

Regulation of 23 February 2022 on connection to the natural gas transmission system

(on 25-February 2022 the act was approved by [Order 8/2022](#))

CHAPTER I: General provisions

SECTION 1: Purpose and scope

Article 1

(1) This Regulation lays down the stages and conditions for connection to the natural gas transmission system.

(2) The purpose of this Regulation is to ensure a uniform, transparent and non-discriminatory framework for the conduct of the connection to the natural gas transmission system.

Article 2

This Regulation shall apply to relations between the transmission system operator and:

a) the legal persons referred to in Article 148(2) of Law No 123/2012 on electricity and [natural gas](#), as subsequently amended and supplemented, which require connection to the natural gas transmission system;

b) network users requesting the modification of the connection installation, due to the need for: (I) resize it in order to ensure higher technological parameters;

(II) separation from a common connection;

(III) relocation thereof;

c) administrative-territorial units and/or their associations, as well as inter-community development associations that require the connection to the transmission system of new objectives/systems financed by non-reimbursable funds;

d) the legal entities referred to in point (a), the applicants referred to in point (c), as well as the system users requesting the update of a technical advice for connection to the transmission system for connections and SRMP;

e) economic operators authorised by the National Energy Regulatory Authority and project verifiers certified by the National Energy Regulatory Authority.

SECTION 2: Abbreviations, terms and expressions

Article 3

(1) For the purposes of this Regulation, the following abbreviations, terms and expressions shall be defined as follows:

a) ANRE – National Energy Regulatory Authority;

b) ATP – technical advice in principle, i.e. the opinion issued by the natural gas transmission system operator, at the request of an applicant, containing preliminary information on the connection to the natural gas transmission system;

c) ATR – technical connection advice, i.e. the opinion issued by the transmission system operator, at the request of an applicant for connections and SRMP;

d) CF – final customer;

e) LNG – liquefied natural gas;

f) EO – economic operator authorised by ANRE;

g) TSO – transmission system operator;

h) Pvt – virtual trading point;

i) SRMP – natural gas regulation-measurement-delivery station;

j) St – the natural gas transmission system whose operator is a TSO licensed by ANRE;

k) UR – the user of the network in accordance with the provisions of Article 100 point 89⁽¹⁾ of the Law;

l) connection installation – connection assembly and SRMP;

m) Law – Electricity and natural gas law no. 123/2012, as subsequently amended and supplemented;

n) Technical rules – Technical rules for the design and execution of [natural gas](#) transmission pipelines, approved by Order No 118/2013 of the President of the National Energy Regulatory Authority, as amended;

o) Ordinance – Government Emergency Ordinance No 128/2020 on certain [measures for the establishment of the National Programme for the connection of households and non-household customers to the intelligent natural gas distribution system, approved with amendments by Law No 214/2020](#);

p) Procedure – Procedure for substantiation and criteria for approval of investment plans of transmission system operators, distribution and storage of natural gas, as well as LNG terminals, approved by order of the President of ANRE;

q) connection point – the physical point where connection of the connection to the objectives/pipes components of ST is made;

r) demarcation point – the physical point where the connection is delimited from the applicant's objectives/system, in accordance with the provisions of Article 125(5) of the Law;

s) connection – the pipe defined in accordance with Article 100(76) of the Law;

t) connection – all the activities necessary for the implementation/modification and commissioning of the connection and SRMP;

u) applicant – the legal person referred to in Article 2(a) to (d), who makes a written request to the TSO for connection to ST;

v) analysis tariff – the tariff established on the basis of the methodology for calculating the tariffs related to the connection to the transmission and distribution systems in the natural gas sector and the average value of a connection, approved by order of the President of ANRE, representing the value of the activities undertaken by the TSO to analyse the demand for connection to ST;

w) connection tariff – the tariff established on the basis of the methodology for calculating the tariffs related to the connection to the transmission and distribution systems in the natural gas sector and the average value of a connection, approved by

order of the President of ANRE;

x) financing contract – the contract regarding the participation in the financing of the works for the extension of the natural gas transmission network necessary for the connection to the ST, concluded between the applicant and the TSO, drawn up on the basis of the procedure for financing the works for the achievement of the objectives/pipes

necessary for the connection to the natural gas systems, approved by order of the President of ANRE.

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

CHAPTER II: ST connection process

SECTION 1: General information

Article 4

(1) In order to achieve the connection to the ST of the applicants referred to in Article 2(a) to (d), the following steps shall be taken:

- a) transmission and registration to the TSO of the request for connection to the TS, drawn up in accordance with Annex 1 and payment of the analysis fee;
- b) documenting and informing the applicant on the connection process;
- c) the issuance of the ATR, in accordance with the model set out in Annex 2, accompanied by:
 - (I) the offer of a contract for connection to the natural gas transmission system, drawn up in accordance with Annex 3, i.e. the offer of a financing contract, as appropriate;
 - (II) the drawing with the technical solution for connection to ST, drawn up in accordance with Annex 4;
- d) the conclusion of the connection contract between the TSO and the applicant and, where applicable, the financing contract for the extension of the natural gas transmission network, in accordance with the provisions of Article 151⁽¹²⁾ of the Law;
- e) carrying out the connection works for the extension of the natural gas transmission network, respectively for the realisation of the connection installation, their reception and commissioning, according to the provisions of the Law.

(2) If the connection also requires the execution of an extension of the natural gas transmission network, the following shall be done:

- a) if the extension of the natural gas transmission network is included in the annual investment plan, the connection facility shall be implemented within the same project;
- b) if the extension of the natural gas transmission network is not included in the annual investment plan, then: (I) is included in the ongoing annual investment plan, in accordance with the provisions of the Procedure, having regard to the provisions of Article 151(1) of the Law;
- (II) shall be included in the investment plan of the following year and/or in the case of complex works may be included in multi-annual plans under conditions of economic efficiency; the offer of a connection/financing contract shall be issued accordingly, specifying in the contract for connection/financing the annual stages to be carried out/financing method and its amount;
- (III) the applicant shall have the right to finance the extension of the natural gas transmission network with the recovery of the amount invested, in accordance with the provisions of Article 151⁽¹²⁾ of the Law.

(3) In order to initiate the TS connection process, the applicants referred to in Article 2(a) to (c) shall submit to the TSO a request for connection to the TS of its objectives/systems, i.e. the manner of modifying the connection facility.

(4) Within 20 days of receipt of the request referred to in paragraph 3, the TSO shall submit an ATP in accordance with the template set out in Annex 2 with completion of points 1 and 2, and shall include at least the following information:

- a) information on the possibility of connection to ST, with an indication of the possible connection point; if, for the purpose of connecting the applicant, it is established that an extension of the natural gas transmission network is necessary, in accordance with the provisions of Article 151 of the Law, information shall also be transmitted in relation to the legal steps to be taken in this respect;
- b) estimated technical characteristics of the connection and SRMP;
- c) the steps of the TS connection process and the estimated duration of each of them; details of the actions to be taken by the applicant and the TSO, as well as the necessary documents, specific to each stage of the connection process;
- d) estimation of efficiency conditions in case of need to extend the natural gas transmission network.

(5) The preliminary information phase is mandatory for applicants.

SECTION 2: Request for connection to ST

Article 5

(1) Within 5 working days of receipt of the connection request, the TSO shall verify its contents and the documents accompanying it.

(2) If the connection request is found not to be completed correctly and/or if the accompanying documents are not complete, the TSO shall notify the applicant within the time limit referred to in paragraph 1, indicating the missing data and documents and/or to be completed or refilled, providing all the information necessary for this purpose.

(3) The notification referred to in paragraph 2 shall include the indication that, if the applicant does not complete the connection application and/or the documents accompanying it within 30 days of its receipt, the request for connection shall be classified on the grounds of "Incomplete Documentation", without refunding the analysis fee.

(4) The provisions of paragraph 3 shall be without prejudice to the applicant's right to submit a new connection request to the TSO. **Article 6**

The applicant may withdraw his connection request at any time until the ATR is issued, on the basis of a written request, without the analysis fee being returned.

SECTION 3: Establishing the ST connection solution and issuing ATR

Article 7

(1) Not later than:

- a) 30 days after receipt of the connection request and of the documents accompanying it, correct and complete, the TSO shall issue the ATR accompanied by the drawing with the technical solution for connection to the ST and the offer of a connection contract in the event that it is not necessary to complete the extension of the natural gas

transmission network;

b) 40 days after receipt of the connection request and of the accompanying documents, correct and complete, the TSO shall issue the ATR accompanied by the drawing with the technical solution for connection to ST; the offer of a connection contract or the offer of a financing contract where it is necessary to complete the extension of the natural gas transmission network, having regard to the information referred to in Article 4(4).

(2) The connection and SRMP shall be located within the safety distance of the natural gas transmission pipeline.

(3) When establishing the technical connection solution referred to in paragraph 1, the TSO shall take into account at least the following:

a) the existence of the objectives/pipes components of the ST to which the connection is to be made;

b) the limits of transport capacities and technological arrangements, as well as the need to maintain the quality of transport service for ST users;

c) the provisions of the technical rules;

d) the possibility of connecting more than one applicant via the connection and the SRMP, where the TSO receives at the same time two or more connection requests allowing connection to the ST via a single connection point.

Article 8

(1) If, after the extension and/or connection solution has been established, it is necessary to change it, as a result of the restrictions and/or conditions in the subsequent notices issued by the owners/operators of public networks and/or other competent institutions, the TSO shall, within 30 days, establish a new solution, with the information of the applicant, and update the ATR and the connection contract, if it has been concluded between the parties.

(2) TSOs shall keep in the electronic archive all issued ATRs as well as drawings of technical solutions throughout the lifetime of the ST objectives.

(3) If, following the commissioning of the connection installation/extension of the natural gas transmission network necessary for the connection, the TSO finds that it is necessary to modify it or to change the solution, as a result of changes occurring at ST level likely to affect the safe operation, the TSO shall establish a new solution, with the information of the RU, and carry out all the works required by the new solution at its own expense, without affecting the continuity of the supply of natural gas to CF.

(4) In the situation referred to in paragraph 3, if there is also a need to change the location of the initial demarcation point, the TSO shall bear the costs incurred by extending the objectives/systems of the network user to the new delimitation point.

Article 9

The validity of ATR shall cease in the following situations:

a) when issuing a new ATR for the same connection and/or SRMP;

b) after decommissioning of the connection and/or SRMP at CF's request;

c) by annulling the building permit and/or the legal approvals on the basis of which the technical connection notice was issued on any basis, proven by final court decision;

d) if the contract for connection to ST has not been returned by the applicant within the time limit laid down in the Regulation;

e) in case of termination of the TS connection contract.

Article 10

(1) In the event of a change in the data of an administrative nature of the connection applicant during the validity period of the ATR, the latter or, as the case may be, the new owner shall notify the TSO, no later than 10 working days after their registration.

(2) The notification referred to in paragraph 1 shall be accompanied by supporting documents to be submitted in copy.

(3) Changes to the data of an administrative nature referred to in paragraph 1 shall include:

a) change of the applicant's identification data;

b) change of identification data of the applicant's objectives/systems;

c) the change of the applicant, following the takeover of the objective/system through purchase, concession, rental or by successors in title.

(4) In the situation referred to in paragraph 1, the TSO shall notify the applicant, at the latest 10 working days from the date of receipt of the notification, to the correspondence address indicated by the applicant, the updated ATR accompanied, where appropriate, by the proposal for an addendum to the connection contract, if it has been concluded.

Article 11

(1) In the event of damage or loss of the ATR by the applicant, the applicant may submit a request to the TSO for the issuance of a duplicate.

(2) In the situation referred to in paragraph 1, the TSO shall notify the applicant, within 5 working days from the date of registration of the application, to the correspondence address indicated in the application, the duplicate.

(3) The document referred to in paragraph 2 shall be forwarded to the applicant free of charge.

SECTION 4: Connection contract

Article 12

(1) The offer of a connection contract shall include at least the following:

a) the identification data of the Contracting Parties;

b) the subject matter of the contract;

c) the necessary works to be carried out by the TSO/applicant for the implementation of the connection facility, i.e. the extension of the natural gas transmission network by the TSO, correlated with the data and information in the ATR, as well as the terms and conditions for their realisation, broken down by phase;

d) the rights and obligations of the Contracting Parties;

e) the estimated value of the works and the modalities of their payment;

- f) the duration of the contract;
 - g) the conditions for the validity of the contract;
 - h) the liability and compensation regime, including safeguards in case the objectives could not be put into service;
 - i) means of dispute resolution, in case of non-compliance with the provisions of the contract.
- (2) The works referred to in paragraph (1) (c) shall also include the acquisition of the right of use and servitude:
- a) on the land/land on which the connection installation is located, namely the extension of the natural gas transmission network, in favour of the TSO, in accordance with the Law;
 - b) on the lands affected by the execution of the works for the connection installation, respectively the extension of the natural gas transmission network, in accordance with the Law, based on the agreements obtained by the applicant, on behalf of the TSO, from the owners of natural or legal persons who own these lands, taking into account the protection and safety zones that are established.

Article 13

(1) The applicant shall submit to the TSO, within 30 working days of receipt, a signed copy of the connection contract and, where applicable, of the contract for financing the extension of the natural gas transmission network required for the connection, assumed by signature.

(2) The TSO shall close the TS connection request if the applicant fails to submit the contract copies referred to in paragraph 1 to the TSO and notify the applicant thereof.

SECTION 5: Design/Execution and commissioning of the extension of the natural gas transmission network necessary for connection

Article 14

(1) Up to a maximum of:

a) 120 days after the signature of the connection contract by the applicant, the EO chosen by the TSO or the applicant is obliged to ensure the preparation of the technical documentation/technical project, in order to obtain the planning certificate, the approvals and permits issued by the competent bodies, the building permit, for the connection installation;

b) 120 days after the signature of the connection contract by the applicant, the EO designated in accordance with Article 151 para.

(11) from the Law it is obliged to provide the technical documentation/technical project, in order to obtain the urban planning certificate, the approvals and authorisations issued by the competent bodies, the building permit, approval in the Technical-Economic Council, for the extension of the natural gas transmission network.

(2) The project verification for the connection installation/extension of the natural gas transmission network shall be carried out within the time limit referred to in paragraph 1.

(3) If opinions to be obtained on the basis of specialised projects are required, the time limit referred to in paragraph (1) shall be deferred accordingly until they are obtained, with the notice of the applicant.

(4) All approvals/authorisations for the connection, SRMP and/or the extension of the natural gas transmission network required for the connection shall be requested and obtained on behalf of the TSO.

Article 15

(1) The TSO shall carry out the extension of the natural gas transmission network necessary for the connection in accordance with the annual investment plans approved by ANRE and in conditions of economic efficiency, in accordance with ANRE regulations.

(2) For the situation referred to in paragraph 1 in which the completion of the extension of the natural gas transmission network is not foreseen/possible to be carried out by the TSO in the annual/multi-annual investment plan, in the case of complete documentation, the applicant may finance the works of the extension of the natural gas transmission network necessary for the connection.

(3) In the case referred to in paragraph (2), the TSO shall return the amount invested by the applicant, under the conditions of economic efficiency, in accordance with ANRE regulations.

Article 16

(1) The TSO shall perform the related works:

a) the connection facility through ANRE authorised economic operators;

b) the extension of the natural gas transmission network necessary for connection, through ANRE authorised economic operators, in compliance with the legal provisions on public procurement.

(2) The design works or the execution of the works related to the connection installation may also be carried out by means of an EO selected by the applicants referred to in Article 2(a) to (c).

(3) The EO executing the connection and the SRMP shall request the TSO, at least 10 working days before the start of the execution works, to appoint a representative to monitor the works.

(4) Reception of the connection and SRMP shall be carried out within 5 working days from the date of receipt of the ANRE authorised EO notification that executed the connection and/or SRMP.

(5) The commissioning of the connection and the SRMP shall be made within 6 working days from the date of receipt of the notification of the EO authorised by ANRE which executed the connection and the SRMP, taking into account the clauses laid down in the TS connection contract, as well as in accordance with the provisions of the Technical Norms, namely the provisions of Art. 130 para.

(1) lit. e) of the Law.

Article 17

(1) The commissioning of the extension of the natural gas transmission network necessary for the connection shall be carried out within the time limit laid down in the connection contract.

(2) TSOs shall have the right to mount the measuring instrument only after:

a) conclusion of the contract for the transmission of natural gas;

b) conclusion of the balancing contract and access to the PVT;

c) presentation of documents attesting to the possession of a licence to operate the natural gas distribution system,

as appropriate.

Article 18

- (1) The extension of the realised natural gas transmission network shall be included in the ownership of the TSO.
- (2) The connection facility is included in the TSO's patrimony, if the connection works are financed by the applicant; in the case of financing of the connection facility by the TSO, it shall be the property of the natural gas transmission operator.
- (3) By way of exception to the provisions of paragraph (2), where the connection works to the points of entry into the ST are financed by an applicant who is a natural gas producer, the SRMP, part of the connection installation, shall be owned by this category of applicants under the terms of the Law.

► (on 27-Jun-2022 Art. 18(2) of Chapter II, Section 5 supplemented by the Act of [Order 89/2022](#))

Article 19

- (1) The connection and SRMP made and financed by non-reimbursable funds by the applicants referred to in Article 2(c) shall be owned and operated by the TSO, under the conditions of the Law.
- (2) For ST objectives financed by applicants under Article 2(c), the TSO shall have the rights referred to in Article 108 para. (1) of the law.
- (3) The works referred to in Article 2(b) requested by the RU shall be borne by them and shall be carried out through the EO selected by the applicant. The verification of projects shall be carried out in accordance with the provisions of Article 160(1) of the Law.
- (4) The objectives resulting from the works referred to in paragraph 3 shall be included in the patrimony of the TSO.
- (5) The commissioning of the ST objectives referred to in paragraph (4) shall be carried out in accordance with the terms of the connection contract.

CHAPTER III: Information and avenues of communication

Article 20

The TSO shall organise the ST connection activity in accordance with the provisions of this Regulation so that the connection process is carried out operationally, without delays or bottlenecks in the processing of requests.

Article 21

TSOs shall organise a system to inform applicants about the TS connection process, by publishing on their own website and by displaying the following information at the specialised information and public relations office:

- a) contact details: the address of the specialised information and public relations office with the registry office, mailing address, telephone number, fax and e-mail address;
- b) the public work programme for the specialised information and public relations office provided with the registry;
- c) this Regulation on the connection to the natural gas transmission system and the order of the President of the National Energy Regulatory Authority approving it, entirely on its own website and extracted at the administrative premises, including:
 - (I) the request for connection to ST – the model set out in Annex I;
 - (II) model ATR – model set out in Annex 2;
 - (III) the list of documents to be attached to the ST connection request;
 - (IV) other information on the TS connection process;
- d) the information to be provided in the TS connection contract and/or in the contract for financing the extension of the natural gas transmission network, as appropriate.

Article 22

- (1) The TSO shall draw up, publish and maintain on its website an annual report on the connection to ST, in accordance with the provisions of Order No 140/2021 of the President of the National Energy Regulatory Authority approving the Performance Standard for the Transmission and System Service of Natural Gas.

- (2) The TSO shall draw up and publish on its website an operational procedure ensuring the implementation of the provisions of this Regulation within 30 days of its publication in the Official Gazette of Romania, Part I.

Article 23

The TSO shall provide the applicant with the notifications required by this Regulation to the mail address indicated in the connection request or, if the applicant clearly specifies the preference for the use of data services, to the fax number or e-mail address indicated in the application.

CHAPTER IV: Transitional and final provisions

Art. 24

- (1) Applicants shall be entitled to notify ANRE of the violation by TSOs/authorised economic operators of ANRE/project verifiers certified to ANRE of the provisions of this Regulation.
- (2) Any misunderstandings arising in the process of connection to ST and which cannot be reconciled at the level of the parties or through ANRE mediation shall be settled by the competent courts, in accordance with the applicable legal provisions.
- (3) For the situation where the public procurement process by the TSO has been completed in order to complete the extension of the natural gas transmission network, in compliance with the legal provisions, and the work/works have not been purchased, the public procurement process is resumed until it is/are awarded.

Art. 25

- (1) Requests for connection submitted to the TSO by the date of entry into force of Government Emergency Ordinance No 143/2021 amending and supplementing Law No 123/2012 on electricity and natural gas, as well as for the amendment of certain normative acts, shall be resolved in accordance with the provisions of the [Regulation on connection to the natural gas transmission system, approved](#) by Order of the President of the National Energy Regulatory Authority No 172/2020, and therequests for connection submitted to the TSO from 31 December

2021 shall be dealt with in accordance with the provisions of this Regulation.

(2) Technical notices for connection to the National Gas Transmission System issued before the entry into force of this Regulation shall remain valid without being extended.

Art. 26

Annexes 1 to 4 shall form an integral part of this Regulation.