**Emergency Ordinance 27/2022 on measures applicable to final customers in the electricity and gas market between 1 April 2022 and 31 March 2023 and amending and supplementing certain energy legislation**

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Emergency Ordinance 27/2022 on measures applicable to final customers in the electricity and gas market between 1 April 2022 and 31 March 2023 and amending and supplementing certain energy legislation

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In view of the situation resulting from the increase in prices in the electricity and natural gas markets at international level and the effects of these increases, it is necessary to introduce temporary measures so that electricity and natural gas prices paid by final customers do not exacerbate the level of energy poverty,

taking into account the fact that economic operators experienced problems arising from restrictions during the alert period, the interruption of activity, the decrease in turnover, all of these measures have led to a blockage of these economic activities at national level, which imposes on the possibility of bearing the additional costs resulting from the increase in the price on the energy markets,

having regard to the importance of ensuring a high level of protection of the life, health and safety of consumers in economic and social terms and the need to guarantee their right to implement the support measures established by primary-level rules in order to ensure a better functioning of the energy market and a high level of consumer protection with regard to commercial practices, which may harm their economic interests through enhanced consumer protection,

taking into account the public benefit of ensuring a high level of protection of the life, health, safety and economic interests of consumers, as well as the creation of the legal framework necessary to discourage energy economic operators from engaging in unfair practices,

bearing in mind the urgent need to ensure rigorous energy market discipline and a high level of protection for citizens as consumers,

in view of the fact that those factors are of general public interest and constitute an extraordinary situation, the rules of which cannot be deferred,

Pursuant to Article 115(4) of the Romanian Constitution, republished,

**The Government of Romania** hereby adopts this Emergency Ordinance.

Article 1

1.**By way of derogation from Article 80(2) of Law No 123/2012 on electricity andnaturalgas, as amended, for consumption achieved between 1 April 2022 and 31 March 2023, the final price invoiced by electricity suppliers/distribution operators for the resale of electricity shall be:**

a) maximum 0,68 lei/kWh, with VAT included, for household customers whose average monthly consumption at the place of consumption in 2021 is less than or equal to 100 kWh;

B) Maximum RON 0.8/kWh, with VAT included, for household customers whose average monthly consumption at the place of consumption in 2021 is between 100 kWh and 300 kWh inclusive;

C)maximum 1 leu/kWh, with VAT included, for non-household customers.

(2)**By way of derogation from Article 180(1) of Law No123/2012, as amended, for consumption realised between 1 April 2022 and 31 March 2023, the final price invoiced by natural gas suppliers shall be:**

a) maximum 0,31 lei/kWh, with VAT included, in the case of household customers;

a maximum of RON 0,37/kWh, with VAT included, for non-household customers whose annual consumption of natural gas achieved in 2021 at the place of consumption is no more than 50.000 MWh, as well as in the case of producers of thermal energy intended for the consumption of customers other than those referred to in Article 12.

3.The final invoiced price referred to in paragraph (1)(a) shall also apply to demand facilities of connected household customers as from 1 January 2022.

(4) The final price invoiced in paragraph (1)(c) and (2)(b) shall also apply to the consumption facilities of non-household customers connected from 1 January 2022.

(5) By way of exception to paragraph (1), in the case of consumption facilities of household customers in a condominium, connected by a joint installation with a single meter, in order to fit into the consumption bands referred to in paragraph (1) (a) and (b), the consumption of each owner shall be determined by dividing the total consumption of the association of owners/tenants registered in 2021 and 2022 respectively in the situation provided for in paragraph (9), by 12 and by the number of dwellings forming part of that condominium.

(6)For the calculation of each housing space in the condominium, the consumption of natural gas/electricity shall be determined by dividing the total annual consumption of the association of owners/tenants by the number of dwellings forming part of that condominium.

(7) In the case of residential districts for which suppliers have concluded supply contracts with the town halls, respectively real estate developers/owners’ associations of real estate developments, and the consumption facilities of household customers are invoiced jointly by a single invoice, in order to determine the consumption related to those contracts and to divide by the level of the beneficiaries household customers the provisions of paragraphs 5 and 6 shall apply.

(8)The provisions of paragraph (1)(c) shall not apply to non-household customers who have benefited from the provisions of Government Emergency Order No 81/2019 amending and supplementing Government Emergency Order No 115/2011 establishing the institutional framework and authorising the Government, through the Ministry of Public Finance, to auction the greenhouse gas emission allowances allocated to Romania at European Union level, as well as for the establishment of a State aid scheme to support enterprises in sectors and subsectors exposed to a significant risk of leakage as a result of the transfer of the cost of greenhouse gas emissions to the electricity price, approved with amendments by Law No 262/2021, as amended by the electricity producers and their subsequent amendments and additions. Prosumers shall not be considered electricity generators for the purposes of this Article. The list of beneficiaries of Government Emergency Order No 81/2019, approved with amendments by Law No 262/2021, as subsequently amended, will be published by the Ministry of Energy on its website after the entry into force of this Emergency Ordinance.

(9)In the case of household customers who cannot benefit from paragraph (1) (a) and (b) depending on the consumption of the year 2021, but whose consumption recorded in 2022 falls within any of the consumption bands referred to in paragraph 1(a) and (b), as well as for household and non-household customers connected as from 1 January 2022, suppliers shall issue in February 2023 invoices to settle the consumption previously invoiced for the period of application of this Emergency Ordinance, using the final price according to the corresponding consumption tranche, and shall invoice the consumption recorded after the date of transition to the final price corresponding to the consumption tranche. In the event of a change of supplier during the period of application of the provisions of this Emergency Ordinance, regularisation shall be made by the current supplier only for the period of application of the supply contract concluded with him.

(10) The amounts and tranches referred to in paragraphs (1) and (2) may be amended by Government Decision initiated in accordance with the provisions of Articles 80 and 180 of Law No 123/2012 on electricity and natural gas, as amended, in the light of developments in the domestic and international markets for electricity and natural gas and geopolitical developments in Romania’s neighbourhood.

Article 2

1.**The final price invoiced as referred to in Article 1(1) and (2) shall be determined by each electricity supplier/distribution operator who ensures the resale of electricity as the sum of the following components, as the case may be:**

the component of procurement determined in accordance with the conditions laid down in Article 3;

the supply component established under the conditions laid down in Article 4;

C) the components represented by tariffs regulated/established in accordance with the regulations of the National Energy Regulatory Authority in force during the period of application of the provisions of this Emergency Ordinance, for services provided by the operators of electricity/natural gas distribution and transmission systems, including for services provided by the operators of underground storage facilities of natural gas;

D)the components of VAT, excise duties, the contribution of the support scheme for the promotion of high-efficiency cogeneration based on useful heat demand, the value of the green certificates related to the system to promote the production of energy from renewable sources.

2.Where the price in the contracts in force with final customers referred to in Article 1 is lower than the maximum price provided for in Article 1(1) and (2), the contractual price shall apply.

Article 3

1.The value of the purchase component shall be calculated by each electricity supplier/distribution operator who reselling electricity, for each month of the period of application of the provisions of this Emergency Ordinance, as the difference between the final invoiced price referred to in Article 1(1) and (2) and the components referred to in Article 2(1)(b) to (d), as the case may be.

(2)**The average purchase price achieved shall be calculated by each electricity supplier/distribution operator that ensures the resale of electricity, for each month of the period of application of the provisions of this Emergency Ordinance, and shall include:**

a) the value of electricity/natural gas purchased through all forward and day-ahead contracts/intraday market, including the value of natural gas from underground storage of natural gas warehouses, as well as the transfer value between production activity and supply activity in case of producers supplying electricity/natural gas to final customers;

the value of the imbalance achieved, but not more than 5 % of the value of the electricity/natural gas referred to in point (a).

(3)**By way of exception to the provisions of paragraph (2), for the final customers referred to in Article 1 taken over as a last resort, the suppliers of last resort shall determine the average purchase price achieved, for each month during the period of application of the provisions of this emergency ordinance, and shall include:**

a) the value of electricity/natural gas purchased, through forward and day-ahead contracts/intraday market, including the value of natural gas from underground storage storage of natural gas, as well as the transfer value between the production activity and the supply activity for generators supplying electricity/natural gas, in order to ensure the consumption of customers acquired as a last resort;

B)the amount related to the equivalent of the monthly realised imbalance related to the customers taken over as a last resort.

Article 4

(1)The supply of electricity and/or natural gas is RON 73/MWh for the activity of electricity supply, i.e. RON 12/MWh for the supply of natural gas.

(2)By exception to paragraph (1), the supply component of the prices charged to customers taken over in the last resort shall be 80 lei/MWh for the activity of electricity supply, respectively RON 13.5/MWh for the activity of supplying natural gas.

Article 5

1. During the**period from 1 April 2022 to 31 March 2023, for household electricity customers, with the exception of those referred to in Article 1(1)(a) and (b), for non-household electricity customers and electricity producers referred to in Article 1(8) and for non-household natural gas customers, with the exception of those referred to in Article 1(2)(b), the final invoiced price shall be determined by each electricity supplier/distribution operator ensuring the resale of electricity as the sum of the following components, as the case may be:**

the component of procurement determined in accordance with the conditions laid down in Article 6;

the supply component established under the conditions laid down in Article 4;

C) the components represented by tariffs regulated/established in accordance with the regulations of the National Energy Regulatory Authority in force during the period of application of the provisions of this Emergency Ordinance, for services provided by the operators of electricity/natural gas distribution and transmission systems, including for services provided by the operators of underground storage facilities of natural gas;

D)the components of VAT, excise duties, the contribution of the support scheme for the promotion of high-efficiency cogeneration based on useful heat demand, the value of the green certificates related to the system to promote the production of energy from renewable sources.

(2)The provisions of paragraph (1) shall also apply to contracts concluded after the entry into force of the provisions of this Emergency Ordinance.

3.At the request of final customers, electricity suppliers/distribution operators who resell electricity may conclude supply contracts under conditions other than those laid down in this Article.

Art. 6

(1)**The purchase component shall be calculated by each electricity supplier/distribution operator that ensures the resale of electricity for each month, referred to as month n, of the period of application of the provisions of this Emergency Ordinance and shall include:**

a) the value of the electricity/natural gas purchased, which also includes the quantities extracted from underground storage warehouses, as well as those transferred between the production activity and the supply activity in the case of producers supplying electricity/natural gas;

B) the estimated value of the electricity/natural gas needed to be purchased from the day-ahead market/intraday market;

C)an adjustment component calculated in month n for month n+ 1 as the difference between the purchase component taken into account in the final price invoiced in month n-1 and the average purchase price realised in month n-1 determined in accordance with the provisions of Article 3(2). In these circumstances, the provision shall not apply to the determination of the final price invoiced for the first two months of the period of application, but in those first two months and shall include the estimated cost of imbalances calculated in accordance with Article 3(2)(b).

2.The provisions of paragraph (1) shall not apply to the determination of the final price invoiced to the customers referred to in Article 5 taken over as a last resort.

Art. 7

(1)The value resulting as a product between the quantity of electricity/natural gas invoiced to final customers each month during the period of application of the provisions of this emergency ordinance and the positive difference between the average purchase price determined in accordance with the provisions of Article 3(2) and (3) and the purchase component determined in accordance with the provisions of Article 3(1), for the month invoiced, shall be compensated to electricity suppliers/distributors that ensure the resale of electricity from the state budget, through the budget of the Ministry of Labour and Social Solidarity, for household customers, and by the budget of the Ministry of Energy, for non-household customers in accordance with the values calculated by the National Energy Regulatory Authority.

(2)**The supporting documents to be submitted on a monthly basis to the National Energy Regulatory Authority by electricity distribution providers/operators that ensure the resale of electricity, separately for household and non-household customers, in order to cover the price differences compensated in accordance with paragraph (1) shall be:**

supporting documents proving the value of the electricity/natural gas purchased, including quantities extracted from underground storage warehouses or transferred from own production to the supply activity (e.g.: procurement contracts, invoices, internal notes);

B)the supporting documents attesting the amount corresponding to the monthly realised imbalance value (for example: settlement notes, invoices);

C)the quantity of electricity/natural gas delivered monthly to cover the consumption of final customers referred to in Article 1(1) and (2) by category of customers and consumption bands;

D)any other necessary documents or information requested by the National Energy Regulatory Authority in order to verify and determine the values referred to in paragraph (1).

Article 8

(1)Values related to the compensations provided for in Article 7(1) for each electricity supplier/distribution operator that ensures the resale of electricity shall be determined by the National Energy Regulatory Authority, within 30 days from the date of receipt of the requests for settlement, the model of which is set out in Annexes 1 and 2, submitted and registered with the National Agency for Payments and Social Inspection, respectively the Ministry of Energy and, in copy, to the National Energy Regulatory Authority, by electricity suppliers/distribution operators who resell electricity.

(2)In the event that the National Regulatory Authority for Energy finds the occurrence of material errors, the lack of supporting documents or errors in the calculation due to the charging of the data by electricity distribution system suppliers/operators that ensure the resale of electricity on the IT platform, the deadline referred to in paragraph (1) shall be extended by the deadlines laid down in Article 9(9) and (10).

Article 9

(1) Suppliers/electricity distribution operators ensuring the resale of electricity shall keep monthly records, in a differentiated manner, of the final customers referred to in Article 1 for which the offset price differences provided for in this Emergency Order apply, as well as of the final customers referred to in Article 5.

(2)Colders shall be identified by electricity distribution system suppliers/operators that ensure the resale of electricity by identifying attributes related to the place of consumption, according to consumption bills issued under validly concluded supply/sales contracts.

(3) At the request of the National Energy Regulatory Authority, electricity suppliers/distribution operators ensuring the resale of electricity shall be required to make available to it the records referred to in paragraph (1), as well as any other information relating to the documents referred to in Article 7.

(4)The liability for the correctness and the calculation of the amounts requested by the settlement request shall lie exclusively with the electricity suppliers/distribution operators ensuring the resale of electricity.

(5)On the basis of invoices issued each month during the period of application, electricity distribution providers/operators that ensure the resale of electricity shall submit to the National Agency for Payments and Social Inspection (at the e-mail address: plafonare.casnici@mmanpis.ro and Ministry of Energy (at e-mail address: plafonare@energie.gov.ro) and, in copy, to the National Energy Regulatory Authority, by uploading to the IT platform at (www.spv.anre.ro), the request for monthly settlement of the amounts related to the compensation, in a differentiated manner for household and non-household customers referred to in Article 1, separately for electricity and/or natural gas, in accordance with Annex No 1 or Annex 2.

(6) The National Agency for Payments and Social Inspection, respectively the Ministry of Energy, shall submit to the National Energy Regulatory Authority, within 2 working days, confirmation of the record of the settlement request submitted by the electricity distribution provider/operator that ensures the resale of electricity.

(7)With the submission of the application for monthly settlement to the National Agency for Payments and Social Inspection, respectively to the Ministry of Energy and the National Energy Regulatory Authority, each electricity supplier/distribution operator ensuring the resale of electricity shall be required to upload within 5 working days the supporting documents, accompanied by the self-declaration, the model of which is set out in Annex 3, on the IT platform provided by the National Energy Regulatory Authority.

(8)Where the existence of material or calculation errors resulting from the lack of full disclosure of the supporting documentation or due to the incorrect input of data into the IT platform made available by the National Energy Regulatory Authority is found, as a result of checks carried out by the National Energy Regulatory Authority or as a result of the findings of electricity suppliers/distributors ensuring the resale of electricity communicated to the National Energy Regulatory Authority, the regulatory authority shall communicate to the supplier and to the National Agency for Payments and Social Inspection, respectively to the Ministry of Energy, these errors, as well as the corrected amounts of compensation, within 5 days from the date of the finding.

(9)Within 5 days from the date of the communication referred to in paragraph (8), the supplier shall make the related corrections and shall communicate to the National Energy Regulatory Authority and the National Agency for Payments and Social Inspection or the Ministry of Energy, as the case may be, the request for re-established settlement.

(10) The National Energy Regulatory Authority shall transmit the compensation amounts, in accordance with Annex 4, provided for in Article 7(1), to the National Agency for Payments and Social Inspection, respectively the Ministry of Energy, and they shall pay to the electricity distribution providers/operators that ensure the resale of electricity of the amounts representing the amount of compensation within 10 days from the date of receipt of the documents.

(11) The differences referred to in Article 7(1) are not subsidies directly linked to the price within the meaning of Article 286(1)(a) of Law No 227/2015 on the Fiscal Code, as subsequently amended and supplemented, and shall not be included in the VAT taxable amount.

(12)The amounts for compensation granted under Article 7(1) shall be provided from the budget of the Ministry of Labour and Social Solidarity and the budget of the Ministry of Energy.

(13)All claims submitted by electricity suppliers/distribution system operators for the resale of electricity shall relate to the quantities of energy and/or natural gas sold according to the contractual billing periods in the invoices issued for the month for which the statement is requested.

Article 10

By way of derogation from Article 2(33) of Law No 500/2002 on public finances, as subsequently amended and supplemented, the Ministry of Energy, the National Agency for Payments and Social Inspection and the National Agency for Payments and Social Inspection and the National Energy Regulatory Authority shall carry out checks on the consistency of the total amounts of the payment statements only on the basis of claims for settlement and self-declarations submitted by suppliers/distribution operators for the resale of electricity, the models of which are set out in Annexes 1 to 3. The subsequent stages of budgetary expenditure shall be carried out exclusively in respect of the amounts approved for reimbursement, following the checks carried out in accordance with this Emergency Ordinance.

Art. 11

(1)During the period from 1 April 2022 to 31 October 2022, suppliers of natural gas/heat producers in cogeneration plants and in heat plants for consumption intended for the population as direct customers of natural gas producers, hereinafter referred to as *direct customer PET*, shall be required to establish in the underground storage of natural gas a minimum stock of natural gas in order to ensure continuity and security in supplying its final customers/ensuring their own consumption and affordability of their prices; the quantities of natural gas representing the minimum stocks to be stored by each supplier/PET will represent at least 30 % of the quantity of natural gas needed for final customers’ consumption in their own portfolio/consumption.

(2)**The direct customer natural gas/PET suppliers fulfil their obligation to establish the minimum natural gas stock by:**

a)storage natural gas on its own behalf, by concluding contracts for underground storage of natural gas with one of the licensees for operating systems for underground storage of natural gas; and/or

B) the conclusion, by 31 October, of sales-purchase contracts covering quantities of natural gas from underground storage of natural gas warehouses, stored by another natural gas supplier; and/or

C)the conclusion of mandate contracts with another supplier for the storage of natural gas.

Art. 12

(1)In the period from 1 April 2022 to 31 March 2023, natural gas producers engaged in both onshore and/or offshore extraction activities, irrespective of the date of commencement of this activity, and natural gas sales shall be obliged to sell, at the price of 150 lei/MWh, the necessary quantities of natural gas resulting from the current domestic production activity to the suppliers of household customers, in order to ensure during that period the consumption needs of household customers from current production and underground storage of natural gas established in accordance with Annex 5.

(2)During the period from 1 April 2022 to 31 March 2023, natural gas producers engaged in both onshore and/or offshore extraction activities, irrespective of the date of commencement of this activity, and natural gas sales shall be obliged to sell, at a price of RON 250/MWh, the necessary quantities of natural gas resulting from the current domestic production activity to suppliers of heat producers or directly to heat producers, as the case may be, for the quantity of natural gas used for the production of heat in cogeneration plants and in heat plants intended for the consumption of the public; hereinafter referred to as PET, in order to ensure during the period from 1 November 2022 to 31 March 2023 the consumption needs of those customers from current production and underground storage of natural gas established in accordance with Annex 5.

(3)In the category of household customers, hereinafter referred to as CC, referred to in paragraph (1), also includes household customers from condominiums, owners‘associations, tenants’ associations and residential districts.

(4)In the light of further developments in the natural gas market, the National Energy Regulatory Authority shall update the calculation of quantities of natural gas intended for the consumption of CC and PET for the period from 1 April 2022 to 31 March 2023, as set out in Annex 5.

(5) During the period of application of the provisions of this Emergency Ordinance, the fee payable by natural gas producers for the quantities of natural gas sold in accordance with paragraphs (1) and (2) to cover the consumption of CC and PET and to cover the technological consumption of gas transmission and distribution systems shall be determined on the basis of the price referred to in paragraphs (1) and (2) by order of the President of the National Agency for Mineral Resources, issued within 10 days from the date of entry into force of this emergency ordinance.

Art. 13

The quantities of natural gas intended to ensure the consumption of CC and PET referred to in Article 12 and the quantities of natural gas sold in accordance with Article 14(8) shall be exempted from the provisions of Government Order No 7/2013 introducing a tax on additional revenues obtained as a result of the deregulation of prices in the natural gas sector, approved with amendments by Law No 73/2018, as amended, and from the provisions of Article 19 of Law No 256/2018 on certain measures necessary for the implementation of oil operations by holders of oil agreements relating to offshore oil zones, as amended.

Art. 14

(1)In order to cover the additional costs related to own technological consumption, i.e. technological consumption, resulting from the increase in wholesale market prices above the value taken into account by the regulatory authority when calculating transmission and distribution tariffs for electricity and natural gas in 2021, the National Energy Regulatory Authority shall amend the regulated tariffs with effect from 1 April 2022.

2.The rates resulting from the application of paragraph 1 shall not be amended during the period from 1 April 2022 to 31 March 2023.

(3)For economic operators licensed, providers of transmission and distribution services of electricity and natural gas, the additional costs financed by bank loans, incurred during the period of applicability of this Emergency Ordinance, intended for the purchase of electricity and natural gas in order to cover their technological and technological consumption respectively, compared to the costs recognised by the National Energy Regulatory Authority in tariffs, shall be capitalised for a maximum period of 5 years and shall be recognised in the regulated tariffs at a rate of return of 50 % of the regulated rate of return applied during the fourth regulatory period.

(4)The electricity and natural gas costs purchased after the date of entry into force of this Emergency Ordinance for own technological consumption, i.e. technological consumption, shall be included in the regulated tariffs, according to the methodologies of the National Energy Regulatory Authority.

(5)The regulated tariffs for the transmission and distribution of electricity and natural gas shall be amended in accordance with the costs incurred by transmission and distribution operators for electricity and natural gas by 31 March 2023, up to 5 years after 31 March 2023.

(6)Electricity producers in the portfolio of the Romanian State, which are subject to Government Emergency Order No 109/2011 on the corporate governance of public undertakings, approved with amendments by Law No 111/2016, as amended, and holders of oil agreements producing electricity shall respond within a maximum of 5 working days with offers for partial or total sale of electricity addressed by the transmission system operator and concessionaire distribution operators, individually or in aggregate, directly or through dedicated platforms on the organised market. Transactions concluded under the terms of this paragraph shall be taken into account when fulfilling the obligation laid down in Article 28(2) of Law No 123/2012, as subsequently amended and supplemented, regardless of the form of trading.

7. Electricity generators other than those referred to in paragraph 6 may offer electricity under the same conditions.

(8)The holders of onshore and offshore oil agreements, producers of natural gas, shall respond within a maximum of 5 working days with offers for partial or total sale of natural gas for technological consumption addressed by the transmission system operator and concessionaire distribution system operators, individually or in aggregate, directly or through platforms in the centralised market.

Art. 15

(1)During the period of application of the provisions of this Emergency Ordinance, the additional income realised by electricity producers calculated in accordance with the methodology set out in Annex 6 shall be taxed at 80 %.

2.Production capacities put into service after the date of entry into force of this Emergency Ordinance shall not be applicable to the provisions of paragraph 1.

3.The tax referred to in paragraph (1) shall be calculated taking into account the methodology set out in Annex 6, shall be declared and paid by electricity producers, with the exception of energy producers for the capacities referred to in paragraph (2), on a monthly basis, up to and including the 25th of the month following that for which the tax is due. The tax is paid to the state budget in a separate budgetary income account.

(4)The model and content of the supplementary income tax return referred to in paragraph (1) made by electricity producers shall be approved by order of the President of the National Agency for Fiscal Administration within 15 days from the date of entry into force of this emergency ordinance.

(5) Electricity quantities to be sold by electricity producers under the conditions laid down in Article 14(6) and (7) shall not be taken into account for the calculation of the additional income realised by electricity generators, in accordance with the provisions of Annex 6.

Art. 16

(1) Failure to comply with the obligations referred to in Articles 1(1) to (7) and (9), Article 3(1) and (2), Article 4(1), Article 5(1) and (2), Article 6(1) and Article 12(1) and (2) shall constitute an administrative offence and shall be punishable by an administrative fine of between 1 % and 5 % of the annual turnover in the business year preceding the sanction.

(2) Failure to comply with the obligations laid down in Articles 3(3), 4(2) and 6(2) shall constitute an administrative offence and shall be punished by an administrative fine of between RON 20 000 and RON 400,000.

(3) Failure to comply with the obligations laid down in Articles 9(1) to (3), (7), (9) and (13), 14(6) and (8), 15(3), 20 and 23(5) shall constitute an administrative offence and shall be punishable by an administrative fine of between RON 100,000 and RON 400,000.

(4) Failure to comply with the obligations laid down in Article 11 shall constitute an infringement which shall be established by the National Regulatory Authority for Energy and shall be punished in accordance with paragraph (1), by way of derogation from Article 195(1)(d) of Law No 123/2012 on electricity and natural gas, as amended.

(5)Contraventions provided for in this Emergency Ordinance committed by suppliers/distributors of electricity and natural gas in relation to household customers shall be detected and sanctioned by the National Authority for Consumer Protection.

(6)Contraventions provided for in this Emergency Ordinance, committed by suppliers/distributors of electricity and natural gas, in relation to non-household customers, as well as non-compliance with the obligations laid down in Articles 9(1)-(3), (7), (9) and (13), 12(1) and (2), 14(6) and (8) and Article 23(5) shall be found and sanctioned by the National Energy Regulatory Authority. The application of administrative penalties in relation to turnover shall be carried out in accordance with the provisions of Article 95(2) and Article 198(2) of Law No 123/2012, as amended.

(7) Failure to comply with the obligations laid down in Article 15(3) by electricity producers shall be established and sanctioned by the National Agency for Fiscal Administration.

(8) The offences referred to in paragraphs (1) to (4) shall be applicable to the provisions of Government Order No 2/2001 on the legal regime for infringements, approved with amendments by Law No 180/2002, as amended, with the exception of the provisions of Articles 8(2)(a), 28(1) and 29 of this legislative act.

(9)The imposition of the penalty of an administrative fine shall be time-barred within 2 years of the date on which the offence was committed.

(10)Annual turnover means the turnover of the infringing legal person from the licensed activity, in the business year preceding the sanctioning 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 have a turnover in the year before the sanction, he will be penalised with an administrative fine from RON 100,000 to RON 1 000 000.

Art. 17

(1)**In order to establish and apply the penalty by reference to turnover, a commission shall be established at the level of the National Authority for Consumer Protection by order of the President of the National Authority for Consumer Protection, the purpose of which is to analyse the control documents and establish the sanction in accordance with Article 21(2) of Government Order No 2/2001, approved with amendments by Law No 180/2002, as subsequently amended and supplemented, with the following composition:**

the Director-General of the Directorate-General for Market Control and Surveillance and European Harmonisation, or the replacement designated by him;

B) the head of the Food Products and Services Service or the substitute designated by him;

C) the head of the Legal Service or his designated replacement;

D) Head of the European Harmonisation and Partnership Service or his designated replacement;

the commissioner appointed by an administrative act by the President of the authority other than the one who drew up the control document.

2.The commissioner who has drawn up the control document shall refer the matter to the committee within 24 hours and the committee shall meet no later than 5 calendar days after receipt of the control document.

(3) By order of the President of the National Authority for Consumer Protection, the procedure for establishing and imposing the penalty on turnover shall be approved, as well as the instructions regarding the working procedure, which shall be published in the Official Gazette of Romania, Part I.

Art. 18

The provisions of this Emergency Ordinance shall apply to consumption for the period from 1 April 2022 to 31 March 2023.

Art. 19

During the period from 1 April 2022 to 31 December 2022, the application of Article177(316) and (317) of Law No 123/2012 on electricity and natural gas, as amended, shall be suspended.

Art. 20

The supplier shall notify the customers in its own portfolio of the changes resulting from the application of the provisions of this Emergency Ordinance at the same time as the first invoice submitted after the entry into force of this Emergency Ordinance.

Art. 21

Government Emergency Order No 118/2021 establishing a compensation scheme for the consumption of electricity and natural gas for the cold season 2021-2022 and for supplementing Government Order No 27/1996 on the granting of facilities to persons residing or working in certain localities in the Apuseni Mountains and the Danube Delta Biosphere Reserve, published in the Official Gazette of Romania, Part I, No 951 of 5 October 2021, approved with amendments by Law No 259/2021, as amended, is amended and supplemented as follows:

1**. Article 2(8) is amended to read as follows:**

By way of derogation from Article 2(33) of Law No 500/2002 on public finances, as subsequently amended and supplemented, the National Agency for Payments and Social Inspection, the National Agency for Payments and Social Inspection, the Ministry of Energy and the National Energy Regulatory Authority shall carry out checks on the consistency of the total amounts in payment statements only on the basis of claims for settlement and self-declarations submitted by suppliers/distribution operators. The subsequent stages of budgetary expenditure shall be carried out exclusively in respect of the amounts approved for settlement, following the checks carried out in accordance with this Emergency Ordinance.’

2.**A new article, Article 111, is inserted after Article 11, reading as follows:**

‘Article 111

(1) The verification of compliance with the rules on State and/or *de minimis* aid and in the field of SMEs shall be carried out strictly on the basis of self-declarations completed by final customers in accordance with the methodology established by the settlement procedure provided for in Article 2(3).

(2) If, after the payment of the amounts relating to the support scheme, the Ministry of Energy finds that the declaration on honour referred to in paragraph (1) is not in conformity with the rules on State and/or *de minimis* aid and in the field of SMEs, the amounts unduly settled shall be recovered in accordance with the rules and limitation periods in the field of State aid and *de minimis*.

(3) The structures within the Ministry of Energy responsible for State aid will take measures to recover State aid and/or *de minimis* unduly granted, in accordance with their own methodological rules on the recovery of abusive or incompatible State aid and/or *de minimis*.”

Art. 22

Article III(2) of Government Emergency Order No 11/2022 amending and supplementing Law No 259/2021 approving Government Emergency Order No 118/2021 establishing a compensation scheme for the consumption of electricity and natural gas for the cold season 2021-2022, and supplementing Government Order No 27/1996 on granting facilities to persons residing or working in certain localities in the Apuseni Mountains and in the Biosphere Reserve “Delta Danube”, published in the Official Gazette of Romania, Part I, No 163 of 17 February 2022, is repealed.

Art. 23

1.For the purposes of the application of the support scheme, where a regularisation period comprises two or more months, it shall be broken down by each calendar month which occurs.

(2)For the purposes of this Emergency Ordinance, the concept of “supplier” also includes that of an electricity distribution system operator with a right to resale electricity.

(3)The provisions of paragraphs (1) to (2) shall also apply accordingly to Government Emergency Order No 118/2021, approved with amendments and additions to Law No 259/2021, as subsequently amended and supplemented.

4.The provisions of Article 21 shall apply to applications lodged or re-submitted, as the case may be, after the date of entry into force of this Emergency Order.

(5)**At the end of the period for granting the underlying scheme for the price cap mechanism for volumes of electricity and natural gas, for the cold season 2021-2022, the amounts settled from the state budget to electricity and gas suppliers will be regularised. In order to regularise the amounts settled from the state budget to electricity and natural gas suppliers, pursuant to Government Emergency Order No 118/2021,approved with amendments by Law No 259/2021, as amended, for the period from 1 November 2021 to 31 March 2022, suppliers shall submit to the National Energy Regulatory Authority no later than 15 May 2022, for each month from 1 November 2021 to 31 March 2022 and for each category of customers benefiting from the final price capped, the following information:**

the value of the price component of electricity/natural gas from the final price invoiced capped, established by Government Emergency Order No 118/2021, approved with amendments by Law No 259/2021, as amended;

the value of the purchase component determined in accordance with the provisions of Article 3(1);

the resulting difference between the value laid down in (a) and that set out in (b).

(6) The National Energy Regulatory Authority shall verify the data transmitted by suppliers within 30 days from the date of receipt of the information referred to in paragraph (5) and shall communicate to the Ministry of Energy the data received for settlement to suppliers.

(7)The settlement shall be made from the state budget, through the budget of the Ministry of Energy, from a separate budget item, in accordance with the values calculated and communicated by the National Energy Regulatory Authority.

Art. 24

Annexes 1 to 6 form an integral part of this Emergency Ordinance.

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| PRIME MINISTERNICOLAE-IONEL CIUCĂCountersigns:Minister for Energy,Virgil-Daniel PopescuThe Secretary-General of the Government,Marian NeacșuMinister for Labour and Social Solidarity,Marius-Constantin BudăiMinister for the Economy,Florin Marian SpătaruMinister for Finance,Adrian Câciu |

Annex 1:

Supplier name....................

Address of registered office.................

County.......................

TO WHOM....................

C.I.S.....................

Escrow account or bank account number............

Telephone..........................

E-mail.....................

To: National Agency for Payments and Social Inspection

To science: National Energy Regulatory Authority

REQUEST FOR SETTLEMENT

I, the undersigned........................... (\*), as the legal representative of.............................. (\*\*), registered at the Trade Register Office under No......................................................................................................................................., holder of License No..................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................,.....................,........................................................................... branch............, I request reimbursement of the amount of RON........................................................................, pursuant to the provisions of Article 8(1) of Government Emergency Order No........................................................................................................................................................................................................................................................................................................................................................................ (\*\*\*).

In accordance with the provisions of Government Emergency Order No.............................., the data, information and supporting documents on which the amount requested was established are to be uploaded to the platform provided by the National Energy Regulatory Authority in order to determine the amount of compensation to be borne from the budget of the Ministry of Labour and Social Solidarity.

I declare on my honour that the data, information and supporting documents made available to the National Energy Regulatory Authority, as well as the calculations by which we have determined the amount requested, are true and correct, in accordance with the provisions of Article 9(4) of Government Emergency Order No...................................., according to which: ‘The liability for the correctness and method of calculating the amounts requested for settlement shall lie with the suppliers.’

|  |
| --- |
| *The legal representative of the applicant*,...................................................(name and forename in clear, signature)Date...................... |

\_\_\_

(\*)Enter the name and first name of the legal representative of the requesting supplier.

(\*\*)Enter the name of the supplier.

(\*\*\*)Government Emergency Order No...............

Annex 2:

Supplier name.....................

Address of registered office....................

County........................

TO WHOM.................

C.I.S...........................

Escrow account or bank account No.....................

Telephone..........................

E-mail....................

To: Ministry of Energy

To science: National Energy Regulatory Authority

REQUEST FOR SETTLEMENT

I, the undersigned........................... (\*), as the legal representative of.............................. (\*\*), registered at the Trade Register Office under No............................................................................................................................................., licence holder No.......................................... account.............................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................,............................................................ branch............................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................

In accordance with the provisions of Government Emergency Order No..........................., the data, information and supporting documents on which the amount requested was established are to be uploaded to the platform provided by the National Energy Regulatory Authority in order to determine the amount of compensation to be borne from the budget of the Ministry of Energy.

I declare on my honour that the data, information and supporting documents made available to the National Energy Regulatory Authority, as well as the calculations by which we have determined the amount requested, are true and correct, in accordance with the provisions of Article 9(4) of Government Emergency Order No...................................., according to which: ‘The liability for the correctness and method of calculating the amounts requested for settlement shall lie with the suppliers.’

|  |
| --- |
| *The legal representative of the applicant*,...................................................(name and forename in clear, signature)Date...................... |

\_\_\_

(\*)Enter the name and first name of the legal representative of the requesting supplier.

(\*\*)Enter the name of the supplier.

(\*\*\*)Government Emergency Order No.......................................

Annex 3:DECLARATION ON THE PROPLEMENT OF THE Legal Representative

— model —

I, the undersigned.........................................., legal representative of.................., registered at the Trade Register Office under No..................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................,.........................................................

1.the data and information contained in the templates drawn up pursuant to Article 8(1) and the supporting documents uploaded to the platform provided by the National Energy Regulatory Authority, as well as the amount of........................, requested to be borne by the budget of the Ministry of Labour and Social Solidarity/Ministry of Energy, in accordance with Settlement Request No..............., submitted to the National Agency for Payments and Social Inspection/Ministry of Energy, for the month................, shall be correct, real and in accordance with the provisions of Government Emergency Order No.........;

2.All documents submitted to the National Energy Regulatory Authority shall comply with their originals.

|  |
| --- |
| I'm signing this statement................................................*The legal representative of the applicant*,............................................................(name and forename in clear, signature)Date........................... |

Annex 4:

National Energy Regulatory Authority

ELECTRICITY/NATURAL GAS

To:

National Agency for Payments and Social Inspection

or

Ministry of Energy

On the basis of the provisions of Government Emergency Order No.............., in respect of the supplier.................., who issued the Settlement Request No.............., we hereby inform you that, following an analysis of the data entered by the supplier........................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................

|  |  |  |
| --- | --- | --- |
| Supplier......... | month |  |
|  | Household customers No/amount | Non-household clients No/sum |
| Total number of beneficiaries |  |  |
| Amount of compensation (RON) |  |  |

|  |
| --- |
| Signature of representativeNational Energy Regulatory Authority |

Annex 5:CALCUL MODE of quantities of natural gas intended for consumption of CC and PET

1.The quantities of natural gas from domestic production that producers are required to sell to CC and PET suppliers shall be established separately for the following periods:

a)1 April 2022 to 31 October 2022, the quantities of natural gas intended for the establishment of the minimum stock of natural gas for the consumption of CC and PET and the quantities necessary for the monthly consumption of CC;

B)1 November 2022-31 March 2023, quantities of natural gas intended for consumption of CC and PET.

2.In order to determine the quantities of natural gas referred to in point 1, producers, suppliers and PET who have opted for direct purchase from the producer (direct customer PET) are obliged to submit to the transmission system operator, within two working days of the publication of this Order, the following categories of information:

natural gas producers shall submit the following information:

the estimated quantity of natural gas produced in the period from 1 April 2022 to 31 March 2023, broken down by month;

the quantity of natural gas intended for technological consumption specific to oil operations carried out by holders of oil agreements, estimated for the period from 1 April 2022 to 31 March 2023, broken down by month, in accordance with the law;

the quantity of natural gas intended for own consumption, estimated for the period from 1 April 2022 to 31 March 2023, broken down by month;

the quantity of natural gas re-injected for technological purposes in the period from 1 April 2022 to 31 March 2023, broken down by month, for which the oil royalty is not due, in accordance with the law;

the quantity of natural gas from current domestic production contracted before the entry into force of this Order, with delivery during that period, broken down by month,

B) natural gas suppliers of CC and PET shall submit the following information:

the amount of natural gas estimated to be supplied to CC from its portfolio during the period from 1 April 2022 to 31 March 2023, broken down by month;

the amount of natural gas estimated to be supplied to PET from its portfolio during the period from 1 November 2022 to 31 March 2023, broken down by month;

the quantity of natural gas contracted before the entry into force of this Order, intended to be supplied to CC and PET, with delivery between 1 November 2022 and 31 March 2023, broken down by month, determined pro rata with the total consumption of final customers in the portfolio;

C)PET direct client transmits the following information:

the amount of natural gas expected to be consumed in the period from 1 November 2022 to 31 March 2023 for the production of heat in cogeneration and heat plants intended for consumption by the population;

the quantity of natural gas contracted before the entry into force of this Order, with delivery between 1 November 2022 and 31 March 2023, broken down by month.

3.In the case of new participants in the natural gas market, the data referred to in item 2 shall be transmitted from the date of obtaining the supply license, respectively from the date of the report on the commissioning of the use installation for final customers.

4. Natural gas producers, suppliers of CC and PET/PET direct customer, as the case may be, shall be directly responsible for the correctness of the information submitted in accordance with point 2.

5.The quantities of natural gas from current domestic production remaining available to each producer after compliance with the obligations entered into under the contracts concluded before the entry into force of this Order, with delivery between 1 April 2022 and 31 March 2023, shall be determined as the difference between the quantities of natural gas estimated to be produced by each producer, with the exception of the quantities of natural gas intended for the specific technological consumption of petroleum operations, own consumption and quantities of natural gas re-injected into deposits, for technological purposes, exempted from payment of the levy under the law during that period, and the quantities of natural gas from the current domestic production contracted for sale by each producer, prior to the entry into force of this Order, with delivery during that period.

6.Within three working days of receipt of the complete information, the transmission system operator shall carry out the following activities:

a)determine and transmit to the suppliers/PET direct customer and to the National Energy Regulatory Authority the total quantities of natural gas for which each supplier CC and PET/PET direct customer is obliged to conclude sales/purchase contracts with the producers for natural gas storage in order to establish the minimum stock according to the following formula:

QDep(supplier i/PET j) = Nconsumption CC+PET(supplier i/PET j) — Qctr(supplier i/PET j) x 30 %,

where:

QDep(supplier i/PET j) — the minimum stock of natural gas that each supplier CC and PET/PET direct customer is obliged to constitute during the period from 1 April 2022 to 31 October 2022;

Nconsumption CC+PET(supplier i/PET j) — the consumption needs of CC and PET of supplier i or direct customer PET j between 1 November 2022 and 31 March 2023;

Qctr(supplier i/PET j) — quantities of natural gas intended for consumption of CC and/or PET, contracted by supplier i or direct customer PET j prior to this order, with delivery between 1 November 2022 and 31 March 2023, determined pro rata with the total consumption of final customers in the portfolio;

B)determine and transmit to the producers, suppliers of CC and PET/PET direct customer and to the National Energy Regulatory Authority the total quantities of natural gas for which each producer k is obliged to conclude sales and purchase contracts with the suppliers of CC and PET/PET direct customer for natural gas storage, in order to establish the minimum stock:

QPkdep(supplier i/PET j) = (QDep(supplier i/PET j) + Nconsumption CC supplier i)/Qpt x Qpk

where:

Qpkdep(supplier i/PET j) — the quantity of natural gas for the period from 1 April 2022 to 31 October 2022 that producer k is obliged to sell to the suppliers of CC and PET/PET direct customer;

Nconsumption supplier CC i — the supplier’s DC consumption needs in the period from 1 April 2022 to 31 October 2022;

Qpt — the total quantity of natural gas estimated to be produced by natural gas producers, with the exception of quantities of natural gas intended for technological consumption specific to oil operations, own consumption and quantities of natural gas re-injected into deposits for technological purposes, exempt from royalty under the conditions laid down by law, during the period from 1 April 2022 to 31 March 2023;

Qpk — the quantity of natural gas estimated to be produced by producer k, excluding quantities of natural gas intended for technological consumption specific to oil operations, self-consumption and quantities of natural gas re-injected into deposits for technological purposes, exempt from payment of the fee under the conditions of law, during the period from 1 April 2022 to 31 March 2023;

C)determine and transmit to producers, suppliers of CC and PET/PET direct customer and to the National Energy Regulatory Authority the total quantities of natural gas for which each producer is obliged to conclude sales/purchase contracts with suppliers CC and PET/PET direct customer for natural gas intended for consumption of CC and PET between 1 November 2022 and 31 March 2023:

QPKC(supplier i/PET j) = Nconsumption CC+PET(supplier i/PET j) — QPDEP(supplier i/PET j) — Qctr(supplier i/PET i)/Qpt

where:

QPKC(supplier i/PET j) — the amount of natural gas that producer k is obliged to sell to the suppliers of CC and PET/PET direct customer, for the period from 1 November 2022 to 31 March 2023.

7.If the monthly consumption needs of CC and PET customers in a supplier’s portfolio change by more than 5 % as a result of the change of supplier, the consumption needs of CC and PET that requested the change shall be transferred to the new supplier.

8.If the monthly consumption needs of CC and PET customers in the portfolio of a supplier or direct customer PET change by more than 5 % as a result of the commissioning of new consumption sites, the transmission system operator shall recalculate the quantity of natural gas intended for the supplier or the direct customer PET.

9.Where the customers of CC and PET of a supplier are transferred to a supplier of last resort, the quantities of natural gas associated with them and thus the contracts with the producers for these quantities shall be transferred to that supplier of last resort.

By the 10th of the month preceding the month of delivery, the supplier or the direct customer PET shall submit to the carrier a request accompanied by the following information:

the period for which there is a change in natural gas supplies/estimated natural gas consumption;

B)funding the increase/reduction of natural gas supplies/estimated natural gas consumption.

Within 5 working days of receipt of the documents specified in item 10, the transmission system operator shall recalculate the corresponding quantities. It shall be communicated to the parties concerned who, no later than 5 days from the date of communication, are required to conclude a contract/additional act, as the case may be, for the transfer of quantities of natural gas.

12. Delivering the quantities of natural gas referred to in point 1 is carried out on the basis of contracts concluded between the producer and the suppliers of CC and PET/PET direct customer. The buyer is obliged to provide the producer with a financial guarantee to cover the risk of non-payment of invoices issued by the producer or to pay in advance the amount of natural gas delivered at least two working days before the start of deliveries.

13. Delivering the quantities of natural gas referred to in point 1 shall be carried out in a constant daily profile. At the end of the delivery period, the direct customer supplier/PET shall complete a self-declaration concerning the destination of the natural gas purchased under this Order. The buyer is obliged to respect the destination of the purchased natural gas.

Annex 6: Calculated income of additional income realised by electricity generators resulting from the difference between the average monthly net sales income of the electricity traded and the price of 450 lei/MWh

Section 1: Purpose

Article 1

(1)This methodology for determining the monthly selling price of electricity and determining the additional income (*methodology*) aims to establish how the electricity producers subject to the provisions of Article II(1) and (2) of Law No 259/2021, as subsequently amended and supplemented, respectively Article 15 of the Emergency Ordinance calculate the average monthly selling price of electricity traded in that month, as well as the additional monthly income to be taxed in accordance with the above mentioned provisions.

(2)**This methodology shall establish:**

a) the categories of economic operators with an obligation to pay the tax provided for in Article II (1) and (2) of Law No 259/2021, as subsequently amended and supplemented, respectively Article 15 of the Emergency Ordinance;

B)the definition of monthly revenues from the sale of electricity on the electricity markets by the economic operators referred to in point (a);

C)definition of the monthly expenditure resulting from transactions carried out on electricity markets in order to cover the contracts concluded/production notifications of the economic operators referred to in point (a);

D)the method of calculating the monthly net income;

e)the method of calculating the monthly selling price of electricity;

F)the method of calculating the additional monthly income.

Article 2

The monthly selling price of electricity and the amount of additional monthly income shall be used to calculate the amount of tax provided for in Article II(1) and (2) of Law No 259/2021, as subsequently amended and supplemented, respectively Article 15 of the Emergency Ordinance.

Section 2: Scope

Article 3

This methodology creates the procedural framework for calculating the monthly selling price of electricity and the monthly additional income and is used as a working tool in the activity of economic operators subject to the provisions of Article II(1) and (2) of Law No 259/2021, as subsequently amended and supplemented, and Article 15 of the Emergency Ordinance.

Article 4

This methodology shall be applied by all electricity producers subject to the provisions of Article II(1) and (2) of Law No 259/2021, as subsequently amended and supplemented, during the period from 1 November 2021 to 31 March 2022 and by electricity producers subject to the provisions of Article 15 of the Emergency Ordinance, from 1 April 2022 to 31 March 2023.

Section 3:Terms used

Article 5

The specific terms used in this methodology are:

|  |  |
| --- | --- |
| Electricity markets | As defined in Law No 123/2012 on electricity and natural gas, as amended |
| Monthly Sales Quantity — Cl(MWh) | Quantity delivered monthly to electricity markets by that electricity producer from own production and/or purchased or transferred from generation to supply portfolio (which may differ from the quantity produced monthly by that producer)The quantity of electricity sold by electricity generators to CN Transelectrica under the conditions referred to in Article 14 (Cl TEL)of this Order shall not be taken into account in the calculation of the additional revenue. |
| Monthly income — Vl(lei) | Proceeds from the sale of physically supplied electricity, from own production, from its transfer from the generation to supply and/or acquired portfolio and from financial transactions carried out in the month preceding the tax declaration |
| Monthly expenses — Chel(lei) | Includes financial and expenditure on the purchase of electricity for physical delivery transactions, as well as expenditure related to access to energy markets: injection fee (TG), market management costs, trading fee and CO2 certificatecostActual production costs to obtain a MWh of electricity shall not be included. |
| Monthly net income — Vnl(lei) | Difference between monthly and monthly expenditure |
| Monthly sale price of electricity — Plv(lei/MWh) | Price resulting from the difference between monthly income and monthly expenditure, relative to the total amount of energy physically delivered in that month |
| Additional monthly income — Vs(lei) | Monthly income subject to additional tax |

Section 4:Calculation of the monthly sale price of electricity and additional monthly income

Art. 6

The monthly sale price of electricity — Plv is calculated as the ratio between the monthly net income and the monthly physically delivered quantity on the electricity markets:

Plv = Vnl/Cl,

where:

Vnl = Vl — Chel.

Art. 7

Additional monthly income — V shall bedetermined when Plv > 450 lei/MWh and is calculated as a product between the difference between the monthly selling price and 450 lei/MWh and the monthly quantity physically delivered — Cl.

Vs = (Plv — 450) \* Cl.

For producers selling electricity to cover their own technological consumption of transmission and distribution networks, under the conditions laid down in Article 14 of this Emergency Ordinance, the additional income shall be determined as a product between the difference between the monthly selling price and 450 lei/MWh and the difference between the monthly quantity physically delivered — Cl and the quantity of electricity delivered to CN Transelectrica Cl CPT, as follows:

Vs = (Plv — 450) \* (Cl — Cl l CPT).

Article 8

The calculation provided for in Articles 6 and 7 shall be carried out on a monthly basis by the economic operators referred to in Article 1(2)(a) throughout the period of application of Law No 259/2021, as subsequently amended and supplemented, and of the provisions of this emergency ordinance.

Article 9

Electricity generators may submit amending declarations, without additional calculation of tax accessories, 15 days after OPCOM’s publication of the final balancing market prices for the settlement month.

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