragraph 196, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) Repeated contravention means the commission of the same offence at least twice in the course of 12 consecutive months.

(on 31-12-2021, Article 195(3), Chapter XV, Title II was amended by Point 197, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(4) Annual turnover means the turnover of the infringing legal person from the licensed activity, in the business year preceding the penalty of the act. If, in the business year prior to the penalty, the undertaking has not recorded turnover or cannot be determined, account shall be taken of the financial year in which the infringer recorded turnover, a year immediately preceding the reference year for the purposes of calculating the turnover for the purposes of applying the penalty. If even in the year preceding the reference year for the purposes of calculating the turnover for the purposes of imposing the penalty the offender has not achieved turnover, the last recorded turnover will be taken into account. If the infringer is a newly established legal person, which did not register the turnover in the year preceding the sanction, he will be penalised with an administrative fine from RON 100,000 to RON 1 000 000.

(on 24-09-2020, paragraph 4 of Article 195, Chapter XV, Title II was amended by point 114, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(4^1) For the infringements referred to in Article 194(18), the regulatory authority may impose an additional administrative penalty consisting of the prohibition of the right to participate in order to obtain new licences.

(on 19-07-2018, Article 195 of Chapter XV, Title II was supplemented by Paragraph 80, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018) (4^2) Repealed.

(on 24-09-2020, Article 195 (4^2) of Chapter XV, Title II was repealed by Paragraph 115, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(5) Repealed.

(on 19-07-2018, paragraph 5 of Article 195, Chapter XV, Title II was repealed by Paragraph 81, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

(6) The imposition of the penalty of the fine shall be time-barred within 2 years of the date on which the offence was committed.

(7) By way of exception to the provisions of paragraph (6), ANRE's right to impose administrative penalties for committing the infringements provided for in Article 194pct. 44 to 48, 51 and 52 shall be time-barred within 36 months of the date on which the act was committed.

(on 24-09-2020, Article 195 of Chapter XV, Title II was supplemented by point 116, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(8) By way of exception to the provisions of paragraph (1) point 2 in respect of infringements committed by non-residents, the turnover to which the fine is imposed shall be replaced by the income obtained in Romania by the infringer and recorded in his individual financial statements.

(on 24-09-2020, Article 195 of Chapter XV, Title II was supplemented by point 116, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

(9) If within 45 days of notification of the decision of the President of ANRE to complete the investigation, in accordance with the provisions of this Law, the economic operator or association of economic operators concerned does not comply with the measures ordered, the competent authority may apply the maximum fine provided for in paragraph (1) point 2.

(on 24-09-2020, Article 195 of Chapter XV, Title II was supplemented by point 116, Article I of Law No 155 of 24 July 2020, published in Official Gazette No 665 of 27 July 2020)

Article 196

Detection of contraventions and application of sanctions

The detection of contraventions and the application of penalties shall be made by persons empowered for this purpose by the President of ANRE, except for the contravention provided for in Article 194, point 51^1, which is found and sanctioned by the ANPC in accordance with the legal provisions on consumer protection, as well as the contravention referred to in point 26 which is found and sanctioned by the authorised representatives of local councils.

(on 31-12-2021, December 2021. Published 196 of Chapter XV, Title II was amended by Point 198, Article I of Emergency Order No. 2021) . 143 out of 28
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Article 197

Repealed.

(on 19-07-2018, Article 197 of Chapter XV, Title II was repealed by Paragraph 82, Article I of Law No 167 of 10 July 2018, published in Official Gazette No 604 of 16 July 2018)

Article 198

(1) The provisions of Government Order No 2/2001, approved with amendments by Law No 180/2002, as amended and supplemented, shall be applicable to the infringements referred to in Article 194, with the exception of Articles 8(2)(a) and 28(1) of the latter legislative act.

(2) In the case of infringements for which sanctions are provided in relation to turnover, the determination and individualisation of sanctions shall be carried out by the Regulatory Committee of ANRE, on the basis of a procedure approved by order of the President of ANRE, within 60 days from the entry into force of this emergency ordinance.

(on 31-12-2021, Article 198 of Chapter XV, Title II was supplemented by Point 200, Article I of Emergency Order No 143 of 28 December 2021, published in Official Gazette No 1259 of 31 December 2021)

(3) The individualisation of the penalties for the infringements referred to in paragraph (2) shall be based on/taking into account the seriousness and duration of the offence, the impact on the gas market and the final customer, depending on the case, while respecting the principle of effectiveness, proportionality and the deterrent effect of the sanction applied.

(on 31-12-2021, Article 198 of Chapter XV, Title II has been completed by Point 200, Article I of ORDER BY EMERGENCY No.143 of 28 December 2021, published in the OFFICIAL MONITOR No 1259 of 31 December 2021)

(on 31-12-2021, Article 198 of Chapter XV, Title II has been modified by Point 199, Article I of ORDER BY EMERGENCY No.143 of 28 December 2021, published in the OFFICIAL MONITOR No 1259 of 31 December 2021)

Article 199

Access to detect infringements

(1) In order to establish infringements, the founding agents shall have access, under the terms of the law, to production objectives, to natural gas systems, including their associated facilities and equipment, as well as to installations for the use of natural gas.

(2) The owners of the facilities or those operating them shall be obliged to make available relevant documents, data and/or information to the founding agents.

(3) The police and other relevant bodies are obliged to provide assistance, upon request, to the founding officers.

Chapter XVI Transitional and final provisions

Article 200

Entry into force

(1) The provisions of Article 127 shall enter into force on 3 March 2013.

(2) On the date of entry into force of this Law, the following shall be repealed:

- Gas Law No 351/2004, published in the Official Gazette of Romania, Part I, No 679 of 28 July 2004, as amended, with the exception of Articles 6 to 10;
- any other provision to the contrary.

(3) Within 9 months from the date of entry into force of this Law, ANRE shall, as appropriate, adapt the regulatory framework in accordance with title.this

(4) Until the regulatory framework is adapted as appropriate, all thereafter, it shall remain valid, except as otherwise provided for in this Law.normative acts issued under Law No 351/2004, as amended and supplemented

Article 201

Final provisions

(1) The competent ministry shall notify the European Commission of the adoption of this law and of other administrative acts necessary for the implementation of the provisions of Directive 2009/73/EC, including by sending the texts of these legislative acts.

(2) Repealed.

(on 04-10-2014, Article 201(2) was repealed by Article I(110) of Law No 127 of 30 September 2014 published in Official Gazette No 720 of 1 October 2014.)

(3) The Government, with the opinion of the Competition Council, may decide to set up a solidarity fund for financial support to the vulnerable consumer, from the contribution and/or additional taxation of unexpected profits of electricity and gas producers and suppliers made as a result of favourable market situations and/or anomalous transactions. The method of establishment and use of the Fund shall be established by Government Decision.

Title I of this Law transposes Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, published in Official Journal of the European Union L 211 of 14 August 2009, Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment, published in the Official Journal of the European Union L 33 of 4 February 2006, and Article 4(3) of Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on useful heat demand in the internal energy market and amending the Official Journal of the European Union No 92/42.

Title II of this Law transposes Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, published in Official Journal of the European Union L 211 of 14 August 2009.

This law was adopted by the Romanian Parliament, in compliance with Articles 75 and 76(1) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES

ROBERTA ALMA ANASTASE

PRESIDENT OF THE SENATE

VASILE BLAGA

Bucharest, 10 July 2012.

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