

ORDINANCES OF THE GOVERNMENT OF ROMANIA**THE GOVERNMENT OF ROMANIA****EMERGENCY ORDINANCE****for amending and supplementing the Emergency Ordinance
of the Government no. 27/2022****on the measures applicable to final customers in the electricity and natural gas market
during the period April 1, 2022—March 31, 2023, as well as for the amendment and
completion
some normative acts in the field of energy**

Given that by the Government's Emergency Ordinance no. 27/2022 regarding the measures applicable to final customers in the electricity and natural gas market during the period April 1, 2022—March 31, 2023, as well as for the amendment and completion of some normative acts in the field of energy, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and additions, a support scheme for end customers in the electricity and natural gas market was approved, support scheme which applies starting from April 1, 2022,

in order to reconsider some elements of the support scheme in order to ensure its unitary application by all operators in the energy market with the direct consequence of a better functioning of the energy market and an adequate level of consumer protection,

considering the proposed object represented by the importance of ensuring in economic and social terms a high level of protection of the life, health and safety of consumers, as well as the need to guarantee their right regarding the implementation of support measures established by primary level rules for the purpose of ensuring a better functioning of the energy market and a high level of consumer protection with regard to commercial practices that may harm their economic benefits, through increased consumer protection,

taking into account the public benefit generated by the correlated implementation of some targeted support measures, in parallel with the optimization of the legal framework necessary for economic operators in the energy field to be discouraged from resorting to incorrect practices,

since the proposed rules aim to ensure a rigorous discipline of the energy market and a high level protection of end customers, consumers of electricity and natural gas,

considering that the non-adoption of the regulations proposed by this draft of normative act creates major difficulties in obtaining the expected results regarding the application of support measures,

considering the fact that these elements are aimed at the general public interest and constitute an extraordinary situation, the regulation of which cannot be postponed,

pursuant to art. 115 para. (4) from the Constitution of Romania, republished,

The Government of Romania adopts this emergency ordinance.

Art. I.— Emergency Government Ordinance no. 27/2022 regarding measures applicable to final customers in the electricity market and natural gas in the period April 1, 2022—March 31, 2023, as well as for the modification and completion of some normative acts in the field of energy, published in the Official Gazette of Romania, Part I, no. 274 of March 22, 2022, approved with amendments and additions by Law no. 206/2022, as amended and subsequent additions, are amended and supplemented afteras follows:

1. Article 1 is amended and will have the following content:

"Art. 1. — (1) By derogation from the provisions of art. 80 para. (2) from the Electricity and Natural Gas Law no. 123/2012, with subsequent amendments and additions, for the consumption made between September 1, 2022 and August 31, 2023, the final billed price capped by electricity suppliers is:

a) maximum 0.68 lei/kWh, including VAT, in the case of household customers whose average monthly consumption is made at the place of consumption in 2021 it is between 0—100 kWh inclusive;

b) a maximum of 0.80 lei/kWh, including VAT, in the case of household customers whose average monthly consumption at the point of consumption in 2021 was between 100.01-300 kWh, for a monthly consumption of a maximum of 255 kWh. Electricity consumption exceeding 255 kWh/month is billed accordinglythe provisions of art. 5 para. (1);

c) maximum 1 leu/kWh, including VAT, for 85% of the average monthly consumption at the place of consumption in 2021, in the case of small and medium-sized enterprises, as defined in Law no. 346/2004 regarding the stimulation of the establishment and development of small and medium-sized enterprises, with subsequent amendments and additions, hereinafter referred to as SMEs, of economic operators in the field of the food industry, based on the declaration of self responsibility of the legal representative. The difference in monthly electricity consumption is invoiced accordinglythe provisions of art. 5 para. (1);

d) maximum 1 leu/kWh, including VAT, for the full consumption of public and private hospitals defined according to the Law no. 95/2006 regarding the health reform, republished, with subsequent amendments and additions, of public and private educational units, defined according to the National Education Law no. 1/2011, with subsequent amendments and additions, as well as nurseries, public and private providers of social services provided in the Nomenclature of social services, approved by Government Decision no. 867/2015 for the approval of the Nomenclature of social services, as well as the regulations framework for the organization and operation of social services, with subsequent changes and additions;

e) maximum 1 leu/kWh, including VAT, for 85% of the average monthly consumption, made at the place of consumption in 2021, for public institutions, other than those provided for in letter d). The difference in monthly electricity consumption is invoiced according to the provisions of art. 5 para. (1);

f) for the beneficiaries provided for in letter c) and e) who have no consumption history in 2021, the percentage of 85% applies to monthly consumption.

(2) By derogation from the provisions of art. 180 para. (1) from Law no. 123/2012, with subsequent amendments and additions, for consumption made between April 1, 2022—August 31, 2023, the final price billed by natural gas suppliers is:

a) maximum 0.31 lei/kWh, including VAT, for customers housewives;

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b) maximum 0.37 lei/kWh, including VAT, for customersnon-households whose annual natural gas consumption achieved in 2021 at the place of consumption is no more than 50,000 MWh, as well as in the case of thermal energy producers.

(3) The final invoiced price provided for in para. (1) lit. a) and b) also apply to the consumption places of domestic customers connected starting from January 1, 2022 or for domestic customers who have no history in 2021 with the supplier, by referring to the monthly consumption achieved.

(4) The final invoiced price provided for in para. (2) lit. b) also applies to the consumption places of connected non-domestic customers starting from January 1, 2022.

(5) By exception to the provisions of para. (1), in the case of consumption places of domestic customers in a condominium, connected through a common installation with a single metering meter, for inclusion in the consumption tranches provided for in para. (1) lit. a) and b), the consumption of each owner is determined by dividing the total consumption of the association of owners/tenants registered in the year 2021, respectively 2022 in the situation provided for in paragraph (8), to 12, respectively to the number of months of consumption and to the number of residential spaces that are part of the respective condominium.

(6) For the calculation for each residential space in the condominium, the consumption of natural gas/electricity is determined by dividing the total annual consumption of the association of owners/tenants by the number of residential spaces that are part ofthat condominium.

(7) In the case of residential districts for which the suppliers have concluded supply contracts with the town halls, respectively the real estate developers/owner associations of the real estate developments, and the places of consumption of the domestic customers are invoiced together through a single invoice, to determine the consumption related to the respective contracts and sharing at the level of household consumer beneficiaries are applicable the provisions of para. (5) and (6).

(8) In the case of household customers who cannot benefit from the provisions of para. (1) lit. a) and b) depending on the consumption of 2021, but whose consumption recorded in 2022 falls within any of the consumption tranches provided for in paragraph (1) lit. a) and b), as well as in the case of domestic and non-domestic customers connected starting from January 1, 2022, suppliers issue in the month February 2023 invoices for the regularization of previously invoiced consumption related to the period of application of this emergency ordinance, using the final price according to the related consumption tranche, and invoice the consumption registered after the date of reclassification at the final price corresponding to the consumption tranche. In the case of a change of supplier during

the period of application of the provisions of this emergency ordinance, the regularization is done by the current supplier only for the period of application of the supply contract concluded with him.

(9) The values and installments provided for in para. (1) and (2) may be modified by a decision of the Government, initiated in accordance with the provisions of art. 80 and 180 of Law no. 123/2012, as amended and subsequent additions, depending on the developments recorded on the domestic and international electricity and natural gas markets and the geopolitical evolution in Romania's neighborhood."

2. Article 3 paragraph (2), letter a) is also amended and will have the following content:

"a) the counter value of electricity/natural gas purchased through all forward and day market contracts next/intraday market, including the value of natural gas extracted from underground natural gas storage facilities — excluding the value of quantities purchased in the analysis month and intended for storage in underground storage facilities, as well as the transfer value between the production activity and the supply activity in the case of producers who supply electricity/natural gas to final customers;"

3. Article 3, paragraph (3), letter a) is amended and will have the following content:

"a) the counter value of electricity/natural gas purchased, through forward contracts and from the day market next/intraday market, including the value of natural gas extracted from underground natural gas storage facilities — excluding the value of quantities purchased in the analysis month and intended for storage in underground storage facilities, as well as the transfer value between the production activity and the supply activity in the case of producers who supply electricity/natural gas, to ensure the consumption of customers taken over as a last resort;"

4. In article 4, paragraph (1) is amended and will have the following content:

"Art. 4. — (1) The supply component of electricity, respectively of natural gas is 73 lei/MWh for the activity of supplying electricity, respectively 12 lei/MWh for the natural gas supply activity."

5. In article 5, paragraph (1) is amended and will have the following content:

"Art. 5. — (1) During the period September 1, 2022 — August 31, 2023, for domestic electricity customers, except for those provided for in art. 1 paragraph (1) lit. a) and b), for non-domestic electricity customers, except for those provided for in art. 1 paragraph (1) lit. c)—e) and for non-domestic natural gas customers, except for those provided for in art. 1 paragraph (2) lit. b), the final invoiced price is determined by each supplier as the sum of the following components, as the case may be:

a) the procurement component established under the conditions provided for in art. 6;

b) the supply component established under the conditions provided for in art. 4;

c) components represented of charges regulated/established according to the regulations of the National Energy Regulatory Authority in force during the period of application of the provisions of this ordinance of emergency, for the services provided by the operators of electricity/natural gas distribution and transmission networks/systems, including the services provided by the operators of underground natural gas storage depots;

c) the components represented by VAT, excise duties, the contribution related to the support scheme for the promotion of high-efficiency cogeneration based on the demand for useful thermal energy, the counter value of the green certificates related to the system promotion of energy production from renewable sources."

6. After article 7, a new article is introduced, art. 7¹, with the following content:

"Art. 7¹. — Starting from September 1, 2022, the resulting value as a product between the amount of electricity billed to end customers, beneficiaries of the support scheme established by this emergency ordinance, in each month of the period of application of the provisions of this emergency ordinance and the positive difference between the average purchase price achieved determined according to the provisions of art. 3 paragraph (2) whose value is less than or at most equal to the value established in art. VI and art. 3 paragraph (3) and the value of the purchase component determined according to the provisions of art. 3 paragraph (1), related to the invoiced month, will be compensated to suppliers from the state budget, through the budget of the Ministry of Labor and Social Solidarity, for household customers, and through the budget of the Ministry of Energy, for non-household customers, in accordance with the values calculated by the National Regulatory Authority in The Field of Energy."

7. In article 8, paragraph (1) is amended and will have the following content:

"Art. 8. — (1) The values related to compensation provided for in art. 7 para. (1) for each supplier are determined by the National Energy Regulatory Authority, within 30 days from the date of receipt of settlement requests, the model of which is provided in annexes no. 1 and 2, submitted and registered with the National Agency for Payments and Social Inspection, respectively the Ministry of Energy and, in copy, with the National Energy Regulatory Authority at the address of e-mail: plafonare@anre.ro, by suppliers."

8. In article 9, paragraph (5) is amended and will have the following content:

"(5) Based on the invoices issued each month of the application period, suppliers submit to the National Agency for Payments and Social Inspection at the address of e-mail: plafonare.casnici@mmanpis.ro, respectively the Ministry of Energy at the address of e-mail: plafonare@energie.gov.ro and, in copy, to the National Energy Regulatory Authority at the address of e-mail: plafonare@anre.ro, by uploading to the IT platform at the address www.spv.anre.ro, the request for the monthly settlement of the amounts related to the compensation, differentiated for domestic and non-domestic customers provided for in art. 1, separately for electricity and/or natural gas, according to annex no. 1 or annex no. 2."

9. In article 11, paragraph (1) is amended and will have the following content:

"Art. 11. — (1) During the period April 1, 2022 — October 31, 2023, natural gas suppliers/thermal energy producers in cogeneration plants and in thermal plants for consumption intended for the population as direct customers of natural gas producers, named in continuation PET direct customer, they have the obligation to establish in the underground natural gas storage warehouses a minimum stock of natural gas to ensure continuity and safety in supplying their end customers/ensuring their own consumption and affordability of the price; the amounts of natural gas representing the minimum stocks to be stored by each supplier/PET will represent at least 30% of the amount of natural gas required for consumption by end customers from their own portfolio/own consumption."

10. Article 11 paragraph (2), letter b) is amended and will have the following content:

"b) the conclusion, by October 31 of each year, of sales-purchase contracts whose object is quantities of natural gas originating from underground natural gas storage facilities, stored by another supplier of natural gas;"

11. Article 12 is amended and will have the following content:

"Art. 12. — (1) During the period September 1, 2022 — August 31, 2023, natural gas producers who carry out both onshore and/or offshore extraction activities, regardless of the start date of this activity, and natural gas sales activities are 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 domestic customers, in order to ensure, during the respective period, the consumption needs of domestic customers from the current production and from the underground gas storage warehouses natural established according to annex no. 5, in order to ensure during the period November 1, 2022—August 31, 2023, the consumption needs of these customers from current production and from underground natural gas storage facilities established according to annex no. 5.

(3) In the category of household customers, hereinafter referred to as CC, provided for in para. (1), also includes domestic customers from condominiums, owner associations, tenant associations and residential neighborhoods.

(4) Depending on further developments on the natural gas market, the National Regulatory Authority in the Field of Energy will update the method of calculating the quantities of natural gas intended for CC and PET consumption for the period April 1, 2022 — October 31, 2023, as established in annex no. 5.

(5) During the application period of the provisions of this emergency ordinance, the royalty owed by natural gas producers for the quantities of natural gas sold according to paragraph (1) and (2) for covering the consumption of CC and PET and for covering the technological consumption in the transport and distribution systems of gas will be established based on the price provided for in paragraph (1) and (2) by order of the president of the National Agency for Mineral Resources, issued within 10 days.

(6) In the period September 1, 2022 — October 31, 2023, in the case of natural gas producers who carry out both onshore and/or offshore extraction activities, regardless of the start date of this activity, as well as electricity production activities using natural gas, the transfer price of natural gas used in electricity production is a maximum of 100 lei/MWh."

12. Article 14 is amended and will have the following content:

"Art. 14. — (1) To cover the additional costs related to own technological consumption, respectively technological consumption generated by the increase in prices on the wholesale market above the value taken into account by the regulatory authority when calculating electricity and natural gas transport and distribution tariffs for the year 2021, the National Energy Regulatory Authority modifies the regulated tariffs, with applicability starting from April 1, 2022.

(2) The tariffs resulting from the application of the provisions of para. (1) does not change during the period April 1, 2022—March 31, 2023. The National Energy Regulatory Authority will establish regulated electricity and natural gas distribution tariffs, as well as regulated electricity transmission tariffs, applicable starting from April 1, 2023, according to the regulatory framework and the present provisions emergency orders.

(3) Electricity producers in the portfolio of the Romanian state, which are subject to the provisions of the Government's Emergency Ordinance no. 109/2011 on the corporate governance of public enterprises, approved with amendments by Law no. 111/2016, with subsequent amendments and additions, and the holders of petroleum agreements that produce electricity respond within a maximum of 5 working days with partial or total sales offers to requests for the purchase of electricity addressed by the transmission and system operator and concessionaire distribution operators, individually or aggregated, directly or through dedicated platforms in the organized market. The transactions concluded under the terms of this paragraph are taken into account when fulfilling the obligation provided for in art. 28 para. (2) from Law no. 123/2012, with subsequent amendments and additions, regardless of the form of trading.

(4) Electricity producers, other than those provided for para. (3), they can offer electricity under the same conditions.

(5) Holders of onshore and offshore oil agreements, producers of natural gas, respond within a maximum of 5 working days with partial or total sales offers to requests for the purchase of natural gas intended for technological consumption addressed by the transport and system operator and concessionaire distribution operators, individually or aggregated, directly or through the platforms in the centralized market."

13. Article 15 is amended and will have the following content:

"Art. 15. — (1) Starting from September 1, 2022, during the period of application of the provisions of this emergency ordinance, electricity producers, aggregate electricity production entities, traders, suppliers carrying out trading activity and aggregators trading quantities of electricity and/or natural gas on the wholesale market pay a contribution to the Energy Transition Fund, established in accordance with the provisions of the methodologies provided in annex no. 6 and annex no. 6.1.

(2) To production capacities put into operation after September 1, 2022, as well as to supplying companies public heating services that produce electricity through cogeneration are not applicable to the provisions of para. (1).

(3) Bilateral contracts concluded on the wholesale market through direct negotiation are reported to the National Energy Regulatory Authority by the contracting parties within 2 working days of the closing date.

(4) The contribution to the Energy Transition Fund is calculated, declared and paid by the seller monthly, up to and including the 25th of the month following the one for which it is due.

(5) The amounts representing the consideration of the contribution to The Energy Transition Fund is paid into a separate account available in lei opened at the State Treasury units within the competent central fiscal bodies, coded with the tax identification code of the payer

(6) During the first 3 working days of each month, the amounts collected in the account provided for in paragraph (5) is transferred by the State Treasury units to a separate account available in lei opened in the name of the Ministry of Finance opened at the Treasury and Public Accounting Activity of the Municipality of Bucharest, called the "Energy Transition Fund".

(7) At the request of the Ministry of Energy and the Ministry of Labour and Social Solidarity, the Ministry of Finance is authorized to increase the revenues of the state budget, to a distinct position, as well as the commitment credits and budget credits provided in their budgets, within the limits of the amounts available in the balance of the account provided for in paragraph (6), for the payment of the compensations provided for in this article.

(8) The amounts by which the revenues of the state budget were increased according to the provisions of para. (6) is transferred by the Ministry of Finance from the account provided for in para. (5) in the budget revenue accounts provided for in para. (6) coded with the fiscal identity code of the Ministry of Energy and the Ministry of Labor and Social Solidarity, as the case may be.

(9) The Ministry of Energy and the Ministry of Labor and Social Solidarity are authorized to detail the influences approved according to paragraph. (7) in the budget and in its annexes and to communicate them to the Ministry of Finance, within 5 working days from budget increase.

(10) Until December 22 of the budget year, the amounts remaining unused determined as the difference between the revenues collected according to para. (7) and the payments made are transferred by the Ministry of Energy and the Ministry of Labor and Social Solidarity from the income account of the state budget in which they were collected in the available account provided for in paragraph (6).

(11) The amounts remaining available at the end of the year in the account provided for in paragraph (6), including the amounts transferred according to par. (10), is used in the following year based on the mechanism provided for para. (7).

(12) The amounts in the accounts provided for in para. (5) and (6) not they bear interest and are not subject to enforcement.

(13) For any type of electricity sale transactions for export or intra-community delivery from the territory of Romania, the persons provided for in para. (1) the contribution to the Fund of Energy Transition (C) is determined as follows:

$$C = (P_{mt} - P_a) \times Q_t \times 100\%,$$

unde:

Q_t – cantitatea de energie tranzacționată la export sau livrată intracomunitar

P_{mt} – prețul mediu de tranzacționare a energiei pe PZU din ziua anterioară tranzacției

P_a – prețul de achiziție.

14. In article 16, paragraph (7) is amended and will have the following content:

"(7) Failure to comply with the obligations provided for in art. 15 para. (4) by the electricity producers shall be ascertained and sanctioned by the National Agency of Fiscal Administration."

15. In article 16, after paragraph (7³), a new paragraph is inserted, para. (7⁴), with the following content:

"(7⁴) The successive sale of quantities of electricity or natural gas by traders and/or suppliers with trading activities, with the clear purpose of increasing the price, is sanctioned by ANRE, with a fine of 5% of the turnover."

16. Appendices no. 5 and 6 are amended and replaced with annexes no. 1 and 2 to this emergency ordinance.

17. According to annex no. 6 a new annex is introduced, annex no. 6.1, having the content provided in annex no. 3 to the present emergency order.

Art. II.— (1) In order to benefit from the facilities provided by this emergency ordinance of the Government starting from September 1, 2022, the beneficiaries provided for in art. 1 paragraph (1), lit. c)—e) from Government Emergency Ordinance no. 27/2022, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and additions, have the obligation to submit to the electricity supplier a request accompanied by a declaration on their own responsibility, within a maximum of 30 days from the date of entry into force of this emergency ordinance. The models for the request

and for the self-responsible declaration are provided in annexes no. 4 and 5, which do integral part of this emergency ordinance.

(2) Beneficiaries who fall under the provisions of art. 1 paragraph (1) LIT c)—e), who did not submit the request accompanied by a self-responsible declaration within the term provided for in paragraph. (1), as well as those established after September 1, 2022, benefit from the provisions of this emergency ordinance starting from the 1st of the month following their submission to the supplier.

Art. III.— (1) For licensed economic operators, providers of electricity and natural gas transport and distribution services, the additional costs of purchasing electricity and natural gas, made between January 1, 2022 and August 31, 2023, in order to cover own technological consumption and, respectively, technological consumption, compared to the costs included in the regulated tariffs, are capitalized quarterly.

(2) The capitalized costs provided for in para. (1) are recognized in the regulated tariffs in compliance with the cost recognition criteria provided in the methodologies of the National Energy Regulatory Authority.

(3) Capitalized costs recognized according to para. (2) are amortized over a period of 5 years from the capitalization date and are remunerated with 50% of the regulated rate of return approved by the National Energy Regulatory Authority, applicable during the amortization period of the respective costs and are recognized as a distinct component.

(4) The assets resulting from the application of the provisions of para. (3) are recognized in the accounting records and in the annual financial statements of distribution operators, according to the instructions developed by the Ministry of Finance.

Art. IV.— (1) In order to pay the solidarity contribution, starting from September 1, 2022, non-residents carrying out transactions on the energy market in Romania are obliged to calculate, declare and pay the solidarity contribution directly or designate a representative for the fulfillment of his basic obligations of this emergency ordinance.

(2) The non-resident persons referred to in para. (1) have the obligation to submit to the National Tax Administration Agency a declaration of own responsibility regarding the method of payment of the solidarity contribution. The declaration model and the submission deadline are established by the order of the president of the National Tax Administration Agency provided for in paragraph (4).

(3) The representative must have domicile/headquarters in Romania and is jointly and severally liable with the non-resident, for declaring and paying the solidarity contribution.

(4) The procedure and registration conditions of the representative are approved by Order of the president of the National Tax Administration Agency within 10 days from the date of entry into force of this emergency ordinance.

(5) The persons referred to in para. (1) are required to provide a guarantee in the form of a letter of bank guarantee or cash collateral, in the amount of 1 million Euros, equivalent in lei.

(6) Failure to comply with the provisions of this article attracts suspension of the right to operate on Romanian markets.

(7) The procedure and registration conditions of the representative, as well as the fulfillment of payment and guarantee execution obligations are approved by Order of the President of the National Fiscal Administration Agency within 10 days from entry into force of this emergency ordinance.

Art. V.— (1) The Ministry of Energy is authorized to authorize its representatives in the General Meeting of Shareholders of the electricity production companies where it is the majority shareholder, to request economic operators to develop and approve, within the General Meetings of shareholders, by November 1, 2022, the sales strategy for the production of electricity for the next 4 years.

(2) The Ministry of Energy is authorized to empower its representatives in the General Meeting of Shareholders of electricity production companies in which it is a shareholder to request economic operators to develop and propose for approval, by November 1, 2022, the sales strategy of electricity production for the next 4 years.

Art. VI.— The maximum value of the weighted average price of electricity at which ANRE calculates the amounts to be settled from the state budget for electricity suppliers is 1,300 lei/MWh.

Art. VII.— Through bilateral contracts negotiated directly starting on September 1, 2022, electricity producers have the obligation to sell directly the electricity available for delivery until December 31, 2022, only to electricity suppliers that have end customers in their portfolio, intended exclusively for their consumption, the distributors of electricity, to the national system operator Compania Nationala de Transport Energie Electrica Transelectrica — SA, as well as to consumers who have benefited from the provisions of the Government's Emergency Ordinance no. 81/2019 for the amendment and completion of the Government Emergency Ordinance no. 115/2011 regarding the establishment of the institutional framework and the authorization of the Government, through the Ministry of Finance, to auction the greenhouse gas emission certificates assigned to Romania at the level of the European Union, as well as for the establishment of a state aid scheme regarding the support of enterprises in the sectors and subsectors exposed to a significant risk of relocation as a result of the transfer of the cost of greenhouse gas emissions in the price of electricity, approved with amendments by Law no. 262/2021,

Art. VIII.— (1) Application of the provisions of art. 177 para. (315)—(317) of the Electricity and Natural Gas Law no. 123/2012, with subsequent amendments and additions, is extended until December 31, 2024.

(2) During the period of application of the provisions of this emergency ordinance, the quantities related to the fulfillment by natural gas producers of the obligations provided for in art. 177 para. (315) and (316) of the Electricity and Natural Gas Law no. 123/2012, with subsequent amendments and additions, will be sold according to the provisions of art. 12 of the Government Emergency Ordinance no. 27/2022, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and additions, in accordance with annex 5 hereto.

Art. IX.— The model and content of the declaration regarding the contribution to the Energy Transition Fund provided for in art. 15 para. (4) of the Government Emergency Ordinance no. 27/2022, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and additions, carried out by electricity producers, aggregated

electricity production entities, traders, suppliers carrying out trading activity and aggregators trading quantities of electricity/natural gas on the wholesale market are approved by order of the president of the National Fiscal Administration Agency within a maximum of 10 days from the date of entry into force of this emergency ordinance.

PRIME MINISTER
NICOLAE-IONEL CIUCA

Marks:

Minister of Energy,
Virgil-Daniel Popescu
Secretary General of the Government,
Marian Neacsu
Minister of Labor and Solidarity
Marius-Constantin Budai
Minister of Economy,
Florin Marian Spataru
Bucharest, September 1, 2022.No. 119.

Minister of Finance,
Adrian Caciuc
The President of the National Authority
of Energy Regulation
Dumitru Chiriță
Minister of Entrepreneurship and Tourism
Constantin-Daniel Cadariu

CALCULATION**METHOD****of the quantities of natural gas intended for CC and PET consumption**

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

a) April 1, 2022 — October 31, 2022, the quantities of natural gas intended to constitute the minimum stock of natural gas for the consumption of CC and PET, as well as the quantities required for the monthly consumption of CC;
 b) November 1, 2022 — March 31, 2023, the quantities of natural gas intended for CC and PET consumption.

c) April 1, 2023 — August 31, 2023, the quantities of natural gas intended to constitute the minimum stock of natural gas for the consumption of CC and PET, as well as the quantities required for the monthly consumption of CC.

2. To determine the quantities of natural gas specified in point 1 letter a) and b), manufacturers, suppliers and PET who opted for direct purchase from the manufacturer (direct customer PET) have the obligation to transmit to the transport and system operator, within two working days from the publication of this ordinance, the following categories of information:

a) natural gas producers submit the following information:

— the amount of natural gas estimated to be produced during the period April 1, 2022 — March 31, 2023, broken down by each month;
 — the amount of natural gas intended for technological consumption specific to oil operations carried out by the holders of oil agreements, estimated for the period April 1, 2022 — March 31, 2023, broken down by each month, in accordance with the law;
 — the amount of natural gas intended for own consumption, estimated for the period April 1, 2022 — March 31, 2023, broken down by each month;
 — the amount of natural gas reinjected into the field for technological purposes during the period April 1, 2022 — March 31, 2023, broken down by each month, for which the oil royalty is not due, in accordance with the law;
 — the amount of natural gas from the current internal production contracted before the entry into force of this ordinance, with delivery during the respective period, broken down by each month;

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

— the amount of natural gas estimated to be supplied to CC from its own portfolio in the period April 1, 2022 — March 31, 2023, broken down by each month;
 — the amount of natural gas estimated to be supplied to PET from its own portfolio in the period November 1, 2022 — March 31, 2023, broken down by each month;
 — the amount of natural gas contracted before the entry into force of this ordinance, intended to be supplied to CC and PET, with delivery between November 1, 2022 and March 31, 2023, broken down by each month, established pro rata with the total consumption of end customers in the portfolio;

c) PET client directly transmits the following information:

— the amount of natural gas estimated to be consumed in the period November 1, 2022 — March 31, 2023 for the production of thermal energy in cogeneration plants and in thermal plants, intended for consumption by the population;
 — the amount of natural gas contracted before the entry into force of this ordinance, with delivery during the period November 1, 2022 — March 31, 2023, broken down by month.

21. To determine the quantities of natural gas specified in point 1 letter c), manufacturers, suppliers and PET who opted for direct purchase from the manufacturer (direct customer PET) have the obligation to transmit the following categories of information to the transport and system operator, within two working days from the publication of the GEO:

a) natural gas producers submit the following information:

— the amount of natural gas estimated to be produced during the period April 1, 2023 — August 31, 2023, broken down by each month;
 — the amount of natural gas intended for technological consumption specific to oil operations carried out by the holders of oil agreements, estimated for the period April 1, 2023 — August 31, 2023, broken down by month, in accordance with the law;
 — the amount of natural gas intended for own consumption, estimated for the period April 1, 2023 — August 31, 2023, broken down by each month;
 — the amount of natural gas reinjected into the field for technological purposes during the period April 1, 2023 — August 31, 2023, broken down by each month, for which the oil royalty is not due, in accordance with the law;
 — the amount of natural gas from the current internal production contracted before the entry into force of the GEO..., with delivery during the period April 1, 2023 — August 31, 2023, broken down by each month;

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

— the amount of natural gas estimated to be supplied to CC from its own portfolio in the period April 1, 2023 — August 31, 2023, broken down by each month;
 — the amount of natural gas estimated to be supplied to PET from its own portfolio in the period November 1, 2023 — March 31, 2024, broken down by each month;

— the quantity of natural gas previously contracted before the entry into force of the GEO ..., intended to be supplied to CC and PET, with delivery between November 1, 2023 — March 31, 2024, broken down by each month, set pro rata with total customer consumption finals from the portfolio;

c) PET client directly transmits the following information:

— the amount of natural gas estimated to be consumed in the period November 1, 2023 — March 31, 2024 when producing of thermal energy in cogeneration plants and in thermal plants, intended for consumption by the population;

— the amount of natural gas contracted before the entry into force of the GEO..., with delivery during November 1, 2023— March 31, 2024, broken down by each month.

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3. In the case of new entrants to the natural gas market, the data provided for in point 2 shall be transmitted from the date of obtaining the supply license, respectively from the date of the commissioning report of the use facility in the case of end customers.

4. Natural gas producers, direct customer CC and PET/PET suppliers, as the case may be, are directly responsible for the correctness of the information transmitted according to the provisions of point 2.

5. The quantities of natural gas from the current internal production remaining available to each producer after compliance with the obligations assumed by the contracts concluded before the entry into force of this ordinance, with delivery between April 1, 2022 and March 31, 2023, as well as those concluded before the entry into force of the GEO..., with delivery between April 1, 2023—August 31, 2023 are established 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 technological consumption specific to oil operations, own consumption and the quantities of natural gas re-injected into the deposits, for technological purposes, excepted from payment of the royalty in accordance with the law, in the respective 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 ordinance, with delivery during the respective period.

6. Within three working days of receiving the complete information provided for in point 2, the transport and system operator performs the following activities:

a) determines and transmits to suppliers/PET direct clients and the National Energy Regulatory Authority the total quantities of natural gas for which each CC and PET/PET direct client supplier is obliged to conclude sales-purchase contracts with producers for natural gas intended for storage in order to establishing the minimum stock according to the following formula:

$$Q_{Dep(furnizor\ i/PET\ j)} = (N_{consum\ CC+PET(furnizor\ i/PET\ j)} - Q_{ctr(furnizor\ i/PET\ j)}) \times 30\%,$$

unde:

$Q_{Dep(furnizor\ i/PET\ j)}$ - stocul minim de gaze naturale pe care fiecare furnizor CC și PET/PET client direct este obligat să îl constituie în perioada 1 aprilie 2022-31 octombrie 2022;

$N_{consum\ CC+PET(furnizor\ i/PET\ j)}$ - necesarul de consum al CC și PET aferent furnizorului i sau PET client direct j în perioada 1 noiembrie 2022-31 martie 2023;

$Q_{ctr(furnizor\ i/PET\ j)}$ - cantitățile de gaze naturale destinate consumului CC și/sau PET, contractate de către furnizorul i sau PET client direct j anterior prezentei ordonanțe, cu livrare în perioada 1 noiembrie 2022-31 martie 2023, stabilită pro rata cu consumul total al clienților finali din portofoliu;

whereas:

$Q_{Dep(supplier\ i/PET\ j)}$ - minimum stock of natural gas which each CC supplier and PET/PET direct client is enforced to constitute between April 1, 2022 – October 31, 2022;

$N_{consumption\ CC+PET\ (supplier\ i/PET\ j)}$ – consumption necessary of CC and PET corresponding to i supplier or PET direct client j between November 1, 2022 – March 31, 2023;

$Q_{ctr(supplier\ i/PET\ j)}$ – gas quantities necessary for CC and/or PET consumption, contracted by i supplier or PET direct client j, prior to the present ordinance, with delivery between November 1, 2022 – March 31, 2023, established pro rata with the total consumption of the final clients from the portfolio.

b) determines and transmits to the producers, direct client CC and PET/PET suppliers and the National Energy Regulatory Authority the total quantities of natural gas for which each producer k is obliged to conclude sales contracts with the direct client CC and PET/PET suppliers for natural gas intended for the storage of natural gas in

order to establish the minimum stock and the CC consumption requirement:

$$Q_{Pkdep(furnizor\ i/PETj)} = \frac{Q_{Dep(furnizor\ i/PETj)} + N_{consum\ CC\ furnizor\ i}}{Q_{Pt}} \times Q_{Pk},$$

unde:

$Q_{Pkdep(furnizor\ i/PETj)}$ - cantitatea de gaze naturale aferentă perioadei 1 aprilie 2022-31 octombrie 2022 pe care producătorul k este obligat să o vândă furnizorilor CC și PET/PET client direct;

$N_{consum\ CC\ furnizor\ i}$ - necesarul de consum CC aferent furnizorului i în perioada 1 aprilie 2022-31 octombrie 2022;

Q_{Pt} - cantitatea totală de gaze naturale estimată a fi produsă de producătorii de gaze naturale, cu excepția cantităților de gaze naturale destinate consumurilor tehnologice specifice operațiunilor petroliere, a consumului propriu și a cantităților de gaze naturale reinjectate în zăcăminte, în scop tehnologic, exceptate de la plata redevenței în condițiile legii, în perioada 1 aprilie 2022-31 martie 2023;

Q_{Pk} - cantitatea de gaze naturale estimată a fi produsă de producătorul k, cu excepția cantităților de gaze naturale destinate consumurilor tehnologice specifice operațiunilor petroliere, a consumului propriu și a cantităților de gaze naturale reinjectate în zăcăminte, în scop tehnologic, exceptate de la plata redevenței în condițiile legii, în perioada 1 aprilie 2022-31 martie 2023;

whereas:

$Q_{Pkdep(supplier\ i/PET)}$ – quantity of natural gas corresponding the period between April 1, 2022 – October 31, 2022, which producer k is forced to sell to the suppliers CC and PET/PET direct client;

$N_{consumption\ CC\ supplier\ i}$ – CC consumption necessary corresponding to the supplier i between April 1, 2022 – October 31, 2022;

Q_{Pt} – total quantity of natural gas estimated to be produced by the natural gas producers, except the natural gas quantities destined to the technological consumptions specific to petrol operations, of own consumption and the natural gas quantities re-injected in reservoirs, for technological purposes, excepted from payment of the royalty in accordance with the law, between April 1, 2022 – March 31, 2023;

Q_{Pk} – natural gas quantity estimated to be produced by k producer, excepting the natural gas quantities destined for specific technological consumptions of petrol operations, of own consumption and of natural gas quantities reinjected in the field deposits, for technological purposes, excepted from payment of the royalty in accordance with the law, between April 1, 2022 – March 31, 2023.

c) determines and transmits to the producers, CC and PET/PET direct customer suppliers and the National Energy Regulatory Authority the total quantities of natural gas for which each producer is obliged to conclude sales contracts purchase with CC and PET/PET direct customer suppliers for natural gas intended for CC and PET consumption during November 12022 — March 31, 2023:

$$Q_{Pkc(furnizor\ i/PETj)} = \frac{N_{consum\ CC+PET(furnizor\ i/PETj)} - Q_{Dep(furnizor\ i/PETj)} - 0,7 \times Q_{ctr(furnizor\ i/PETj)}}{Q_{Pt}} \times Q_{Pk},$$

unde:

$Q_{Pkc(furnizor\ i/PETj)}$ - cantitatea de gaze naturale pe care producătorul k este obligat să o vândă furnizorilor CC și PET/PET client direct, aferentă perioadei 1 noiembrie 2022-31 martie 2023.

whereas:

$Q_{Pkc(supplier\ i/PETj)}$ - natural gas quantity which the k producer is forced to sell to CC suppliers and PET/PET direct client, corresponding to the period between November 1, 2022 – March 31, 2023.

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a) determines and transmits to suppliers/PET direct clients and the National Energy Regulatory Authority the total quantities of natural gas for which each CC and PET/PET direct client supplier is obliged to conclude sales-purchase contracts with producers for natural gas intended for storage in order to establishing the minimum stock according to the following formula:

$$Q_{1Dep(furnizor\ i/PETj)} = (N_{1consumCC+PET(furnizor\ i/PETj)} - Q_{1ctr(furnizor\ i/PETj)}) \times 30\%,$$

unde:

$Q_{1Dep(furnizor\ i/PETj)}$ - stocul minim de gaze naturale pe care fiecare furnizor CC și PET/PET client direct este obligat să îl constituie în perioada 1 aprilie 2023-31 octombrie 2023;

$N_{1consum\ CC+PET(furnizor\ i/PETj)}$ - necesarul de consum al CC și PET aferent furnizorului i sau PET client direct j în perioada 1 noiembrie 2023-31 martie 2024;

$Q_{1ctr(furnizor\ i/PETj)}$ - cantitățile de gaze naturale destinate consumului CC și/sau PET, contractate de către furnizorul i sau PET client direct j anterior intrării în vigoare OUG....., cu livrare în perioada 1 noiembrie 2023-31 martie 2024, stabilită pro rata cu consumul total al clienților finali din portofoliu;

Whereas:

$Q_{1Dep}(supplier\ i/PET\ j)$ – minimum of natural gas stock which each CC supplier and PET/PET direct client is forced to constitute in the period between April 1, 2023 – October 31, 2023;

$N_{1consumption\ CC+PET\ (supplier\ i/PET\ j)}$ – consumption necessary of CC and PET corresponding to supplier i or PET direct client j in the period between November 1, 2023 – March 31, 2024;

$Qn1ctr(supplier\ i/PET\ j)$ – natural gas quantities destined to the CC and/or PET consumption, contracted by i supplier or PET client direct j , prior the entry into force of the EGO, with delivery in the period between November 1, 2023 – March 31, 2024, established pro rata with the total consumption of the final clients in the portfolio.

b) determines and transmits to the producers, direct client CC and PET/PET suppliers and the National Energy Regulatory Authority the total quantities of natural gas for which each producer k is obliged to conclude sales contracts with the direct client CC and PET/PET suppliers for natural gas intended for the storage of natural gas in order to establish the minimum stock and the CC consumption requirement:

$$Q_{1Pkdep\ (furnizor\ i/PET\ j)} = \frac{Q_{1Dep}(furnizor\ i/PET\ j) + N_{1consum\ CC\ furnizor\ i}}{Q_{1Pt}} \times Q_{1Pk}$$

unde:

$Q_{1Pkdep}(furnizor\ i/PET\ j)$ -cantitatea de gaze naturale aferentă perioadei 1 aprilie 2023-31 august 2023 pe care producătorul k este obligat să o vândă furnizorilor CC și PET/PET client direct;

$N_{1consum\ CC\ furnizor\ i}$ - necesarul de consum CC aferent furnizorului i în perioada 1 aprilie 2023-31 august 2023;

Q_{1Pt} - cantitatea totală de gaze naturale estimată a fi produsă de producătorii de gaze naturale, cu excepția cantităților de gaze naturale destinate consumurilor tehnologice specifice operațiunilor petroliere, a consumului propriu și a cantităților de gaze naturale reinjectate în zăcăminte, în scop tehnologic, exceptate de la plata redevenței în condițiile legii, în perioada 1 aprilie 2023-31 august 2023;

Q_{1Pk} - cantitatea de gaze naturale estimată a fi produsă de producătorul k , cu excepția cantităților de gaze naturale destinate consumurilor tehnologice specifice operațiunilor petroliere, a consumului propriu și a cantităților de gaze naturale reinjectate în zăcăminte, în scop tehnologic, exceptate de la plata redevenței în condițiile legii, în perioada 1 aprilie 2023-31 august 2023.

Whereas:

$Q_{1Pkdep}(i/PET\ j\ supplier)$ – quantity of natural gas corresponding to the period between April 1, 2023 – August 31, 2023, which the k producer is forced to sell to CC suppliers and PET/PET direct client;

$N_{1consumption\ CC\ i\ supplier}$ – necessary of CC consumption corresponding to i supplier in the period between April 1, 2023 – August 31, 2023;

Q_{1Pt} – total quantity of natural gas estimated to be produced by the natural gas producer, excepting the natural gas quantities destined to technological consumptions specific to petrol operations, of own consumption and of natural gas quantities re-injected in field deposits, for technological purposes, excepted from payment of the royalty in accordance with the law, in the period between April 1, 2023 – August 31, 2023.

Q_{1Pk} – the quantity of natural gas estimated to the produced by the k producer, excepting the quantities of natural gas destined to technological consumptions specific to petrol operations, to own consumption and to natural gas quantities re-injected in field deposits, excepted from payment of the royalty in accordance with the law, in the period between April 1, 2023 – August 31, 2023

7. If the monthly consumption requirement of CC and PET customers in a supplier's portfolio changes by more than 5% as a result of the change of supplier, the consumption requirement of CC and PET that requested the change is transferred to the new supplier.

8. If the monthly consumption requirement of CC and PET customers from the portfolio of a supplier or direct customer PET changes by more than 5% as a result of the commissioning of new places of consumption, the transport and system operator recalculates the amount of natural gas intended for the supplier or direct client PET.

9. If the CC and PET customers of a supplier are transferred to a supplier of last resort, the quantities of natural gas related to them and, implicitly, the contracts with the producers for these quantities are transferred to that supplier of last resort.

10. By the 10th of the month prior to delivery, the supplier or PET customer directly transmits to the transport operator a request accompanied by the following information:

- a) the period for which the change in natural gas supplies/estimated natural gas consumption takes place;
- b) substantiating the increase/decrease in natural gas supplies/estimated natural gas consumption.

11. Within 5 working days of receiving the documents specified in point 10, the transport and system operator recalculates the related quantities. This is communicated to the parties involved who, within a maximum of 5 days from the date of communication, have the obligation to conclude an additional contract/deed, as the case may be, for the transfer of natural gas quantities.

12. The delivery of the quantities of natural gas provided for in point 1 is carried out on the basis of the contracts concluded between the producer and the suppliers of CC and of PET/PET direct customer. The buyer has the obligation to constitute a financial payment guarantee in favor of the producer to cover the risk of non-payment of the invoices

issued by the producer or to pay in advance the value of the natural gas delivered at least two working days before the date of the start of deliveries.

13. The delivery of the quantities of natural gas provided for in point 1 is carried out on a constant daily basis. At the end of the delivery period, the supplier/PET direct customer completes a self-responsible declaration regarding the destination of the natural gas purchased under this ordinance. The buyer has the obligation to respect the destination of the purchased natural gas.

14. In the situation where the total amount of natural gas determined in accordance with the formulas from point 6 letter b) and c) and 61 differs from the total available production of the producers, for the respective period, the sales obligation of each producer is adjusted proportionally to the share of each producer's available in the total available for the respective period. Allocation the quantities intended for each supplier are determined by applying to the quantities calculated for them the weight of the adjusted obligation in the total quantities calculated for each producer. The breakdown of the quantities intended for storage for CC and PET is carried out in proportion to the share of CC and PET consumption in the consumption requirement.

CALCULATION MODULE of the contribution to the Energy Transition Fund owed by electricity producers

Art. 1. — The purpose of this methodology is to establish the manner in which electricity producers who submit the provisions of art. 15 of the emergency ordinance calculates the contribution to the Energy Transition Fund to be paid according to the afore mentioned provisions.

(2) This methodology establishes:

- a) the categories of economic operators with an obligation to pay the contribution to the Energy Transition Fund, provided for in art. 15 of the emergency ordinance;
- b) defining the monthly revenues from the sale of electricity on the electricity markets by the economic operators provided for in letter a);
- c) defining the monthly expenses resulting from the transactions carried out on the electricity markets in order to cover the contracts concluded/production notifications of the economic operators provided for in letter a);
- d) how to calculate net monthly income;
- e) how to calculate the monthly electricity sales price;
- f) how to calculate the additional monthly income.

Art. 2. — The monthly selling price of electricity and the value of the additional monthly income are used for the calculation value to the Energy Transition Fund provided for in art. 15 of the emergency ordinance.

SECTION 2

Aplication domain

Art. 3. — The present methodology creates the procedural framework for calculating the contribution to the Energy Transition Fund and is used as a working tool in the activity of electricity producers that are subject to the provisions of art. 15 of the emergency ordinance.

Art. 4. — This methodology is applied by all electricity producers who are subject to the provisions of art. 15 of the emergency ordinance, during the period September 1, 2022—August 31, 2023.

SECTION 3 Terms Used

Art. 5. — The specific terms used in this methodology are:*)

Electricity markets	According to the definition from the Electricity Law and natural gas no. 123/2012, as amended and completed in the subsequent years
Price of reference	450 lei MWh
Monthly quantity sold - C_i (MWh)	Quantity delivered monthly on the market by the producer of electric power from its own production and/or purchased or transferred from the product portfolio in the supply one (monthly quantity sold may be different of the quantity produced monthly of the respective producer)
Monthly income - V_i (lei)	Incomes obtained from the sale of energy power with physical delivery from its own production, from its transfer from the product portfolio in the supply one and/or purchased also from the financial transactions carried out in the previous month of the declararation of taxes
Monthly expenses - C_{he} (lei)	Purchase expenses are included for the purchase of electricity for transactions with physical delivery, including those on the market of balancing, and the cost of CO2 certificates. Actual production costs are not included, for holding a MWh of electricity.

Monthly net income – V_{ni} (lei) Differences between monthly incomes and monthly expenses

Price of the monthly sale of electricity - P_{lv}	Price resulting of the difference between monthly incomes and reported monthly expenses in relation with the total quantity of energy delivered physically in that month
Contribution to the Transition Energetic Fund- C_s (lei)	Differences between the monthly sale price and the reference price multiplied with the monthly amount delivered physically

*) The table is reproduced in facsimile.

SECTION 4

Calculation of the monthly sale price of electricity and the contribution to the Energy Transition Fund

Art. 6. — The monthly sale price of electricity — P_{lv} is calculated as the ratio between the monthly net income and the quantity delivered monthly physical on the electricity markets:

$$P_{lv} = V_n / C_l,$$

unde:

$$V_n = V_l - C_{he}.$$

Art. 7. — Contribution to the Energy Transition Fund — C_s is determined under the conditions in which $P_{lv} > 450$ lei/MWh and secalculates as the product between the difference between the monthly selling price and 450 lei/MWh and the monthly physically delivered quantity — C_l .

$$C_s = (P_{lv} - 450) * C_l$$

Art. 8. — The calculation provided for in art. 6 and 7 are performed monthly by the electricity producers provided for in art. 15 of this emergency ordinance.

Art. 9. — Electricity producers can submit rectification statements, without additional calculation of fiscal accessories, 15 days after the publication by OPCOM of the final prices related to the balancing market for the settlement month.

APPENDIX No. 3

(Annex no. 6.1 to the Government Emergency Ordinance no. 27/2022)

CALCULATION MODULE**to contribute**

**of the Energy Transition Fund owed by the entities producing electricity and natural gas,
aggregate electricity generation entities, electricity and natural gas traders, electricity and natural gas suppliers
and independent electricity aggregators**

SECTION 1

Purpose

Art. 1. — (1) The purpose of this methodology is to establish how electricity and natural gas producing entities, aggregated electricity producing entities, electricity and natural gas traders, electricity and natural gas suppliers and independent electricity aggregators that are subject to the provisions of art. 15 of the emergency ordinance calculates the contribution to the Energy Transition Fund to be paid according to the aforementioned provisions.

(2) This methodology establishes:

- a) defining the monthly weighted average selling price
- b) defining the weighted average monthly purchase price;
- c) how to calculate the contribution to the energy transition.

Art. 2. — The sale and purchase prices of electricity and natural gas are used to calculate the value of the contribution to the Energy Transition Fund provided for in art. 15 paragraph (1) of the emergency ordinance.

SECTION 2

Application domain

Art. 3. — This methodology creates the procedural framework for calculating the contribution to the energy transition and is used as a working tool in the activity of electricity and natural gas producing entities, aggregated electricity producing entities, electricity and natural gas traders, suppliers and aggregators subject to the provisions of art. 15 of the emergency ordinance.

Art. 4. - This methodology is applied by electricity and natural gas producing entities, aggregated electricity producing entities, electricity and natural gas traders, suppliers and aggregators that are subject to the provisions of art. 15 of the emergency ordinance, during the period September 1, 2022—August 31, 2023.

SECTION 3

Terms used

Art. 5. — The specific terms used in this methodology are:*,

Price of reference	Price of the purchase of electricity, natural gas to which they are added 2% profit
Wholesale market of electrical energy	According to the definition in the Electricity and natural gas Law no. 123/2012, as amended
Q _{delivered monthly}	Quantity delivered on the wholesale market of electrical energy, natural gas, by all economic agents who run trading activity. In the calculation of the delivered quantity are taken into account all quantities transacted with delivery in the reference month, regardless of the date of conclusion of the contract.
Price _{medium - vz}	Price of the weighted average monthly sale of electricity/natural gas delivered in the month of reference
Price _{medium acz}	Price of the monthly weighted average purchase of electricity/natural gas delivered in the reference month

*The table is reproduced in facsimile.

SECTION 4

Calculation of contribution to the Energy Transition Fund

Art. 6. — The contribution to the Energy Transition Fund (C_{TE}) is determined as follows:

$$C_{TE} = (Price_{medium - vz} - Price_{medium acz} \times 1.02) \times Q_{delivered\ monthly}$$

Art. 7. — The contribution to the Energy Transition Fund (C_{TE}) is determined under the conditions in which the trading price is higher than the reference price.

Art. 8. — The calculation provided for in art. 6 is performed monthly by electricity and natural gas producing entities, aggregated electricity producing entities, electricity and natural gas traders, electricity suppliers and natural gas and independent electricity aggregators subject to the provisions of art. 15 of the emergency ordinance.

AFFIDAVIT

The undersigned,....., as administrator/legal representative of....., with registered office in the locality, str.....no., the county/district....., identified with CI/BI series....., no, CNP, knowing the provisions of art. 326 of the Criminal Code regarding forgery in declarations, I declare on my own responsibility that the institution/economic operator that I administer/represent falls within the provisions of art. 1 paragraph (1) lit. c)/d)/e) (*specify the category of potential beneficiary*) from GEO no 27/2022 regarding the measures applicable to final customers in the electricity and natural gas market during the period April 1, 2022—March 31, 2023, as well as for the amendment and completion of some normative acts in the field of energy, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and additions.

Surname and first name of administrator/legal representative (in clear)

Signature

Date

REQUEST

Towards:

(To be completed with the name of the electricity supplier)

Subscribed,, with registered office in the town....., str..... no.....,
County/ the municipality....., the sector....., J, CIF/CUI no. (...), represented by....., in quality
of administrator/legal representative of, identified with CI/BI series ..no., CNP....., I request

I request application of the provisions of art. 1 paragraph (1) lit. c)/d)/e) (*specify the category of potential beneficiary*) from
GEO no. 27/2022 regarding the measures applicable to final customers in the electricity and natural gas market during
the period April 1, 2022—March 31, 2023, as well as for the amendment and completion of some normative acts in the
field of energy, approved with amendments and additions by Law no. 206/2022, with subsequent amendments and
additions.

Surname and first name of administrator/legal representative

(in clear)

Signature

Date.....