

ACTS OF THE NATIONAL ENERGY REGULATORY AUTHORITY

ORDER approval of the Monitoring Methodology of the natural gas market*)

Having regard to the provisions of Article 10(1)(w) and (3)(a) of Government Emergency Order No 33/2007 on the organisation and functioning of the National Regulatory Authority for Energy, approved with amendments by Law No 160/2012, as amended,

pursuant to Article 5(1)(c) and (5) of Government Emergency Order No 33/2007 on the organisation and functioning of the National Regulatory Authority for Energy, approved with amendments by Law No 160/2012, as subsequently amended and supplemented,

the President of the National Energy Regulatory Authority shall issue the following order:

Article 1. The methodology for monitoring the natural gas market, as set out in the Annex which forms an integral part of this Order, is hereby approved.

Article 2. — On the date of entry into force of this Order shall be repealed Order No 5/2013 of the President of the National Energy Regulatory Authority approving the Methodology for monitoring the natural gas market, published in the Official Gazette of Romania, Part I, No 104 of 21 February 2013.

Art. 3. — The participants in the natural gas market defined in Article 7 of the methodology set out in the Annex shall comply with the provisions of this Order and the specialised directorate of the National Energy Regulatory Authority shall observe them.

Article 4. — This Order is published in the Official Gazette of Romania, Part L

President of the National Energy Regulatory Authority,
Dumitru Chiriță

Bucharest, 16 March 2023.
Number 15.

ANNEX

METHODOLOGY monitoring the natural gas market

CHAPTER I General provisions

SECTION 1 Purpose

Article 1 – This methodology for monitoring the natural gas market (methodology) aims to establish how the National Energy Regulatory Authority (ANRE) monitors the functioning of the Romanian gas market in order to: monitoring compliance with the regulations on its organisation and functioning by license holders issued by ANRE (e.g.: verifying the fulfilment of the tendering obligation on centralised markets, but not limited to it), creating the

necessary database for the performance of ANRE's activity, determining the annual cash contributions from license holders and for providing information to other bodies involved in the development strategy of the natural gas sector.

Article 2 – The application of this methodology ensures the prerequisites for conducting the preliminary analysis stage of suspicions of market abuse reported by ACER, by wholesale natural gas market participants, by “professional transactions”, in accordance with the provisions of Regulation (EU) No 1.227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT) or which may result from the ANRE's own monitoring activity.

Article 3 – The objectives pursued by applying this methodology are:

- a) increasing the level of transparency of the natural gas market, with a direct effect on promoting and ensuring the competitive environment;
- b) monitoring compliance with the regulations issued by ANRE on the organisation and functioning of the natural gas market as a whole and on each of its components, subject to the application of equal and non-discriminatory treatment to all market participants;
- c) proposing solutions, including referral to the Competition Council, ACER or other competent bodies, concerning possible abnormal market behaviours, as well as anti-competitive or market abuse practices, identified where there is a suspicion of infringement of the applicable legislation in force;
- d) ensure cooperation with domestic and international gas bodies or related areas (e.g.: competition, financial) in order to comply with the provisions of the primary national legislation and the applicable European regulations.

Article 4 – The application of this methodology shall aim to achieve the objectives set out in Article 3, including by:

- a) updating the database organised at national level, including data characterising the natural gas market, necessary both for the performance of ANRE's activity and for providing information to other domestic and international natural gas bodies;
- b) establishing the unitary system of indicators used by ANRE in monitoring the natural gas market;
- c) establishing the obligations to report data and information necessary for the monitoring of the market, format and frequency of reporting, including the flow of data;
- d) establish transparency obligations regarding the results of the functioning of the natural gas market on each of its components as a result of the market monitoring activity.

Section 2

Scope

Article 5 – This methodology creates the specific procedural framework for monitoring the natural gas market carried out by the monitoring compartment at ANRE level, in collaboration with the monitoring entities at the level of the holders of the centralised market management licence and the TSOs respectively.

Article 6 – This methodology is used as a working tool in ANRE's own market monitoring activity and sets the main benchmarks for the monitoring activities of centralised markets under the management of the holders of the centralised market management licence and TSOs, carried out by them, in accordance with national legislation and directly applicable European regulations.

Article 7 – This methodology applies to all license holders issued by ANRE, as well as to importing final customers at the border, but also to final customers who hold the status of RU of NTS, considered for the purposes of this methodology, “market participants and associated operational structures”, as follows:

- a) upstream supply pipeline operators;
- b) traders;
- c) natural gas suppliers;
- d) centralised gas market operators;
- e) transmission system operator – TSO;

- f) the operator designated by the TSO as balancing market manager (EP), where applicable;
- g) distribution system operators/closed distribution system operators;
- h) underground storage operators;
- i) importing final customers at the border;
- j) final customers holding SNT's UR status.

Section 3

Definitions and abbreviations

Article 8 – for the purposes of this methodology, the terms and expressions used shall have the following meanings:

market abuse	conduct of the market participant, involving the use of inside information in the course of trading a wholesale product, i.e. manipulation or attempted manipulation of the energy market – a concept covered by Articles 3 and 5 of REMIT
abuse of a dominant position	anti-competitive commercial practice in which a dominant participant or participants may engage to maintain or strengthen its position in a market prohibited by competition law
monitoring compartment	distinct organisational entity within ANRE with responsibilities for monitoring the natural gas market
abnormal market behaviour	behaviour characterised by the mismatch between a participant's trading intentions on a component of the natural gas market at a given time (expressed by offers, notifications) and its previous manifestations or public data characterising that moment
Delta line-pack	difference between the quantity of natural gas at a given time in the transmission system transmission pipelines and the total consumption
monitoring entity	distinct organisational entity at the level of economic operators, holders of the centralised market management license/TSO, with responsibilities for monitoring the natural gas markets, under management
export	trading of natural gas for sale to third countries, including in the intra-Community space
reporting form	predetermined format, intended to complete the data and information required by ANRE in order to determine the indicators needed in the monitoring activity
person who trades on a professional basis	concept set out in Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency and detailed in the REMIT Implementing Guide – any natural or legal person
commercially sensitive information	Information the disclosure of which could restrict or distort competition in the natural gas market and/or lead to prejudice to market participants

Article 9 – Abbreviations used in this methodology have the following meanings:

ACER	Agency for the Cooperation of Energy Regulators
ANRE	National Energy Regulatory Authority
CEER	Council of European Energy Regulators
OBA	Operational balancing account
TSOS	Transmission and system operator – S.N.T.G.N. Transgaz S.A.
PET	Heat producers, only for the amount of natural gas used in the production of heat in cogeneration plants and in heat plants intended for household consumption
BRM	Romanian Commodity Exchange
OPCOM	Operator of the Romanian electricity and natural gas market
PCGN-LN	Centralised market of bilateral gas contracts – the method of trading through tenders and continuous negotiation, managed by OPCOM
PCGN-LP	Centralised market for bilateral gas contracts – the way of trading by public auction, managed by OPCOM
PCGN-OTC	Centralised market for bilateral gas contracts – the trading method according to which contracts are awarded through continuous double negotiation, managed by OPCOM
PVT	Virtual trading point
PGFSC	GasForward Market, managed by BRM
PGFDC	GasForward double competitive market, managed by BRM
PGFCCP	GasForward Market with the use of a clearing house/central counterparty, managed by BRM
ON	Balancing market
PZU	The Day Ahead Market
PI	Intra-Day Market
PPF-TL	The market for flexible products in the medium and long term
REMIT	Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency
SNT	National transport system
UR	Network user
OE-APC	Economic operator holding the centralised market management licence
OD	Holder of a licence for operating natural gas distribution system
OH	Holder of a licence for the operation of underground storage systems for natural gas
ENTSOG	European Network of Transmission System Operators for Gas

Article 10 – The definitions, specific terms and concepts used shall have the meanings contained in:

- a) Law on Electricity and Natural Gas No. 123/2012, as amended;
- b) Government Emergency Ordinance no. 33/2007 on the organisation and functioning of the National Regulatory Authority for Energy, approved with amendments and additions by Law No 160/2012, as subsequently amended and supplemented;
- c) Competition Law no. 21/1996, republished, as subsequently amended and supplemented;
- d) Regulation (EU) No 1.227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT);
- e) Commission Implementing Regulation (EU) No 1.348/2014 of 17 December 2014 on data reporting for the implementation of Article 8(2) and (6) of Regulation (EU) No 1.227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency (Regulation (EU) No 1.348/2014);
- f) Regulation No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, as amended;
- g) Network code for the National Gas Transmission System, approved by Order No 16/2013 of the President of the National Energy Regulatory Authority, as amended;
- h) Guide to the application of Regulation (EU) No 1.227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency – non-binding document (REMIT Implementing Guide);
- i) Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC.
- j) Regulation on the storage of natural gas in the natural gas transmission system, approved by Order of the President of ANRE no. 72/2022;
- k) Methodology for calculating the technological consumption in the natural gas transmission system, approved by ANRE President Order No 115/2018, as amended;
- l) Methodology for calculating the technological consumption in the natural gas distribution system, approved by ANRE President's Order no. 18/2014, as subsequently amended and supplemented;
- m) Methodology for setting regulated tariffs for distribution services in the natural gas sector approved by Order of the President of ANRE no. 217/2018, as subsequently amended and supplemented;
- n) Law No 226/2021 on the establishment of social protection measures for vulnerable energy consumers, as amended.

CHAPTER II

General principles of monitoring activity

SECTION 1

Responsibilities of the National Gas Market Monitoring Department ANRE and of market participants

Article 11 – The activity of monitoring the natural gas market within ANRE, in order to create the necessary database for carrying out its activity and to provide information to other bodies involved in the elaboration of the strategy for the development of the natural gas sector, as well as to fulfil its tasks by European regulations, shall be carried out through the monitoring compartment and shall be based mainly on the collection of data and information specific to the activity carried out by market participants and associated operational structures, as defined in Article 7, on the components of the natural gas market.

Article 12 – (1) In order to ensure the task of monitoring the natural gas market, ANRE (through the monitoring compartment) is in a direct collaboration relationship with the EPO-PCA and the TSOs (through the separate monitoring entities organised at the level of each operator, based on its own specific procedures), in order to ensure the efficiency of the monitoring activity of the natural gas market as a whole.

(2) Monitoring entities within the EPO-PCA and TSOs shall be responsible for the permanent monitoring of specified specific elements, within the limits of national primary and secondary legislation and directly applicable European legislation.

Article 13 – in order to fulfil the monitoring obligations of ANRE, market participants and associated operational structures defined in Article 7 are required to complete and transmit, in a correct, complete and timely manner, the data and information requested, according to the forms in the annexes to this methodology, through a web application, made available to the market, by ANRE, based on the username and password.

Art. 14 – ANRE may request the respective market participants, in writing, with the justification of the necessity and specifying the content and formats requested, data and information on its activity on the natural gas market in addition to the data obtained from the monthly collection process, based on the reporting forms of the web application.

Article 15 – In order to fulfil the obligations of Regulation (EC) No 715/2009, the monitoring compartment of ANRE may carry out checks on the way in which the TSOs transmit the data to the ENTSOG platform, in terms of ensuring the rhythm, quality and completeness of the transmitted data. At the request of ANRE, TSOs shall communicate any malfunctions in ensuring the flow of data and proposals to remedy them.

Article 16 – The activity carried out by the monitoring entities of the EPO-PCA and TSO refers to the monitoring of the centralised natural gas markets under management, both for the bidding stage, during trading meetings, and for the post-trading stage. based on this role, based on the set of indicators set out in this methodology, the monitoring entities within the EPO-PCA and TSOs:

- a) monitors and assesses the functioning of managed markets through sets of indicators established through their own internal procedures, which shall be published on the website of the EPO-PCA and TSO. TSOs are not required to monitor the bidding phase;
- b) identify malfunctions and their causes, possible abnormal market behaviours, possible suspicions of abuse of a dominant position;
- c) detect any other situations or actions that may affect competition in the market under consideration.

Article 17 – **The monitoring entities within the EPO-PCA shall endeavour to carry out a proactive, preventive monitoring of the centralised markets under management.** In this regard, these monitoring entities shall be responsible for identifying any abnormal market behaviours of the participants in the administered markets during the bidding stage, respectively during the trading session. Where tenders do not correspond to normal bidding behaviour, the monitoring entities within the EPO-PCA shall analyse the situation as a matter of urgency and apply a set of measures, specific according to the respective market rules, their own internal procedures and applicable national and European legislation. The necessary measures and the conditions under which they apply, in the event of abnormal tendering behaviour, shall be detailed by their own internal procedures established pursuant to Article 16.

Article 18 – (1) In order to fulfil their obligations as persons carrying out transactions on a professional basis, the EPO-PCA and the TSO shall implement their own procedures for monitoring the markets in their management, in order to identify possible breaches of the provisions of Articles 3, 4 and 5 of REMIT, based on the REMIT Implementation Guide and the accompanying documents (latest versions published on the REMIT portal), relying on the development of monitoring systems (collection, storage, processing and dissemination of information) that the EPO-PCA and TSOs are required to have.

(2) In this respect, the monitoring entities within the EPO-PCA and TSOs shall describe in their own procedures, distinct from those specified in Article 16, the steps to fulfil those obligations, in line with the steps described as good practice in this area in the REMIT Implementation Guide (updated version, published on the REMIT portal).

(3) in order to fulfil the monitoring obligations and those resulting from the status of ‘professional transactions’, the EPO-PCA and the TSO shall ensure that all the prerequisites for the proper organisation of the activity at the level of the monitoring entities at the level of those operators are met, including permanent access

to all data resulting from the market operation process under their competence. The IT and analysis systems of the OE-PCA and TSOs shall be appropriately and continuously adapted to the requirements of market monitoring and trading behaviour of market participants according to REMIT.

Section 2

Institutional collaborations for natural gas market monitoring activity

Art. 19 – (1) ANRE shall cooperate with the Competition Council in order to prevent and discourage anti-competitive practices on natural gas markets. In so far as it deems it necessary, ANRE may request the cooperation of the Competition Council in the monitoring stage of the functioning of the natural gas markets in order to identify infringements of competition law and at the preliminary analysis stage of cases of suspected infringement of REMIT provisions.

(2) under the REMIT provisions, ANRE informs the Competition Council when, after the analyses carried out, it has reasonable grounds to suspect that acts that could constitute infringements of competition law are committed on the wholesale natural gas market.

Art. 20 – ANRE cooperates with the Financial Supervisory Authority in order to address coordinated ways of ensuring the application of the REMIT provisions and monitoring the functioning of the wholesale gas market in order to identify situations of breaches of the specific legislation.

Article 21 – Market participants and associated operating structures or any other natural/legal person may make referrals to ANRE regarding the functioning of the natural gas market components, the behaviour of the participants in those markets or the existence of possible market abuse.

Article 22 – In order to comply with the principle of data/information confidentiality, complaints regarding the existence of possible market abuse on the wholesale gas market, according to REMIT, shall be submitted by filling in a form on the REMIT notification platform, provided by ACER (on the portal www.acer-remit.eu/portal/notification-platform and link to), the upload being thus considered as transmitted to ANRE. For the other types of referrals, transmission is made directly to ANRE, through the known means of communication (letter and/or electronic format).

CHAPTER III

Data and information necessary to monitor the natural gas market

SECTION 1

Methods of collection

Art. 23 – The monitoring activity of the natural gas market carried out by ANRE is mainly based on the collection of data and information specific to the activity carried out by market participants and the associated operational structures, as defined in Article 7, on the components of the natural gas market.

Article 24 – The data categories required are those set out in the Annexes to this methodology, depending on the type of each market participant or the associated operational structure.

Art. 25 – (1) The requested data must be reported/uploaded, on ANRE's web platform, by the 25th of the month M+1 for month M, and the reports specific to the activity carried out by the EPO-APC and the TSOs, by the 20th of the month M+1 for month M.

(3) At the written and justified request of ANRE, the data may be collected punctually, depending on the reporting or analysis requests submitted by various national and/or European institutions or their own regulatory/monitoring/reporting needs.

(4) The monthly obligation to report to ANRE is fulfilled only if the verification keys have been validated, in which case the data uploaded in ANRE's web application is considered correct. If, at the time of the transmission

of the data, one or more warning messages relating to the non-validation of a verification key(s) appear, the licence holder is required to verify the reported data and to correct them, in order for each verification key to be validated and the reporting to be considered fulfilled. It will notify ANRE, by means of an official address/email, of the specific situation due to which it is found in this situation and the related justification, according to the supporting documents.

(5) Validation of verification keys is mandatory for each licensee. Verification keys shall be determined using the algorithms set out in Annex 14.

(6) All data reported must correspond to the data in the supporting documents (contracts, invoices, handover-receipt reports, etc.).

(7) The data reported by the two contract partners must be consistent on the forms they have the obligation to report, i.e. those on the “Gas Procurement Form” with those on the “Form on sales of natural gas to other traders/smokers/distributors/transporters”, as appropriate.

(8) In addition to the specific data reported by each market participant referred to in Article 7, ANRE may request from them other documents, e.g. contracts for the purchase/sale-purchase of natural gas concluded with other suppliers licensed by ANRE, invoices, handover-receipt reports, etc., but not limited to them.

Art. 26 – Economic operators holding licenses issued by ANRE have the obligation to fill out the forms according to the type of licence, as follows:

1. Holders of the licence **to operate upstream supply pipelines related to** the production of natural gas shall, where appropriate:

a) ‘Procurement form’, Table B – Natural gas from production perimeters, in accordance with the model set out in Annex I;

b) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas from an external partner that does not hold a license issued by ANRE, as well as Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier holding a license issued by ANRE, in accordance with the model set out in Annex 1;

c) ‘Form for sales of natural gas to final customers’, in accordance with the model set out in Annex 2A. For customers connected to upstream supply pipelines, the entry on how to connect the demand facility, upstream supply pipes, related to the production of natural gas shall also be filled in;

d) “Form on sales of natural gas to other traders/smokers/distributors/transporters, license holders issued by ANRE”, according to the model set out in Annex 3;

e) “Form on sales of natural gas to export”, i.e. to other suppliers that do not hold licenses issued by ANRE/final customers that do not have their registered office/domicile in Romania and implicitly do not consume natural gas in Romania, according to the model set out in Annex 4;

f) ‘Own consumption form’, Table A, in accordance with the model set out in Annex 5;

g) ‘Balancing market form’, tables A and B dedicated to the RU, in accordance with the model set out in Annex 6;

h) ‘SNT balancing form’, tables A, B, C and D dedicated to RUs, according to the template set out in Annex 7;

i) ‘Storage form’, the injection and extraction tables, the table on exchanges of natural gas in landfills belonging to the same fumigator/trader, as well as the tables on Purchase in warehouses, respectively Sales from warehouses, according to the models set out in Annex 8.

2. The holders of the **trader** licence shall complete:

a) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas from an external partner that does not hold a license issued by ANRE, as well as Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier holding a license issued by ANRE, in accordance with the model set out in Annex 1;

b) “Form on sales of natural gas to other traders/smokers/distributors/transporters, license holders issued by ANRE”, according to the model set out in Annex 3;

c) The “Form on sales of natural gas to export”, in particular to other suppliers that do not hold licenses issued by ANRE/final customers that do not have their registered office/domicile in Romania and do not consume natural gas in Romania, in accordance with the model set out in Annex 4;

d) ‘The SNT balancing form’, tables A and B dedicated to the RU, according to the template set out in Annex 7;

e) ‘Storage form’, the injection and extraction tables, the table on exchanges of natural gas in landfills belonging to the same fumigator/trader, as well as the Tables of Purchase in Deposits and Sales from Deposits, according to the models set out in Annex 8.

3. Holders of the **gas supply** licence shall, where appropriate:

a) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas from an external partner that does not hold a license issued by ANRE, as well as Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier holding a license issued by ANRE, in accordance with the model set out in Annex 1;

b) ‘Form for sales of natural gas to final customers’, in accordance with the model set out in Annex 2A;

c) “Form on sales of natural gas to other traders/smokers/distributors/transporters, license holders issued by ANRE”, according to the model set out in Annex 3;

d) The “Form on sales of natural gas to export”, in particular to other suppliers that do not hold licenses issued by ANRE/final customers that do not have their registered office/domicile in Romania and do not consume gas in Romania, in accordance with the model set out in Annex 4;

e) ‘Own consumption form’, Table A Own consumption, Table B – Regularisations due to estimated consumption only by suppliers issuing invoices based on estimated quantities and Table D – Different adjustments according to the models set out in Annex 5;

f) ‘Balancing market form’, tables A and B, dedicated to the RU, in accordance with the model set out in Annex 6;

g) ‘The SNT balancing form’, tables A and B, dedicated to the RU, according to the model set out in Annex 7;

h) ‘Storage form’, the injection and extraction tables, the table on exchanges of natural gas in landfills belonging to the same fumigator/trader, as well as the tables on Purchase in warehouses, respectively Sales from warehouses, according to the models set out in Annex 8.

i) Providers of last resort of end customers taken over from another provider are required to request a username and password in order to report the activity of last resort, on the following forms:

j) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas from an external partner that does not hold a license issued by ANRE, as well as Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier holding a license issued by ANRE, in accordance with the model set out in Annex 1;

k) . ‘Form for sales of natural gas to final customers’, in accordance with the model set out in Annex 2B;

l) I. ‘Own consumption form’, Table B – Regularisations due to estimated consumption only by suppliers issuing invoices on the basis of estimated quantities, in accordance with the models set out in Annex 5;

m) . ‘Balancing market form’, tables A and B, dedicated to the RU, in accordance with the model set out in Annex 6;

v) ‘The SNT balancing form’, tables A and B, dedicated to the RU, according to the model set out in Annex 7;

4. Holders of the **centralised market management licence** shall complete:

a) ‘Form for transactions concluded and offers initiated on centralised gas markets’, in accordance with the models set out in Annex 9;

b) The ‘balancing market form’ shall only be reported by the operator designated by the TSO as the balancing market manager, Table C, according to the template set out in Annex 6.

5. Transmission system licence holder – **TSO shall** complete:

a) The “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas from an external partner that does not hold a licence issued by ANRE, Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier with a license issued by ANRE, as set out in Annex 1, where it reports only purchases made to cover the technological consumption of the TSO;

b) ‘Own consumption form’, Table A – Own consumption and Table C – Different stocks in TSO pipelines, according to the models set out in Annex 5;

c) ‘NTS balancing form’, tables dedicated to TSOs, according to the template set out in Annex No.7;

d) ‘Storage form’, in accordance with the model set out in Annex 8;

e) ‘Transport cost form’, in accordance with the model set out in Annex 10.

6. Holders of the **distribution** licence shall complete:

a) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas, from an external partner that does not hold a license issued by ANRE, Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier with a license issued by ANRE, for technological consumption, according to the model set out in Annex 1;

b) ‘Own consumption form’, Table A – Own consumption, in accordance with the model set out in Annex 5;

c) ‘Form for distribution services provided’, in accordance with the model set out in Annex 11.

d) ‘Storage form’, in accordance with the model set out in Annex 8;

7. Holders of the licence to operate the natural gas **storage** system shall complete:

a) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoke/trader licence issued by ANRE, if it purchased natural gas, from an external partner that does not hold a license issued by ANRE, Table C – Natural gas from domestic suppliers, if it purchased natural gas from a supplier with a license issued by ANRE, for technological consumption, according to the model set out in Annex 1;

b) ‘Own consumption form’, Table A – Own consumption, in accordance with the model set out in Annex 5;

c) ‘SNT balancing form’, tables C and D dedicated to RU, according to the template set out in Annex 7;

d) ‘The form for storage services provided’, in accordance with the model set out in Annex 12.

Art. 27 – In addition to the holders of licenses issued by ANRE, the following categories of final customers are required to report, as follows:

1. importing final customers at the border shall complete:

a) “Procurement form for natural gas”, Table A – Natural gas from suppliers that do not hold a smoking/trader licence issued by ANRE, according to the model set out in Annex 1;

b) The ‘form for sales of natural gas to final customers’, in accordance with the model set out in Annex 2, only for the quantities purchased from imports and consumed by them;

c) ‘Balancing market form’, tables A and B, dedicated to the RU, in accordance with the model set out in Annex 6;

d) ‘SNT balancing form’, Tables A and B, according to the models set out in Annex 7.

e) ‘Storage form’, in accordance with the model set out in Annex 8;

2. final customers who are UR of SNT shall complete:

a) “Procurement form for natural gas”, Table C – Natural gas from domestic suppliers, according to the model set out in Annex 1, if it purchased natural gas from a supplier licensed by ANRE, purchased directly from centralised markets, or purchased natural gas for its consumption or storage in PVT;

b) The ‘Form on sales of natural gas to final customers’, according to the model set out in Annex 2A, only for quantities purchased from a supplier licensed by ANRE, centralised markets or PVT and consumed by them in the reporting month;

c) “Form on sales of natural gas to other traders/smokers/distributors/transporters, license holders issued by ANRE”, for quantities sold on centralised markets, according to the model set out in Annex 3;

- d) 'Balancing market form', tables A and B, dedicated to the RU, in accordance with the model set out in Annex 6;
- e) 'SNT balancing form', Tables A and B, according to the models set out in Annex 7.
- f) 'Storage form', in accordance with the model set out in Annex 8;

Section 2

5

Completion of reports on procurement, sales, export, own consumption, UR balancing and storage of natural gas

Article 28 – (1) In the "Form on acquisitions of natural gas" set out in Annex 1, the buyer shall report:

a) each purchase transaction, carried out on the basis of purchase/sale-purchase contracts, with delivery during that month, irrespective of whether the natural gas purchased is intended for sale for domestic consumption, for export, for own consumption in the same reporting month or whether it is stored in underground storage for consumption or subsequent resale, as well as storage for gas exchange;

b) the information resulting from the service contracts concluded by the buyer with the system service providers (transport/storage/distribution) related to the quantities purchased, except those purchased under a contract concluded with a supplier who does not hold a smoking/trader licence issued by ANRE.

(2) For each transaction in each table of the 'Gas Procurement Form', the following elements shall be completed:

a) if the two contract partners have different registration numbers of the same contract, the registration number of the seller will be used. If the addenda were subsequently concluded, the number and date of the addendum on the basis of which the quantity of natural gas was purchased in the month for which the reporting was made shall be reported;

b) the name of the seller;

c) where the quantities of natural gas are purchased from domestic suppliers, the type of contract shall be completed: negotiated bilaterally/concluded on centralised markets, depending on the type of platform of each centralised market administration license holder/public auction;

d) the destination of natural gas, i.e. to cover the consumption needs on the national market/export/transit as appropriate, where for transit purposes the purchase took place outside the territory of Romania, and the subsequent sale was made to another supplier, based outside Romania;

e) quantity purchased, depending on its purpose: marketing on the national market, own consumption, storage;

f) the purchase price of natural gas, as it results from the performance of the contract, without tariffs relating to the provision of transport, storage services;

g) tariffs related to the provision of transport services, storage, where applicable;

h) delivery period;

i) delivery profile.

(3) Economic operators holding a licence to supply natural gas, including those who have not completed the customs formalities and implicitly have not paid customs duties, in accordance with the tax provisions in force, as well as the final customers referred to in Article 27, who buy gas from suppliers that do not hold a fumisation/trader licence issued by ANRE, report in Table A – Natural gas from suppliers that do not hold a smoking/trader licence issued by ANRE to Annex 1 "Form on the acquisition of natural gas", the quantities of natural gas purchased from suppliers that do not hold a smoking/trader licence issued by ANRE on physical interconnection points. The prices for each quantity shall be those in the purchase contract.

(4) Licence holders as well as final customers referred to in paragraph (3) are obliged to send to ANRE, within 15 days from the date of signature of the contract/additional act, both scanned copies of contracts for the purchase/sale-purchase of natural gas from external sources, concluded with suppliers who do not hold a fumisation/trader licence issued by ANRE, as well as scanned copies of the gas purchase/sale-purchase agreements

concluded with domestic suppliers, as well as all addenda concluded subsequently and which make amendments and/or additions to the initial contract.

(5) Economic operators holding a licence to operate the upstream supply pipeline related to the production of natural gas shall report the quantities of natural gas produced in Table B – Natural gas from production perimeters of Annex 1 “Form on the acquisition of natural gas”, with a distinct breakdown of these quantities according to the destination of the natural gas (national market/export), as well as the purpose of its use on the national market (marketing, own consumption or storage).

(6) Economic operators holding a supply licence that purchase natural gas from another licensed supplier shall report, in Table C – Natural Gas from domestic suppliers of Annex 1 ‘Form on acquisitions of natural gas’, the quantities of natural gas purchased from domestic suppliers, irrespective of whether the quantities purchased are natural gas from domestic production or from external, current sources or from underground storage facilities. Prices for each quantity shall be reported as resulting from the execution of all contracts as well as from invoices issued by the seller/service provider relating to a reporting month; if, according to the contractual clauses, the transfer of ownership of the quantities purchased is made in the PVT, at the exit of the transmission system, the reported price does not include the tariffs for the provision of transport and storage services, as the case may be.

(7) The quantities purchased under the same contract, of which for some quantities various services have been provided and for others no services have been provided, shall be reported separately, with the obligation to report the tariffs related to the provision of those services (transport, storage). Where the purchase price includes the tariffs relating to the provision of the services, without a separate breakdown of them on the invoice issued by the seller, the seller is obliged, only for the quantities bearing such tariffs, to provide the buyer with information on the quantities broken down, according to the services provided and the charges for the provision of those services, at least 5 (five) days before the reporting deadline.

(8) the situation in which the buyer does not have a service contract with the TSO/CI, for the quantities purchased, shall be deemed to have been contracted and paid by the seller.

(9) The quantities of natural gas purchased following contracts concluded on centralised markets shall be reported in the reporting month(s) foreseen in the purchase or sale-purchase contracts, according to the delivery schedule and the quantities actually delivered.

(10) The quantities purchased are expressed in MWh and the prices in lei/MWh. Prices do not include VAT. The quantities in the table Natural Gas from suppliers that do not hold a smoking/trader licence issued by ANRE are expressed in both thousand cubic meters and MWh.

(11) The price for natural gas purchased from suppliers that do not hold a smoking/trader licence issued by ANRE is expressed in the condition INCOTERMS 2010 – DAP the Romanian border.

(12) In case of payment of the value of natural gas purchased from a non-EU country, the exchange rate of lei/USD used to draw up the customs import declaration, in accordance with the contractual provisions or the one communicated by the NBR, shall be filled in at the date of issue of the invoice, if the customs formalities were not the responsibility of the first buyer, the license holder issued by ANRE. If, on the basis of the same contract, several invoices or import customs declarations are drawn up, as the case may be, with different exchange rates, the respective quantities shall be recorded separately.

(13) in the case of payment of the value of natural gas purchased from an EU country, regardless of the currency in which the payment was made, the exchange rate of the NBR’s lei/USD and lei/EURO, from the date of issue of the invoice, for that currency shall be completed.

(14) if, for the quantities purchased from suppliers who do not hold a smoking/trader licence issued by ANRE, the contractually negotiated price is expressed in lei/MWh, the exchange rate of both lei/USD and lei/EURO of the NBR, from the date of issue of the invoice, will be filled in.

(15) smokers/traders have the obligation that the data reported to ANRE coincide with those reported to the TSOs, in accordance with Article 43.

Article 29 – in the “Form on sales of natural gas to final customers” set out in Annex 2 A, suppliers shall fill

in distinctly, depending on the system to which final customers are connected, per distributor, by place of consumption. Reporting shall be made for the following consumption bands within each connection system:

A. Final customers connected to upstream supply pipelines related to the production of natural gas:

A.1. customers with an annual consumption of up to 280 000.00 MWh;

A.2 customers with an annual consumption of more than 280 000.01 MWh.

B. Final customers connected to SNT:

B. 1. customers with an annual consumption of up to 280 000.00 MWh;

C. 2 customers with an annual consumption of over 280 000.01 MWh.

D. Final customers connected to the distribution system:

C. 1. customers with an annual consumption of up to 280.00 MWh;

C.2. customers with annual consumption between 280.01 MWh and 2 800.00 MWh; s 3 J
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C.3. customers with annual consumption between 2 800.01 MWh and 28 000.00 MWh;

C.4. customers with annual consumption between 28 000.01 MWh and 280 000.00 MWh;

C.5 customers with an annual consumption of more than 280 000.01 MWh.

C.6 customers benefiting from a proximity distribution tariff;

C.7 customers benefiting from a transit distribution tariff.

Article30 – The reporting by type of customer shall be carried out within the consumption tranches referred to in Article 29, classified in accordance with the *methodology for setting regulated tariffs for distribution services in the natural gas sector approved by order of the President of ANRE*, in force, as well as with Regulation (EU) 2016/1952, as follows:

For household customers, except vulnerable customers:

Consumption tranche	Annual Natural Gas Consumption (MWh)	
	Minimum	Maximum
Mr		<5,56
D2	> 5,56	<55,56
D3	> 55,56	<280,00
D4	> 280,00	<2.800,00
D5	> 2.800,00	<28.000,00

For vulnerable customers:

Consumption tranche	Annual Natural Gas Consumption (MWh)	
	Minimum	Maximum
Mr		<5,56
D2	> 5,56	<55,56
D3	> 55,56	<280,00
D4	> 280,00	<2.800,00
D5	> 2.800,00	<28.000,00

For non-household customers: industrial and other non-household clients SAS

Consumption tranche s	Annual Natural Gas Consumption (MWh)	
	Minimum	Maximum
11		<280
12	> 280	< 2.800
13	> 2.800	< 28.000
14	> 28.000	< 280.000
15	> 280.000	< 1.120.000
16	> 1.120.000	

Article 31 – (1) in the case of customers who conclude contracts for the supply of natural gas for new places of consumption or as a result of changes in the technical characteristics of existing supply facilities, the classification in the consumption bands and types of customers referred to in Articles 29 and 30 shall be made in accordance with the provisions of the methodology for setting regulated tariffs for distribution services in the natural gas sector approved by order of the President of ANRE, in force.

(2) the classification of customers in the mentioned consumption bands shall be updated according to the provisions of the methodology for setting regulated tariffs for distribution services in the natural gas sector approved by order of the President of ANRE, in force, as well as of the Framework Agreement for the distribution of natural gas and the General Contract Conditions for the provision of the natural gas distribution service approved by order of the President of ANRE, in force, but also by the provisions of Regulation (EU) 2016/1952.

Article 32 – (1) the “Form on sales of natural gas to final customers” set out in Annex 2 A shall complete the quantities and final prices resulting from contracts concluded with final customers, broken down by consumption band and by type of customer referred to in Articles 29 and 30 respectively and in accordance with the provisions of Regulation (EU) 2016/1952.

(3) The selling prices charged to final customers of natural gas, according to the consumption bands, shall be reported by summing up the three components:

- the price of natural gas which includes the purchase component of natural gas (including transmission tariff – gas input component, storage cost, where applicable) and supply component;
- the network component established on the basis of regulated tariffs for system services (distribution,

transport),

c) component representing duties, taxes, contributions established in accordance with the legal provisions in force.

(4) depending on the types of customers referred to in Articles 29 and 30, the number of places of consumption shall be reported as follows:

- a) number of places of consumption in the current month;
- b) number of places of consumption for which new contracts have been concluded in the current month;
- c) number of places of consumption for which the contract ceased in the current month.

(5) within the category of household customers, data relating to vulnerable customers as defined by Law No 226/2021, as subsequently amended, shall be reported separately only for the months for which the State provides social assistance.

(6) The prices reported must reflect the contractual provisions, invoices issued, conditions and regulations in force during the delivery month for which the reporting is made, including any discounts.

(7) If there are more than one customer category with different prices, the reported price is the weighted average price for the respective customer category.

(8) If in one delivery month there are several natural gas supply prices, the reported price shall be the weighted average price resulting from the weighting of the quantities supplied with these different prices.

(9) For the categories of non-household final customers for which excise duty is charged, suppliers shall report the excise duty as a weighted average expressed in lei/MWh.

(10) Suppliers of last resort of final customers takeovers from another supplier shall report on the form dedicated to them, as specified in paragraphs (1) to (8), in Annex 2 B.

(11) Providers shall have the obligation that the data reported to ANRE coincide with those reported to TSOs, under the conditions of Article 43.

Article 33 – (1) of the “Form on sales of natural gas to other traders/smokers/distributors/transporters” referred to in Annex 3, the seller shall report:

a) each sale transaction carried out on the basis of purchase/sale-purchase contracts concluded with other traders/smokers/distributors/transporters, with delivery during that month, for consumption of that month, regardless of whether the natural gas sold is from current purchases or from stocks already stored in underground storage facilities;

b) information on tariffs resulting from service contracts concluded by the seller with service providers (transport/storage) relating to the quantities sold.

(2) The following items shall be reported for each contract:

a) the number and date of the contract/additional act, as the case may be, which must coincide for both contract partners. If the two contract partners have different registration numbers of the same contract, the registration number of the seller will be used. If, subsequently, addenda were concluded, the number and date of the addendum on the basis of which the quantity of natural gas was sold in the month for which the reporting was made shall be reported;

b) the name of the buyer;

c) type of contract (negotiated bilaterally, concluded on centralised markets, depending on the platform type of each EPO-PCA or public tender);

d) the quantity sold;

e) the price of the natural gas marketed, as it results from the performance of the contract, without the tariffs relating to the provision of transport, storage services;

f) average tariffs for transport services, storage, where applicable;

g) delivery period;

h) delivery profile.

(4) The quantities sold under the same contract, of which for some quantities various services have been provided and for others no services have been provided, shall be reported separately, with the obligation to report

the tariffs related to the provision of those services (transport, storage).

(5) if the price for the quantities of natural gas is provided for in the purchase/sale-purchase contract, without the tariffs relating to the services rendered being specified separately, the seller is obliged to report those tariffs, as resulting from the performance of the contracts concluded with the service providers and to communicate these tariffs to the buyer.

(6) The quantities of natural gas sold as a result of contracts concluded on centralised markets shall be reported in the reporting month(s) provided for in the purchase or sale-purchase contracts, according to the delivery schedule and actual deliveries.

(7) The quantities sold are expressed in MWh and the prices in lei/MWh. Prices do not include VAT.

(8) Smokers/traders have the obligation that the data reported to ANRE coincide with those reported to TSOs, under the conditions of art.43.

Article 34 – (1) of the “Form on sales of natural gas to export”, set out in Annex 4, the seller shall report each sales transaction concluded with other suppliers which do not hold licences issued by ANRE and/or with final customers who do not have their registered office/domicile in Romania and do not consume gas in Romania, with delivery during that month, regardless of whether the natural gas sold is from current purchases or from stocks already stored in underground storage facilities.

(2) The following items shall be reported for each transaction:

a) the number and date of the contract/additional act, where applicable;

b) the name of the buyer;

c) physical interconnection points;

d) destination, export or transit, in conjunction with Article 28(2)(d);

e) the quantity sold;

f) the price of the marketed natural gas, expressed in the condition INCOTERMS 2010 – DAP the Romanian border, as it results from the performance of the contract, without the tariffs related to the provision of transport or storage services; in case of receipt of the value of natural gas in a currency other than the national currency, the conversion into lei of prices shall be carried out at the exchange rate of the export customs declaration and in the absence thereof, at the exchange rate of the NBR on the date of issue of the invoice;

g) average tariffs related to the provision of transport and/or storage services, as appropriate;

h) delivery period;

i) delivery profile.

(3) where, under the same contract, the charges relating to the provision of transport and/or storage services are not charged for the entire quantity marketed, the quantity benefiting from the provision of the services shall be reported separately.

(4) The quantities sold are expressed in MWh and the prices in lei/MWh. Prices do not include VAT.

(5) Smokers/traders have the obligation that the data reported to ANRE coincide with those reported to TSOs, under the conditions of Art. 43.

Article 35 – (1) of the “Own Consumption Form” set out in Annex 5, Table A – Own consumption, economic operators holding a licence issued by ANRE shall report the quantities of natural gas intended for technological consumption, energy consumption, those belonging to the natural gas producer, used for electricity generation and those related to differences in stocks in their own pipelines for offshore gas producers. The technological consumption shall only be reported by TSOs, DSOs, CIs and natural gas producers. In Table B – Regularisations of consumption due to estimates, any differences between the estimated quantities used for billing are reported for customers whose billing is made on the basis of an estimated consumption, in accordance with the provisions of the Regulation on the supply of natural gas to final customers, in force and the distributed quantities transmitted by the DSO. In Table C – Different stocks in pipelines TSOs, it reports the quantities purchased and not consumed in month M. remaining thus stored in TSO pipelines, respectively injected/extracted in month M. In Table D – Differences of adjustments, economic operators holding licences issued by ANRE report the quantities of natural gas resulting in accordance with the provisions of the methodology for regulating the differences between

allocations and quantities of natural gas distributed approved by order of the President of ANRE.

(2) The reported quantities are expressed in MWh and the prices in lei/MWh. Prices will be those recorded in the accounts of the economic operator in the natural gas sector.

Article 36 – (1) The “balancing market form” set out in Annex 6 shall report the quantities of natural gas traded for the purpose of balancing the NTS, in accordance with the provisions of the Network Code for the National Gas Transmission System, in force, as well as the trading procedure, part of it. Transactions entered into on the balancing market shall be reported in relation to the operator designated by the TSO as counterparty.

(2) The RU shall report the trading quantities on the balancing market in Table A – Balancing MarketUR – Purchases in the ‘balancing market form’, if a RU has a deficit, according to the data communicated by the TSO;

(3) The RU shall report the trading quantities on the balancing market, in Table B – UR balancing market – Sales from the ‘balancing market form’, if a RU records a surplus, according to the data communicated by the TSO;

(4) For transactions concluded on the balancing market, the RU shall complete the following elements:

a) the number and date of conclusion of the gas balancing market participation agreement with the operator designated by the TSO;

b) the total quantity purchased/sold, for the month for which reporting is made, expressed in MWh;

c) weighted average price, expressed in lei/MWh.

(5) The operator designated by the TSO shall report the tendered and transactional quantities on the balancing market, respectively in Table C – Offers initiated on the balancing market, and in Table D – Transactions concluded on the balancing market, in the ‘balancing market form’, where a RU records a surplus/deficit, according to the data communicated by the TSO, which the operator designated by the TSO has acquired/sold from/to that RU;

(6) For bids initiated on the balancing market, the operator designated by the TSO shall complete the following elements:

a) the date of the trading session;

b) active code produced;

c) meaning of order;

d) participant name;

e) participating ACER/CUI code;

f) the quantity offered, expressed in MWh (purchase/sale);

g) the price offered, expressed in lei/MWh;

h) time to create the order.

(7) For transactions concluded on the balancing market, the operator designated by the TSO shall complete the following elements:

a) the date of the trading session;

b) active code produced;

c) name of buyer;

d) Acer/CUI buyer code;

e) the name of the seller;

f) Acer/CUI code seller;

g) the quantity traded, expressed in MWh;

h) the transaction price, expressed in lei/MWh;

i) transaction number;

j) time to create the order.

Article 37 – (1) in the “NTS Balancing Form” set out in Annex 7, the RU **shall report** the quantities of natural gas representing the final imbalances determined by the TSOs for the purpose of balancing the NTS, in accordance with the provisions of the Network Code for the National Gas Transmission System, in force, i.e. the surplus and

final deficit imbalances recorded by the RU in relation to the TSOs.

(2) in Table A – ‘UR deficit imbalance’, for each quantity transported by the TSO for RU, it shall complete the following elements:

- a) the number and date of conclusion of the balancing contract and access to the PVT;
- b) select SNTGN Transgaz SA under the heading ‘balancing service provider’;
- c) the total amount of the deficit, for the month for which the reporting is made, expressed in MWh, i.e. that considered to be purchased by the RU from the TSO;
- d) price expressed in lei/MWh. This represents the weighted average price for the daily quantities of deficits, in the month for which the reporting is made, determined in accordance with the provisions of the Network Code for the National Gas Transmission System.

(3) in Table B – ‘UR surplus imbalance’, for each quantity transported by the TSO to RU, it shall complete the following elements:

- a) the number and date of conclusion of the balancing contract and access to the PVT;
- b) select SNTGN Transgaz SA under the heading ‘balancing service provider’;
- c) the total amount of the excess, for the month for which the reporting is made, expressed in MWh, i.e. that considered to be sold by the RU to the TSO;
- d) price, expressed in lei/MWh. This is the weighted average price for the daily surplus quantities of the month for which the reporting is made, determined in accordance with the provisions of the Network Code for the National Gas Transmission System.

(4) Manufacturers and the storage operator shall report the quantities of OBA manufacturer/store, i.e. deficit/surplus, in Tables C and D OBA-producer/storer, according to the data communicated by the TSO, after the end of the delivery month.

(5) in the ‘SNT Balancing Form’ set out in Annex 7, the **TSO shall** report the quantities of natural gas determined by it for the purpose of balancing the NTS, in accordance with the provisions of the Network Code for the National Gas Transmission System, in force, i.e. the final surplus and deficit recorded by the RU in relation to it.

(6) When the RU is in surplus, in Table E – ‘Excess imbalance, recorded by the RU’, for each quantity transported for the RU, the TSO shall complete the following elements:

- a) the number and date of conclusion of the balancing contract and access to the PVT;
- b) the name of the RU in surplus;
- c) UR type, supplier/final customer/importing final customer;
- d) the total amount of the excess, for the month for which the reporting is made, expressed in MWh, i.e. that considered to be purchased by the TSO from the RU;
- e) price, expressed in lei/MWh. This is the weighted average price for the daily amounts of surplus in the month for which the reporting is made.

(7) When the RU is in deficit, in Table F – ‘UR deficit imbalance’, for each quantity transported for the RU, the TSO shall complete the following elements:

- a) number and date of conclusion of the balancing contract and access to PVT;
- b) the name of the RU in deficit;
- c) UR type, supplier supplier/end customer/importing final customer;
- d) the total amount of the deficit, for the month for which the reporting is made, expressed in MWh, i.e. that considered to be sold by the TSO to the RU;
- e) price, expressed in lei/MWh. This is the weighted average price of the daily deficit quantities in the month for which the reporting is made.

(8) The TSO shall report the monthly OBA and delta line-pack values in the ‘SNT Balancing Form’, in Table G – OBA input and in Table H – OBA output, and in Table I Delta line-pack (positive or negative).

Art. 38 – (1) In the “Storage form” set out in Annex 8, the fumiser/trader/final customer UR shall report all quantities of natural gas injected into or extracted from underground storage facilities by the beneficiary of the

underground storage contract, as well as purchases, exchanges of natural gas and sales between suppliers in these warehouses.

(2) in Tables A and B, respectively Injection/Extraction of natural gas, the following elements are completed for each underground storage facility:

- a) the name of the underground storage facility;
- b) the quantity injected into the underground storage facility concerned, expressed in MWh;
- c) the quantity extracted from the underground storage facility, expressed in MWh;
- d) the price of natural gas injected into that warehouse, expressed in lei/MWh, excluding VAT, which does not include the value of storage services;
- e) the price of natural gas extracted from that warehouse, expressed in lei/MWh, excluding VAT, which also includes the value of storage services;

(3) in Table C – Exchanges of natural gas in warehouses belonging to the same fumiator/trader, the following elements are completed for each underground storage facility:

- a) the name of the underground storage facility;
- b) the quantity injected into the respective underground storage facility expressed in MWh;
- c) the quantity extracted from that underground warehouse, expressed in MWh;
- d) the name of the underground storage facility to be exchanged, if applicable;
- e) the price of natural gas injected into that warehouse, expressed in lei/MWh, excluding VAT, which does not include the value of storage services;
- f) the price of natural gas extracted from that warehouse, expressed in lei/MWh, excluding VAT, which also includes the value of storage services;

(4) If economic operators purchase natural gas already stored in underground storage deposits by other suppliers, this transaction shall be reported in Table D – Purchases in warehouses, in the month in which the new supplier becomes the owner of the stored gas, which will also pay the value of the services related to the extraction of natural gas.

- a) the name of the underground storage facility where the purchase takes place;
- b) the number and date of the purchase or sale/purchase contract. if the two contract partners have different registration numbers of the same contract, the registration number of the seller will be used;
- c) supplier name – as seller;
- d) the quantity purchased, expressed in MWh;
- e) the price of natural gas purchased, expressed in lei/MWh, excluding VAT, which includes the value of storage services;

(5) if economic operators sell natural gas already stored in underground storage, this transaction shall be reported in Table E – Sales in warehouses, in the month in which the new supplier becomes the owner of the stored gas, which will also pay the value of the services related to the extraction of natural gas.

- a) the name of the underground storage facility where the sale takes place;
- b) the number and date of the purchase or sale/purchase contract. If the two contract partners have different registration numbers of the same contract, the registration number of the seller shall be used;
- c) supplier name – as buyer;
- d) the quantity sold, expressed in MWh;
- e) the price of natural gas sold, expressed in lei/MWh, excluding VAT, which includes the value of storage services;

(6) Fumigators/traders have the obligation that the data reported to ANRE coincide with those reported to TSOs.

Article 39 – (1) of the “Form on transactions concluded and offers initiated on centralised gas markets” set out in Annex 9, the EPO-PCA shall report the quantities of natural gas offered for trading, as well as those traded on the platforms managed by them, depending on the type of product, in accordance with the general rules on centralised gas markets, in force.

(2) The EPO-PCA shall also report transactions carried out by nonnal-UR clients who have entered into a balancing contract and access to the TSO's PVT, according to the procedures of the holders of the centralised market management licence.

(3) In Table A – Offers of Standardised and Flexible Products in the medium and long term and with the use of a clearing house/central counterparty, the following items shall be reported for each offer placed on the market and not awarded:

- a) the date of the trading session;
- b) platform;
- c) the trading mechanism;
- d) active/product code;
- e) meaning order (purchase or sale);
- f) participant name;
- g) participating ACER/CUI code;
- h) quantity offered for purchase or sale (daily/total);
- i) bid price (standard/flexible products);
- j) the monthly settlement price;
- k) the currency in which the offer was made (lei/MWh, Eur/MWh, USD/MWh);
- l) price adjustment formula for flexible products;
- m) the volume adjustment formula for flexible products;
- n) the time of creation of the order;

(4) in Table B – Short-term standardised products (PZU and PI) for each tender initiated, the following items shall be reported:

- a) the date of the trading session;
- b) day of delivery;
- c) platform;
- d) active code produced;
- e) meaning order (purchase or sale);
- f) participant name;
- g) participating ACER/CUI code;
- h) quantity offered (purchase/sale);
- i) the price offered;
- j) the moment of creation of the order.

(5) in Table C – Standardised and flexible products in the medium and long term and under the conditions of the use of a clearing house/central counterparty, the following items shall be reported for each transaction:

- a) the date of the trading session;
- b) platform;
- c) the trading mechanism;
- d) the post-trading method;
- e) active/product code;
- f) meaning order (purchase or sale);
- g) type of contract (derivatives);
- h) name Buyer;
- i) Acer/CUI Buyer Code;
- j) name of the seller;
- k) Acer/Seller's code;
- l) quantity traded (purchase/sale; daily/total);

- m) transaction price (standard/flexible products);
- n) the monthly settlement price;
- o) currency in which the transaction was made (lei/MWh, Eur/MWh, USD/MWh);
- p) price adjustment formula for flexible products;
- q) the volume adjustment formula for flexible products;
- r) delivery period;
- s) transaction number;
- t) time to create the order.

(6) in Table D – Short-term standardised products (PZU and PI) for each transaction, the following items shall be reported:

- a) the date of the trading session;
- b) day of delivery;
- c) platform;
- d) active code produced;
- e) name of buyer;
- f) Acer/CUI buyer code;
- g) the name of the seller;
- h) Acer/CUI code seller;
- i) the quantity traded;
- j) the transaction price;
- k) transaction number;
- l) the moment of creation of the order.

(7) The quantities are expressed in MWh and the prices in lei/MWh.

(8) In addition to the data collected on a monthly basis, in accordance with Annex 9, the EPO-PCA shall transmit, by means of a dedicated software, information/data on concluded transactions and offers initiated on centralised natural gas markets at the end of each trading session, in a commonly agreed format.

Section 3

Filling in the forms on transport costs and provision of services distribution and storage

Article 40 – (1) In the “Transport Cost Form” set out in Annex 10, the TSO shall report the contracts concluded by the carrier with each RU, with the completion of the following elements:

- a) name UR;
 - b) quantity transported only through the NTS;
 - c) quantity transported from the NTS to distribution systems;
 - d) quantity transported from the NTS to export;
 - e) total amount of transport costs.
- (2) The amount of the benefit shall be reported in lei.

Article 41 – (1) in Table A – Quantities distributed from the “Form on distribution services provided” set out in Annex 11, the DSO shall report the following items, for each type of customer, i.e. final customers and/or licensed suppliers:

- a) the number of customers for each consumption class referred to in Article 29 and/or for customers benefiting from a proximity/transit tariff;
- b) the distributed quantities expressed in MWh;

c) the distribution tariff expressed in lei/MWh, within each consumption class and/or for customers benefiting from proximity/transit tariff.

(2) in Table B – Number of customers who switched supplier from the “Form on Distribution Services Provided” set out in Annex 11, the DSO shall report the number of customers for each consumption class referred to in Article 29 and/or for customers benefiting from a proximity/transit tariff.

(3) The form shall be completed regardless of whether or not the distribution service operator also provides the supply of natural gas to final customers as well as for services provided to a licensed supplier.

(4) where the distribution contract is concluded by a supplier for the supply of final customers connected to third-party distribution systems, the reporting of the distributed quantity shall be made separately for each supplier, on the consumption classes referred to in Article 29.

Article 42 – in the table of Storage Services of the “Form on Storage Services Provided”, set out in Annex 12, the Office shall report the contracts concluded by it with the beneficiaries of the underground storage facility and shall include the following elements, for each underground storage warehouse operated by the holder of the storage licence:

- a) the number and date of the storage contract;
- b) beneficiary name;
- c) reserved capacity, expressed in MWh/storage cycle;
- d) quantity injected, expressed in MWh;
- e) extracted quantity expressed in MWh;
- f) exchanges of gas stored by a beneficiary, expressed in MWh;
- g) stock held at the beginning of the reporting month by each beneficiary, expressed in MWh;
- h) stock held at the end of the reporting month by each beneficiary, expressed in MWh.

Section 4

Completion of reports on the monthly balance of incoming/exit natural gas in/from the system by TSOs

Article 43 – (1) The entities within the transmission system operator, responsible for drawing up the balance of natural gas entering and leaving the NTS, shall draw up and submit to ANRE a monthly report on the balance of sources-consumption of the month of delivery, in accordance with Annex No 13, containing data on:

a) the quantities produced by natural gas producers, broken down for current consumption, export, injection and technological consumption and extracted quantities, as well as production consumed in Romania;

b) the quantities of natural gas purchased/imported from EU/non-EU suppliers, broken down by seller and buyer, at each interconnection point, as well as their destination. In the case of market participants purchasing natural gas from external sources, the following contract partners should be highlighted: , ,

1. the external partner for the quantities of natural gas brought from the Russian Federation, by license holders issued by ANRE and/or final customers, for interconnection points, Isaccea and Medieșu Aurit, as well as Isaccea TI, or any interconnection points with Ukraine;

2. the external partner of the EU countries, at its interconnection points, Csanadpalota, Giurgiu- Ruse and Negru-Vodă TI;

3. buyer, license holder issued by ANRE or final customer.

c) the quantities of natural gas related to the sources made available to the natural gas market in the reporting month, for the current month’s consumption and for storage, where applicable, as well as the sources consumed for the month for which the reporting is made;

d) the quantities of natural gas marketed in other countries within the Community, as well as the quantities of natural gas exported to countries outside the Community, broken down by seller and buyer and by interconnection point, as well as the source (internal production/external sources);

e) the quantities injected into or extracted from underground storage facilities by beneficiaries of storage contracts. Quantities sold between two suppliers in underground storage facilities, as well as gas exchanges, within the same owner of injected/extracted quantities, between warehouses and between structures shall be reported

separately;

f) total consumption Romania, obtained from the sum of the quantities consumed by final customers, with the breakdown of their consumption by each supply licence holder and of the importing final customers at the border, final customers with purchases from centralised markets, quantities related to technological consumption, quantities related to consumption of branches of natural gas producers, as well as differences in purchases and consumption of UR-final customers, differences in DSO minutes-final allocations amount UR.

(2) The monthly report shall be submitted to ANRE, by the 20th of the month M+1 for month M, in lettric format, as well as on ANRE's web platform.

(3) in order to draw up correctly and in accordance with the supporting documents, the monthly report on the balance sheet of the sources and consumptions of the month of delivery, by the entity referred to in paragraph 1, the market participants referred to in Article 7 shall report to the TSO, by the 15th of the month M+1 for month M, detailed statements concerning the quantities produced/purchased, imported, sold to final customers, delivered to their branches of natural gas producers, exported, stored/extracted, sales in warehouses, exchanges in warehouses, distribution services provided by DSOs, quantities of technological consumption, on the model of reporting submitted by the TSOs, to all market participants. These statements shall be submitted by market participants as self-declarations certifying the correctness of the data transmitted to TSOs. Within 15 days after the adoption of this methodology, TSOs shall make available the reporting tables for the purposes of this Article to market participants.

(4) Upon the emergence of new situations in the natural gas market, which require changes in the structure of the monthly report set out in the Annex, TSOs are required to communicate to ANRE the respective cases and to make reporting proposals for the given situations.

(5) The TSO shall submit daily to ANRE, on D+1 day for Mr. Day, an operational report on the quantities of natural gas produced/imported/exported/reserved/extracted by market participants, as well as the daily consumption of natural gas recorded at national level.

Section 5

Indicators used in monitoring activity – General

Article 44 – Monitoring the functioning of the natural gas market, by monitoring compliance with the regulations on its organisation and functioning, by economic operators holding licences issued by ANRE, are essential elements in promoting a safe, competitive and sustainable national gas market, integrated at European level. The results of the monitoring activity shall be determined objectively, through the set of indicators presented in the methodology, which are working tools for the monitoring compartment of ANRE, namely the monitoring entities within the EPO-PCA and TSOs.

Article 45 – The indicators used are considered relevant to the current degree of development of the Romanian gas market and reflect both the requirements of the national legislation in the field and the needs of transparency and integration into the internal gas market, specified in the regulations in force at European Union level.

Article 46 – Starting from the set of indicators referred to in this methodology, monitoring entities at the level of EO-PCA and TSO shall:

a) Establish, through their own monitoring procedures, the indicators used on the efficiency of the functioning of the monitored markets, the structure/concentration of the markets and the trading behaviour of participants in those markets, identify and analyse situations that pose a risk of attempted market manipulation and the offers/orders/transactions suspected to be made on the basis of inside information or which present indications of manipulation/attempt of market manipulation;

b) Follow the evolution over time of the defined indicators;

c) Make comparisons of indicators used at national level with similar indicators on international markets and publish these comparisons/reports on its own website;

d) Ensure the storage of the values of the defined indicators;

e) Publish summary reports based on relevant indicators for each of the monitored natural gas markets.

Article 47 – Additional to the indicators referred to in Article 46, monitoring entities within the EPO-PCA

and TSO shall develop their own sets of indicators and analysis systems, in order to identify and analyse situations at risk of attempted market manipulation, of transactions that may be suspected of market abuse, in compliance with the requirements relating to persons carrying out transactions on a professional basis contained in the REMIT Guidelines (public document updated on the REMIT portal).

A. Indicators of market structure and concentration

Article 48 – The concentration of a market is determined by the number of existing market participants and their market shares in that market. The indicators in this category are intended to detect/appreciate the possibility of exercising market power, on the assumption that a high degree of market concentration constitutes a favourable environment for the exercise of market power. The most commonly used market concentration indicators are:

a) *Market share of the largest market participant – IC (%)*

The significance of the CI indicator values is:

- | | |
|-----------|--|
| C1 > 20 % | concentration of orthodox care for the market; |
| CI > 40 % | the possible existence of a dominant position in the market; |
| C1 > 50 % | the existence of a dominant position in the market. |

Note: the provisions of Article 6(3) of Law No 21/1996 republished as subsequently amended and supplemented concerning the dominant position on the relevant market, as defined in the specific rules issued by the Competition Council, are applicable for the purposes of competition analyses.

b) *Sum of market shares of the three largest participants – C3 (%)*

The significance of indicator C3 values is:

- | | |
|-------------------------|---|
| 0 % < C3 <= 40 % | – non-concentrated market; |
| 40 % < C3 <= 70 % | – moderate concentration of market power; |
| C3 > 70 % | – high concentration of market power; |

c) *Herfindahl-Hirschman Index – HHI*

The HHI index is calculated by summing up the squares of market shares of participants:
$$N$$

$$N = \sum_{j=1}^N Q_j^2(i)$$

in which:

J = the market participant;

N = total number of market participants i = the time interval for which $Q_j(i)$ is calculated is the market share of participant j over time interval i, expressed in percentage.

Significance of HHI index values:

- | | |
|--------------------|--|
| HHI tends to 0 | perfect competition; |
| 1.000 < HHI < 1000 | non-concentrated market; |
| 1000 < HHI < 2.000 | moderately concentrated market; |
| HHI > 2.000 | market with high concentration (excessively concentrated); |
| HHI = 10.000 | monopoly. |

Article 49 – Complementary to competition law, monitoring

entities within the EPO-PCA and TSOs may consider each of the markets managed as relevant markets for the purpose of calculating concentration indicators, depending on the analysis needs, they may also calculate the respective concentration indicators for instruments/products traded within the same market. ANRE calculates the concentration indicators for the components of the natural gas market, in correlation with the available data.

B. Efficiency/market performance indicators

Article 50 – In order to determine the degree of concentration on the natural gas market, the monitoring department of ANRE shall follow at least the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	CI, C3, HHI for the quantity of natural gas sold on the wholesale market	monthly/annually	monthly/annual
2	Quantity of natural gas sold on the wholesale market	monthly/annually	monthly/annual
3	CI, C3, HHI for the amount of natural gas supplied to the retail market	monthly/annually	monthly/annual
4	Amount of natural gas supplied on the retail market	monthly/annually	monthly/annual

Art. 51 – For the assessment of natural gas sources, ANRE shall at least follow the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	Natural gas consumption	monthly/annually	monthly/annual
2	Type of sources of natural gas entering into consumption	monthly/annually	monthly/annual
3	Monthly evolution of the weighted average price of natural gas from current import in the last 12 months	monthly/annually	monthly/annual
4	Evolution of current sources and total consumption in the last 12 months	Monthly/annually	monthly/annual

Art. 52 – In order to assess the functioning of the wholesale gas market, ANRE shall aim at least to evaluate the functioning of the wholesale gas market.
the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	Quantities sold in the reporting month, by each component of the wholesale gas market compared to domestic consumption	monthly	Monthly
2	Average sales prices of quantities sold, in the reporting month, by each component of the wholesale gas market	monthly	monthly averages
3	Structure of transactions of natural gas producers	monthly	Monthly
4	Quantities of natural gas imported* by licence holders and customers directly into consumption	monthly	Monthly
5	Average purchase prices of natural gas from imports	monthly	Monthly

6	Quantities of natural gas exported** by licence holders	monthly	Monthly
7	Average export sales prices of natural gas	monthly	Monthly
8	Quantities of natural gas stored, by warehouse and by customers	monthly	Monthly
9	Storage structure	monthly	Monthly

** by imported quantities, within the meaning of this methodology, all quantities purchased by licence holders and customers directly from external sources, from suppliers not holding a supply/trader licence issued by ANRE, irrespective of the interconnection point (EU and non-EU), as well as whether they are intra-Community or extra-Community acquisitions, shall be taken into account;*

***by exported quantities, for the purposes of this methodology, all quantities sold by licence holders to suppliers that do not hold a supply/trader licence issued by ANRE and/or customers having their registered office in a third country and do not consume gas in Romania, regardless of the interconnection point (EU and non-EU), as well as whether they are intra-Community sales or exports to non-EU countries, shall be taken into account.*

Article 53 – In order to assess the functioning of the retail gas market, ANRE shall at least follow the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	Quantities sold in the reporting month by supplier and by category of customer, without last resort customers	monthly	Monthly
2	Number of final customers by category of customers, without last resort customers	monthly	Monthly
3	The average sales prices for the quantities sold, in the reporting month, without customers supplied as last resort for each component referred to in Article 32(2).	monthly	monthly averages
4	Switching rate for household customers	half-yearly	% of total household customers
5	Switching rate for non-household customers	half-yearly	% of total non-household customers
6	Switching rate per total customer	half-yearly	% of total customers
7	Natural gas consumption by category of customers (households/non-ascnics/trants/connection systems)	monthly	Monthly
8	Market share of natural gas suppliers according to the number of final customers	monthly	Monthly
9	Monthly market share of suppliers supplying natural gas on the retail market by categories of household and non-household customers	monthly	Monthly

10	Cumulative market share of suppliers supplying natural gas on the retail market by categories of household and non-household customers	monthly	Monthly
11	Quantity sold to vulnerable customers in total and by tranche	monthly	Monthly
12	Number of vulnerable customers	monthly	Monthly

Art. 54 – For the assessment of the activity of supplying natural gas as a last resort to the customers taken over, ANRE shall follow at least the following indicators and their evolution:

No.crt	Indicator	Processing interval	Value type
1	Quantities sold to customers supplied as last resort, per category of household/non-household customers, consumption tranches	monthly	Monthly
2	The average sales prices for the quantities sold in the reporting month, for customers supplied as last resort, by each component referred to in Article 32(2).	monthly	monthly averages
3	Number of consumption places taken over as last resort per category of customers	monthly	Monthly

Article 55 – In order to determine the degree of concentration on managed markets, the EPO-PCA shall follow at least the following indicators and their evolution, compared to all platforms on which standardised products are traded, regardless of their name:

No.crt.	Indicator	Processing interval	Value type
1	Market share of each participant on IP (purchase/sale, by volumes offered/traded)	monthly/annually	daily/monthly
2	CL,C3,HHIpe Pi (purchase/sales, by volume bids/transactions)	monthly/annually	daily/monthly
3	Market share of each participant on the PZU (purchase/sale, by volumes offered/traded)	monthly/annually	daily/monthly
4	C1,C3,HHI on PZU (purchase/sales, by volume bids/transactions)	monthly/annually	daily/monthly
5	Market share of each participant on PCGN-LN (for trading month, buy/sale, by volumes offered/traded)	monthly/annually	monthly/annual

6	CI, C3, HHI on PCGN-LN (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
7	Market share of each participant on PCGN-LP (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
8	CI, C3, HHI on PCGN-LP (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
9	Market share of each participant in PCGN-OTC (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
10	CI, C3, HHI on PCGN-OTC (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
11	Market share of each participant in the double competitive GasForward Market (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
12	C3, HHI on GasForward's competitive double market (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
13	Market share of each participant in GasForward Market with the use of a clearing house/central counterparty (for trading month, on purchase/sale, on volumes bids/transactions)	monthly/annually	monthly/annual
14	CI, C3, HHI on GasForward Square with the use of a clearing house/central counterparts	monthly/annually	monthly/annual

	(for trading month, on purchase/sale, on volumes bids/transactions)		
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Note: Only the quantities of active bids in each trading session shall be considered.

Article 56 – In order to determine the degree of concentration, in the managed markets for which the TSO has direct responsibilities and on the total system, the TSO or the designated operator shall follow at least the following indicators:

No.crt.	Indicator	Processing interval	Value type
1	Share of each participant per EP	monthly/annually	daily/monthly/yearly
2	C1,C3, HHIpe PE	monthly/annually	daily/monthly/yearly
3	Share of each RU participating in the auctions/mechanisms established for reserving import interconnection capacity for each interconnection point and product type (firm/interruptible capacity, annual/quarterly/monthly/daily)	monthly/annually	daily/monthly/yearly
4	Share of each RU participating in the auctions/mechanisms established to reserve export interconnection capacity for each interconnection point and product type (firm/interruptible capacity, annual/quarterly/monthly/day)	monthly/annually	daily/monthly/yearly
5	CI, C3, HHI at import, by product type, and interconnection point	monthly/annually	daily/monthly/yearly
6	CI, C3, HHI at export, by product type and interconnection point	monthly/annually	daily/monthly/yearly

Article 57 – In order to assess the functioning of centralised markets, the EPO-PCA shall pursue at least the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	Trading Price on PZU	daily/monthly/yearly	daily/monthly
2	Volumes offered on sale/purchase, traded, average/maximum/minimum on PZU*	daily/monthly/yearly	daily/monthly

3	Prices per PZU compared to EP prices	monthly/annually	daily/monthly
4	Trading price per PI	daily/monthly/yearly	daily/monthly
5	Volumes offered on sale/purchase, traded, average/maximum/minimum on PI*	daily/monthly/yearly	daily/monthly
6	Degree of correlation between trading price and volumes traded on PZU	monthly/annually	monthly averages per daily interval/average
7	Volatility of trading price on PZU	monthly/annually	Daily/monthly
8	Prices on contracts concluded on centralised markets	monthly	monthly averages
9	Volumes offered in centralised markets, types of offers, products, instruments	monthly/annually	monthly
10	Volumes traded in centralised markets, types of offers, products, instruments	monthly/annually	monthly
11	Degree of correlation between prices in centralised markets and volumes traded in centralised markets	monthly/annually	monthly
12	Volatility of prices per centralised markets	monthly/annually	monthly

*Day-level indicator is calculated only for transactions concluded and not for bids.

Article 58 – In order to assess the functioning of balancing markets and the results of transmission capacity booking mechanisms at interconnection points, TSOs shall at least follow the following indicators and their evolution:

No.crt.	Indicator	Processing interval	Value type
1	Internal consumption	daily/monthly/yearly	daily/monthly
2	Prices traded on EP	daily/monthly/yearly	daily/monthly
3	Volumes traded on EP	daily/monthly/yearly	daily/monthly
4	Degree of correlation between EP prices and traded volumes	monthly/annually	daily/monthly
5	Interconnection capacity allocated at import for each interconnection point and product type (farm/interruptible, yearly/quarterly/monthly/day/intra-day)	monthly/annually	daily/monthly

6	Export-allocated interconnection capacity for each interconnection point and product type (farm/interruptible, annual/quarterly/monthly/day/intra-day)	monthly/annually	daily/monthly
7	Prices for transmission capacities reserved at each interconnection point, import and product type	monthly/annually	daily/monthly
8	Prices for transmission capacities reserved at each interconnection point, export and product type	monthly/annually	daily/monthly
9	Utilisation of transmission capacity reserved at import and at each interconnection point	monthly/annually	daily/monthly
10	Capacity utilisation reserved for export and at each interconnection point	monthly/annually	daily/monthly
11	Quantity of natural gas imported, total and per interconnection point	monthly/annually	daily/monthly
12	Quantity of natural gas exported, total and per interconnection point	monthly/annually	daily/monthly

Article 59 – Elements of interest shall be constituted, monitored and analysed by the monitoring compartment of ANRE and the monitoring entities within the EPO-PCA and TSOs, as appropriate, the following:

- a) unusual values of prices offered and/or traded on each of the components of the wholesale gas market, compared to previous values, which are not justified in the context of the legislative/regulatory framework characterising the moment of analysis;
- b) the impact on the market of changes in regulations (in particular as regards market rules, pricing, licensing, technical).

C. Indicators of behaviour of market participants

Article 60 – (1) EPO-PCA and TSO shall follow the behaviour of participants in wholesale market component markets, mainly taking into account:

- a) the evolution of the bidding mode of each participant in the component markets of the wholesale gas market, with the identification of significant changes in the bidding mode of the participants;
- b) non-compliances notified when drawing up tenders/notifications in accordance with the provisions of the procedures of the EPO-PCA and TSO;

(2) The specified elements shall be the subject of ongoing analysis by the EPO-PCA and TSO, which shall continuously develop their own appropriate (including IT) processing and analysis systems in accordance with the degree of market development administered.

(3) The EPO-APC and the TSOs are required to submit to ANRE, monthly, in month M+1 for month M, by the 20th of the month, an analysis report, in accordance with Article 68.

CHAPTER IV

SECTION 1

Monitoring results

Article 61 – In accordance with this methodology, the results of the monthly monitoring activity shall be subject to public reports and internal information prepared by the monitoring compartment of ANRE, as well as to the analyses carried out by the organisational monitoring entities within the EPO-PCA and TSOs.

Art. 62 – The way in which the results of the monitoring activity, the data/information flows and the details of the indicators used are obtained shall be developed through its own procedures developed by each entity responsible for this purpose.

Article 63 – Internal information and analyses shall be brought to the attention of the management of the institutions concerned, whenever deemed necessary, in accordance with their own rules of organisation and operation and specific procedures, in order to analyse and take the necessary measures.

Art. 64 – From the point of view of content, both analyses and briefings shall include, where appropriate:

- a) assessment of the structure and performance of the monitored markets, based on the analysis of established sets of indicators;
- b) identifying instances of market failure with the determination of possible causes;
- c) analysis of cases of abnormal or possibly anti-competitive market behaviour (likely an infringement of competition law) of market participants, together with information collected for the purpose of analysing the reported situation;
- d) Proposed solutions to remedy irregularities and infringements found;
- e) analysis of suspected cases of possible market abuse, according to REMIT.

Article 65 – (1) The remedies for irregularities and infringements detected may be submitted by the monitoring entities of the EPO-PCA and TSOs to their own management and may include proposals on:

- a) amending the applicable regulatory framework for the management of centralised markets and their related internal procedures in order to eliminate the causes that have led to adverse events/evolutions on the market;
- b) requesting additional information from market participants in managed markets and possible explanations of their market behaviour;
- c) communication to ANRE of cases of inadequate functioning of managed centralised markets, cases likely to constitute infringements of competition law.

(2) in the case of ANRE, proposals submitted to its management may include:

- a) amending the applicable regulatory framework for the organisation and functioning of the different components of the natural gas market;
- b) initiating control actions, in accordance with ANRE's own procedure;
- c) initiating investigative actions, in accordance with ANRE's own procedure.

Art. 66 – Monitoring entities within the EPO-PCA and TSOs shall develop and transmit to ANRE:

- a) data reporting in ANRE's web application, as well as information through analyses developed, with monthly, annual frequency;
- b) monitoring reports on the functioning of managed markets, with monthly frequency, which are summary documents intended to inform ANRE on the performance of the markets and the evolutions of indicators on the managed markets, as well as the behaviour of the participants, recommendations/proposals to eliminate the causes that caused negative events/evolutions.

Article 67 – In addition to the reporting forms in the web application referred to in Article 26, the monitoring entities at the level of the EPO-PCA and TSOs shall transmit in the content of the reports referred to in Article 66(b), in electronic (email) and lettrical format, by the 20th of the month M+1 for month M, mainly the following information:

- a) indicators for assessing the functioning of the market, of structure/concentration and of behaviour (excessive price offers of market participants, which may thus aim at restricting the actual offer to sell on that market, unusual volumes offered/traded by a participant in any market component of the wholesale market), according to this methodology and its own procedures;
- b) market failures/disfunctionalities and their causes;
- c) any abnormal behaviour or potentially anti-competitive actions of market participants;

- d) assessments of non-compliances identified during monitoring, comments on tendering mode, frequent errors of participants, defaults related to concluded transactions;
- e) actions taken by the operator to detect, analyse and possibly remedy these situations, and if the situation so requires, informing other national institutions (e.g. the Competition Council) and/or European (e.g. ACER);
- f) proposals to amend the applicable regulatory framework.

Art. 68 – All types of summary reports, drawn up by the monitoring entities within the EPO-PCA, which are intended to inform ANRE, contain both public and confidential data/information, and electronic transmission is made at raportari.piatagn@anre.ro. Their content and the degree of detail of the information feel established on the basis of the OE-PCA's own procedures.

Art. 69 – Where appropriate, monitoring entities within the EPO-PCA and TSOs shall notify ANRE as soon as possible, in addition to periodic reports, in lettric or electronic format (email), of:

- a) significant price change in one of the monitored orgasinated markets;
- b) any suspicion of abnormal or anti-competitive behaviour by market participants;
- c) any conduct that deviates from/infringes the applicable regulations and related procedures.

Art. 70 – Any suspicion of manipulation or attempted manipulation of the market by one or more participants and any suspicion of transaction carried out on the basis of inside information shall be communicated by the OE-APC, in their capacity as persons carrying out transactions on a professional basis, to ANRE or to ACER, respectively, in accordance with the requirements of REMIT.

Art. 71 – The monitoring department of ANRE, based on this methodology, identifies possible cases of abnormal market behaviour, possible anti-competitive practices (including cases of suspected abuse of dominant position) or market abuse (manipulation or attempted market manipulation, trading on the basis of unpublished inside information), based on:

- a) referrals based on analyses from periodic reports received from the EPO-PCA or TSO;
- b) referrals from other individuals/legal persons, including those in predetermined formats according to REMIT provisions;
- c) requests for information received from ACER;
- d) information from other sources, e.g. the press.

Art. 72 – When a possible infringement of Articles 3 and/or 5 of REMIT is brought to the attention of ANRE or results from the analysis of reports received from the holders of the centralised market management licence or TSOs, ANRE shall start the preliminary analysis of those data and information, using all available results from its own monitoring activity, including those made available by ACER. ANRE may request additional data, analyses and views, including trading simulations on suspected cases, to the EPO-PCC and TSOs, in the assumptions established by ANRE. They shall be submitted to ANRE in the format, transmission channel and time limit requested, in order to fulfil the obligations laid down by REMIT as soon as possible, with appropriate justification.

Article 73 – The preliminary analysis of a possible market abuse case and the envisaged principles are subject to an internal procedure developed by ANRE.

Article 74 – If it appears from the preliminary analysis carried out by the monitoring department of ANRE, in accordance with the preceding paragraphs, that there are reasonable elements to suspect a breach of the provisions of Articles 3 and/or 5 of REMIT, the monitoring department of ANRE shall draw up a substantiation note to the management of the institution, with the proposal to inform ACER on the facts identified and possibly to open an investigation by the specialised department of ANRE.

Section 2

Ensuring transparency of information

Art. 75 – The monthly public report prepared by the monitoring department of ANRE shall be published on the ANRE website by the end of the month M+ 2 at the latest and shall include the synthesis of indicators characterising the components of the natural gas market, in terms of their functioning and evolution, over different

time periods and calculated indicators and on the categories of market participants monitored. The public report of December of each year shall also contain summary data characterising the entire year of analysis. In exceptional situations where the TSO cannot submit the monthly report referred to in Article 43 within the prescribed period, justifying these delays, the deadline for publishing the monthly public report drawn up by the monitoring department of ANRE shall be extended by the period of delay motivated by the TSO.

Art. 76 – Indicators are calculated on the basis of aggregated data, while preserving the confidentiality of commercially sensitive information (on the basis of the principle of non-identification of the transaction in full, in compliance with applicable European regulations), unless otherwise provided by national law.

Art. 77 – For the first public monitoring report of each calendar year, the monitoring department of ANRE shall analyse the appropriateness of introducing new synthesis indicators to characterise the level of development of the Romanian gas market at that time, in correlation with the indicators followed by ACER and CEER at European level.

Art. 78 – The monitoring department of ANRE contributes to the elaboration of the annual report of ANRE with synthesis indicators at the level of the analysed year and developments over different periods of time.

Art. 79 – The monitoring department of ANRE in collaboration with the monitoring entities of the EPO-PCA and TSOs shall ensure Romania's contribution to the Annual Report on the results of the monitoring of the European natural gas market, drawn up by ACER and CEER, based on the requests for indicators monitored annually by the said European institutions.

Article 80 – Monitoring entities at the level of EPO-PCA and TSO shall publish on their own websites market reports with monthly frequency, containing in summary, the main indicators characterising the markets managed, according to their own procedures.

Article 81 – EPO -PCA and TSO shall publish on their websites the information on the functioning of the natural gas market, in accordance with the applicable regulatory framework at national and European level in force, with the frequency and format specified therein and detailed in their procedures.

Article 82 – The monitoring department of ANRE shall monitor compliance with the provisions on the type and format of the information published by the EPO-PCA and TSO, the time of its publication and the duration of its availability, in accordance with the regulations specific to each component of the wholesale gas market and related procedures. The EPO-PCA and TSOs shall collaborate with ANRE to identify and eliminate, as soon as possible, possible causes that would prejudice the correct, complete and timely information of the public.

Art. 83 – In accordance with the legal provisions in force, ANRE, OE-PCA and TSO shall keep professional secrecy on all data transmitted/received/analysed in the framework of the monitoring activity carried out. It is also prohibited to disclose any confidential information related to cases of suspected market abuse/attempted market abuse, suspicion of abuse of a dominant position of a participant/category of participants/group of participants, under review or for which ANRE is conducting the investigative activity.

Art. 84 – During the year, depending on the evolution of the market and the needs of natural gas market participants, other indicators may be included/excluded compared to those mentioned in this methodology, with the agreement of ANRE management.

CHAPTER V

Transitional and final provisions

Art. 85 – Failure to comply with the provisions of this Methodology entails sanctions in accordance with the legal provisions in force in the field of natural gas.

Art. 86 – ANRE revises this methodology according to the changes in the regulatory framework, based on the proposals of licence holders, consumer protection associations and in consultation with the competent state bodies and professional associations.

Art. 87 – Until the date when ANRE completes the implementation process of the software dedicated to the transmission of all data and information specified in this methodology, the reporting by market participants and associated operational structures to ANRE shall be made on the basis of the provisions of the methodology approved by Order No 5/2013 of the President of ANRE and on the related IT platform.

Article 88 – Annexes 1 to 14 are an integral part of this Methodology.