

Order 118/2023 on the approval of tariffs and monetary contributions collected by the National Energy Regulatory Authority in 2024

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Order 118/2023 on the approval of tariffs and monetary contributions collected by the National Energy Regulatory Authority in 2024

Date of act: 20-Dec-2023

Issuer: National Energy Regulatory Authority

Having regard to the provisions of Article 2(2) 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,

pursuant to Article 2⁽³⁾(3) of Government Emergency Order No 33/2007, approved with amendments by Law No 160/2012, as amended,

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

Article 1

The tariff charged to economic operators carrying out activities in the electricity, heat and natural gas sector for the granting of authorisations and licences, in accordance with Annex I, and the tariff charged for issuing attestations and authorisations to economic operators providing services for the design, execution, verification and operation of electrical and natural gas installations, shall be approved, in accordance with Annex 2.

Article 2

The fee charged for the authorisation of natural persons active in the electricity, heat and natural gas sector shall be approved, in accordance with Annex 3.

Article 3

The monetary contribution collected annually by the National Regulatory Authority for Energy from the economic operators holding licences/confirmatory decisions in the electricity, heat and natural gas sector, which, according to the law, is under the regulatory competence of the National Regulatory Authority for Energy, according to Annex 4, is approved.

Article 4

The term of payment of tariffs and monetary contributions collected by the National Regulatory Authority for Energy is 20 days from the date of issue of the invoice, except for the estimated money contribution which has a value higher than the level of 3.125 lei. It shall be paid in equal quarterly instalments, the period for payment of each of these instalments being the end of the first month of that quarter, with the exception of the first instalment, as follows: rate I – 20 days after the invoice was issued, rate II – 30.4.2024, rate III – 31.7.2024, rate IV – 31.10.2024.

Article 5

For the purposes of this Order, the licence for ‘the provision of the electricity transmission service as well as of system balancing services’ also means the licence for ‘the provision of the electricity transmission service, the provision of the system service, the management of the balancing market’ and the licence for ‘the activity of the electricity market operator’ means the licence for ‘centralised electricity market management’.

Article 6

(1) The fee and the cash contribution shall be paid to the account of the National Energy Regulatory Authority RO98TREZ70020F160300XXXX opened at the Treasury and Public Accounting Activity of the Municipality of Bucharest.

(2) In case of non-payment of the invoices related to the tariff and the contribution provided for in this Order, interest and late payment penalties shall be charged for each day of late payment, in accordance with the provisions of Law No 207/2015 on the Code of Fiscal Procedure, as amended, hereinafter referred to as the *Fiscal Procedure Code*.

(3) For additional differences in payment obligations resulting from the correction/modification of declarations or from documentary checks carried out by the

National Regulatory Authority for Energy, interest and penalties shall be due from the day immediately following the due date of the contribution invoice/regulatory invoice for which the difference has been established and up to the date of its extinction, in accordance with the provisions of the Fiscal Procedure Code.

Article 7

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

Article 8

The organizational entities within the National Regulatory Authority for Energy, as well as the natural and legal persons whose activity, according to the law, is in the competence to regulate it shall carry out the provisions of this Order.

Article 9

This Order shall be published in the Official Gazette of Romania, Part I, and shall enter into force on 1 January 2024.

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| President of the National Energy Regulatory Authority, George-Sergiu Niculescu |
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Annex 1: Tariff charged to economic operators active in the electricity, heat and natural gas sectors for the granting of authorisations and licences

1. The fee for granting/amending the authorisations for setting up and licences for activities in the electricity and heat sector is set out in Table 1.

Table 1 – Tariff for granting/amending start-up authorisations and licences in the electricity and heat sector¹⁾

| No. crt. | Activity Subject of the request | Tariff (lei) | Application |
|----------|---|--------------|---------------------------|
| 0 | 1 | 2 | 3 |
| 1. | Granting the establishment permit for the realisation or refurbishment of electricity generation capacities ⁵⁾ or of electricity and thermal energy from power plants in cogeneration and for the realisation of energy storage facilities added to such generating capacities, with the | 0.1 % | Pmax ²⁾ > 1 MW |

| | | | |
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| | <p>maximum electrical power debited to the grid of those capacities > 1 MW</p> <p>The tariff shall be applied to the total value of the investment.</p> | | |
| 2. | <p>Granting the establishment permit for the realisation of energy storage facilities that are not added to an existing electricity generation capacity, with the maximum electrical power debited to the grid of those capacities > 1 MW</p> <p>The tariff shall be applied to the total value of the investment.</p> | 0.1 % | $P_{max}^{2)} > 1 \text{ MW}$ |
| 3. | Licensing for the exploitation of electricity generation capacities and, where applicable, power and heat generation capacities from power plants in cogeneration with $P_{e3)} \geq 10 \text{ MW}$ and energy storage facilities added to those generating capacities | 5.000 | |
| 4. | Licensing for the exploitation of electricity generation capacities and, where applicable, electricity and heat generation capacities from power plants in cogeneration with $5 \text{ MW} \leq P_{e3)} < 10 \text{ MW}$ and energy storage facilities added to those generation capacities | 2.500 | |
| 5. | Licensing for the exploitation of electricity generation capacities and, where applicable, electricity and heat generation capacities from power plants in cogeneration with $1 \text{ MW} \leq P_{e2)} < 5 \text{ MW}$ and energy storage facilities added to those generation capacities | 500 | |
| 6. | Grant/Amendment of the licence for the commercial operation of energy storage facilities not added to existing generation capacity | 500 | |
| 7. | Licensing for the provision of the electricity transmission service as well as system balancing services | 10.000 | |
| 8. | Licensing of the activity of the electricity market operator | 10.000 | |
| 9. | Licensing for the provision of the electricity distribution service – $P^4) \geq 10 \text{ MW}$ | 10.000 | |
| 10. | Licensing for the provision of the electricity distribution service – $P^4) < 10 \text{ MW}$ | 2.500 | |

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| 11. | Licensing of the activity of electricity supply | 2.500 | |
| 12. | Licensing of the activity of the electricity trader | 2.500 | |
| 13. | Licensing of aggregation activity | 2.500 | |
| 14. | Modification of an authorisation to set up or a licence, except as provided for in points 15, 16, 17, 18 and 19 | 2.500 | |
| 15. | Modification of a licence for the exploitation of electricity generation capacities and, where applicable, of electricity and heat generation capacities from power plants in cogeneration by 1 MW ³ ³ ³ = 5 MW, except in the circumstances of points 16, 17, 18 and 19 | 500 | |
| 16. | Modification of an authorisation to set up or a licence in the event of a change of legal form, name/name or any data relating to the applicant's premises, except in the cases referred to in point 17 | 625 | |
| 17. | Modification of a licence in the event of a change of legal form, name/name or any data on the applicant's premises, in the case of a licence for the operation of electricity generation capacities and, where applicable, electricity and heat generation capacities from power plants in cogeneration with 1 MW ³ ³ ³ = 5 MW, as well as in the case of a licence for the commercial operation of heat generation capacities for which Pt ⁶) ⁶ ⁶ = 1 MW; = 1 MW | 125 | |
| 18. | Grant/Amendment of a provisional establishment authorisation/provisional licence, with the exception of the establishment authorisation/provisional licence referred to in point 19 | 625 | |
| 19. | Grant/Amendment of a provisional licence for the exploitation of electricity generation capacities and, where applicable, of electricity and heat generation capacities from power plants in cogeneration with 1 MW ³ ³ ³ = 5 MW, as well as in the case of a licence for the commercial exploitation of heat generation capacities for which Pt ⁶) ⁶ ⁶ = 1 MW | 125 | |
| 20. | Issuing a duplicate of the establishment authorisation/licence/confirmation decision | 125 | |

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|-----|--|-------|------------------------------|
| 21. | Granting a licence for the provision of the centralised heat supply service | 5.000 | |
| 22. | Amendment of a licence for the provision of the centralised heat supply service, except in the cases referred to in point 16 | 5.000 | |
| 23. | Granting a licence for the commercial exploitation of heat generation capacities | 2.500 | PT ⁶⁾ > 1 MW |
| | | 500 | PT ⁶⁾ < = 1 MW |
| 24. | Modification of a licence for the commercial exploitation of heat generation capacities, except in the cases referred to in point 16 | 2.500 | PT ⁶⁾ > 1 MW |
| 25. | Modification of a licence for the commercial exploitation of heat generation capacities, except in the cases referred to in point 17 | 500 | PT ⁶⁾ < = 1 MW |
| 26. | Approval of the decision confirming the right to participate in the Romanian electricity markets | 2.500 | |
| 27. | Amendment of the decision confirming the right to participate in the Romanian electricity markets | 625 | |

¹⁾Public institutions in the fields of education and health are exempt from the payment of the tariff listed in Table 1 for the granting/amendment of establishment authorisations and/or licenses.

²⁾ P_{max} is the maximum electrical output of production and/or storage capacities.

³⁾ P_{on} is the installed electrical power of production capacities.

⁴⁾ P means the electricity approved for the users of the electricity grids owned by the applicant in which the electrical power associated with its production and/or consumption of electricity is not included.

⁵⁾In the case of the establishment/refurbishment of a capacity for producing electricity or of electricity and heat produced in cogeneration with the maximum electrical output of more than 1 MW, consisting of an installation for the production, storage and use of biogas/biomethane, for item 1 of Table 1 the licence rate referred to in point 1 of Table 3 shall no longer apply.

⁶⁾ P_t is the installed heat output of heat generation capacities.

2.The fee for the approval/modification of documentation in the electricity sector is set out in Table 2.

Table 2 – Tariff for the approval/modification of documentation in the electricity sector

| No. crt. | Type of documentation | Tariff (lei) |
|----------|---|--------------|
| 1. | Opinion on the connection of users to the electricity grids near the boundary of the area of activity of some distribution system operators | 500 |
| 2. | Approval of the decision confirming a closed electricity distribution system | 2.500 |
| 3. | Amendment of the decision confirming a closed electricity distribution system | 625 |
| 4. | Issuance of a duplicate decision confirming a distribution system | 125 |
| 5. | Approval of the decision to designate the electricity market operator as “designated Electricity Market Operator (NEMO)” | 10.000 |
| 6. | Amendment of the decision designating the electricity market operator as “designated Electricity Market Operator (NEMO)” | 2.500 |

3.The fee charged for granting authorisations and licences in the natural gas sector is set out in Table 3.

(1)Table no. 3 – Tariff for granting/amending authorisations and licences in the natural gas sector

| No. crt. | Activity | Fare (lei) |
|----------|---|------------|
| 1. | Granting/Amending authorisations to set up the Tariff applies to the total value of the investment. | 0.1 % |
| 2. | Licensing of natural gas supply/biogas/biomethane | 2.500 |
| 3. | Licensing of natural gas trader | 2.500 |
| 4. | Licensing of natural gas supply to natural gas producers | 2.500 |
| 5. | LNG supply licence | 2.500 |
| 6. | Grant/Amendment license to operate natural gas transmission systems | 10.000 |

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|-----|--|--------|
| 7. | Grant/Amendment license to operate the distribution system | 10.000 |
| 8. | Grant/Amendment license to operate the underground storage system of natural gas | 2.500 |
| 9. | Grant/Amendment license to operate upstream supply pipelines related to the production of natural gas | 2.500 |
| 10. | Granting/Change LNG Terminal Operating Licence | 2.500 |
| 11 | Centralised Market Management Licence | 10.000 |
| 12. | Grant/Amendment license for the commercial exploitation of hydrogen production facilities | 2.500 |
| 13. | Grant or, where applicable, modification of a licence, solely as a result of merger/division/transformation operations involving licence holders | 625 |

NOTES:

1.The fee for granting/amending the authorisations to establish and licenses in the natural gas sector may not be less than 2,500 lei.

2.The award fee is also due for the confirmatory decisions provided for in the Regulation for the granting of authorisations for establishment and licences in the natural gas sector, approved by Order of the President of the National Energy Regulatory Authority no. 199/2020, as amended.

3.The fee for amending the establishment authorisations/licences/confirmation decisions in the natural gas sector in case of changing the name, legal form or registered office of the holder without changing the technical characteristics is RON 625.

4.The fee for authorising electricity and natural gas suppliers to participate in auctions of greenhouse gas emission allowances pursuant to Article 18(2) of Commission Regulation (EU) No 1.031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community is set out in Table 4.

(2)Table no. 4 – Tariff for authorising electricity and natural gas suppliers to participate in auctions of greenhouse gas emission allowances

| No. crt. | Activity Subject of the request | Tariff (lei) |
|----------|---------------------------------|--------------|
|----------|---------------------------------|--------------|

| | | |
|----|---|-------|
| 1. | Grant/Amendment of authorisation to participate in auctions of greenhouse gas emission allowances | 1.000 |
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NOTE:

Public institutions in the fields of education and health are exempt from the fees listed in Table 4.

Annex no. 2: The fee charged for issuing attestations and authorisations to economic operators providing services for the design, execution, verification and operation of electrical and natural gas installations

1. The fee for issuing attestations to economic operators providing services for the design, execution, verification and operation of electrical installations is set out in Table 1.

Table 1 – Tariff for issuing attestations

| No. crt. | Type of attestation – Category of activities | Tariff (lei) |
|----------|---|--------------|
| 1. | Type A1, Bp, Be, Bi, B, B attestations | 1.600 |
| 2. | Attestations of type A2, A3, C1A, C2A | 3.100 |
| 3. | Type A, C1B, C2B, D1, D2, E1, E2, E2PA attestations | 4.500 |
| 4. | Issuance of a duplicate attestation | 125 |

NOTES:

1. Tariffs set out in Table 1:

a) is also due for the confirmatory decisions provided for in the Regulation for the attestation of economic operators that design, execute and verify electrical installations, approved by Order of the President of the National Energy Regulatory Authority no. 134/2021;

B) in item 1-3 shall not be returned in case of withdrawal of the application for attestation/visation/confirmation by the economic operator, after analysis of the documentation attached to the application, as well as in case of non-approval of the attestation or refusal of confirmation, for whatever reason.

2. The fee of periodic endorsement/confirmation decision represents 50 % of the amount of the issuance fee of the respective type of attestation/confirmation decision.

3. The fee for amending the attestation/confirmation decision in case of change of name, legal form or registered/professional headquarters of the holder of the attestation/confirmation decision, except in cases justified by legislative or regulatory changes, represents 25 % of the tariff for issuing the respective type of attestation/confirmation decision.

2. The fee for authorising/amending/vising the authorisations of economic operators active in the field of natural gas is set out in Table 2.

Table 2 – Tariff for issuing authorisations

| No. crt. | Type of authorisation | Tariff (lei) |
|----------|---------------------------------------|--------------|
| 1. | Design – awarding/targeting | 2.000 |
| 2. | Execution – granting/visiting | 3.000 |
| 3. | Issuance of a duplicate authorisation | 125 |

NOTES:

1. Tariffs set out in Table 2:

a) is also due for the confirmatory decisions provided for in the Regulation for the authorisation of economic operators active in the field of natural gas, approved by Order No 132/2021 of the President of the National Energy Regulatory Authority, as subsequently amended and supplemented;

B) in points 1 and 2 shall not be returned in case of withdrawal of the application after analysis of the documentation attached to the application, as well as in case of closing the application or refusal to grant/amend the authorisation.

2. The fee for amending the authorisation/confirmation decision in case of change of name, legal form or registered/professional seat of the holder of the authorisation/confirmation decision shall represent 25 % of the fee for issuing the respective type of authorisation/confirmation decision.

3. The fee for the authorisation of legal entities that install and/or operate systems for the allocation of costs for heating and hot water for consumption in condominium-type buildings is set out in Table 3.

Table 3 – Tariff for granting/amending authorisations for mounting/operating cost allocation systems or for issuing a duplicate

| No. crt. | Type of authorisation | Tariff (lei) |
|----------|---|--------------|
| 1. | Authorisation for installation of heating cost allocation systems (Type I) | 2.400 |
| 2. | Authorisation for operating heating cost allocation systems (type II) | |
| 3. | Authorisation for installation of cost allocation systems for hot water for consumption (Type III) | |
| 4. | Authorisation for operating systems for the allocation of costs for hot water for consumption (type IV) | |
| 5. | Modification of authorisation | 1.200 |
| 6. | Duplicate Issuance Authorisation | 125 |

NOTE:

Tariff set out in Table 3:

a) is paid by the applicant prior to the submission of the documentation;

B) shall not be returned to the applicant in case of withdrawal of the authorisation application after analysis of the documentation attached to the application, the closure of the documentation, as well as the non-granting of the authorisation.

Annex 3: The fee levied for the authorisation of natural persons active in the electricity, heat and natural gas sector

1. The fee for the authorisation of natural persons who design, execute and verify electrical installations is set out in Table 1.

Table 1 – Tariff for the authorisation of natural persons

| No. crt. | Type of authorisation | Tariff (lei) |
|----------|---|--------------|
| 1. | Grade I | 250 |
| 2. | Approval grades II, III, IV, type A or type B | 250 |
| 3. | Periodic visa/Extension for any of the type A or type B degrees (including grade I) | 125 |
| 4. | Authorisation grades II, III, IV, type A + B | 500 |

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| 5. | Periodic endorsement/Extension for any of the type A+B authorisation grades | 250 |
| 6. | Project verifier in the field of technological electrical installations | 350 |
| 7. | Periodic targeting/Extension for project verifier in the field of technological electrical installations | 175 |
| 8. | Quality and extrajudicial technical expert in the field of technological electrical installations | 500 |
| 9. | Periodic targeting/Extension for quality and extrajudicial technical expert in the field of technological electrical installations | 250 |
| 10. | Issuance of a duplicate certificate of authorised electrician/project verifier in the field of technological electrical installations/quality and extrajudicial technical expert in the field of technological electrical installations | 30 |

NOTE:

Tariff set out in Table 1:

a) is paid by the applicant prior to the submission of the documentation;

B) shall not be returned to the applicant in the cases referred to in Article 46(4) of the Regulation for the authorisation of electricians in the field of electrical installations, respectively of project verifiers and of quality and extrajudicial technical experts in the field of technological electrical installations, approved by Order No 66/2023 of the President of the National Regulatory Authority for Energy.

2.The fee for attesting project verifiers and technical experts in the natural gas sector and for the authorisation of natural persons active in the field of natural gas is set out in Table 2.

Table 2 – Tariff for attestation/authorisation/visiting authorisations/extension as a practice verifiers/technical experts

| No. crt. | Type of attestation | Tariff (lei) |
|----------|---|--------------|
| 1. | Project verifiers, each type of attestation | 350 |
| 2. | Extension of the right to practice of project verifiers, each type of attestation | 175 |
| 3. | Technical experts, each type of attestation | 500 |

| | | |
|----|---|-----|
| 4. | Extension of the right to practice of technical experts, each type of attestation | 250 |
| 5. | Authorised installers, each type of authorisation | 250 |
| 6. | Visa for each type of authorisation | 125 |
| 7. | Issuance of a duplicate certificate of attestation of project verifiers/technical experts/installer authorisation | 30 |

NOTE:

Tariff set out in Table 2:

a) is paid by the applicant prior to the submission of the documentation;

B) shall not be returned to the applicant in case of withdrawal of the application for authorisation/attestation, the closure of the documentation, as well as the non-granting of the authorisation/attestation.

Annex 4: The monetary contribution received annually by the National Regulatory Authority for Energy from the economic operators holding licences/confirmatory decisions in the electricity, heat and natural gas sector, which, according to the law, are under the regulatory competence of the National Regulatory Authority for Energy

I. Annual cash contribution received from the economic operators holding licences/confirmatory decisions in the electricity and heat sector granted by the National Regulatory Authority for Energy

1. Economic operators in the field of electricity who, on 1 January 2024, hold a licence for the activity of providing: the electricity transmission service, the balancing services of the electricity distribution system and the electricity distribution service, as well as those who hold a decision confirming the closed distribution system for the activity of providing the electricity distribution service, have the obligation to pay to the National Energy Regulatory Authority an annual monetary contribution which is established by applying a percentage share of 0.1 % to the calculation basis defined in item 5, but no less than a minimum monetary contribution of RON 3.125.

2. Economic operators in the field of electricity who, on 1 January 2024, hold a license granted by the National Energy Regulatory Authority for the activity of: electricity market operator, electricity trader, electricity supply, aggregation, commercial operation of electricity generation capacities and energy storage facilities added to generation capacity, commercial operation of electricity and heat

generation capacities from cogeneration power plants and energy storage facilities added to generation capacity, commercial operation of energy storage facilities not added to existing generation capacity, and/or decision confirming the right to participate in the electricity markets in Romania, granted by the National Energy Regulatory Authority to foreign legal entities having their registered office in a Member State of the European Union, granted by the National Energy Regulatory Authority, have the obligation to pay the National Energy Regulatory Authority an annual monetary contribution, as follows:

- a) for license holders and/or decision granted by the National Regulatory Authority for Energy, the annual monetary contribution shall be established by applying a percentage share of 0.1 % to the calculation basis defined in point 5, except for the economic operators referred to in points b) and c). The amount of the money contribution thus established may not be less than a minimum cash contribution of RON 3.125;
- B) 3.125 lei for economic operators who do not hold another license and/or confirmatory decision granted by the National Regulatory Authority for Energy in the electricity and heat sector and who receive only a licence for the commercial operation of electricity generation capacities with installed electricity, on 1 January 2024, equal to or greater than 1 MW and less than or equal to 5 MW and who do not have electricity and heat generation capacities in cogeneration. If in 2024 there is a change in the installed electricity, the annual cash contribution to be charged for 2024 remains RON 3,125;
- C) 7.500 lei for economic operators who do not hold another license and/or confirmatory decision granted by the National Regulatory Authority for Energy in the electricity and heat sector and who are only licensed for the commercial operation of electricity generation capacities with installed electricity, on 1 January 2024, greater than 5 MW and less than or equal to 10 MW and who do not have electricity and heat generation capacities in cogeneration. If in 2024 there is a change in the installed electricity, the annual monetary contribution charged for 2024 remains RON 7,500.
3. Economic operators who, on 1 January 2024, hold a licence for the activity: the commercial exploitation of thermal energy production capacities, the commercial exploitation of thermal energy production capacities consisting of installations for the production, storage and use of biogas/biomethane and the provision of the centralised heat supply service shall be required to pay to the National Energy Regulatory Authority an annual monetary contribution established by applying a percentage rate of 0.1 % to the basis of calculation defined in item 5, but not less than a minimum monetary contribution of RON 3.125; the provisions of this point and of items 4-11 are also applicable to the holders of licenses granted by the National Regulatory Authority in the field of Energy for carrying out activities in the heating sector.
4. Public institutions in Romania in the fields of education and health are exempt from payment of the monetary contribution to the National Regulatory Authority for Energy.

5._

(1) In the case of economic operators who, on 1 January 2024, hold a licence to carry out activities in the electricity and heat sector and/or decision confirming the closed distribution system, respectively the right to participate in the electricity markets in Romania, granted by the National Regulatory Authority for Energy, the basis for calculating the cash contribution for 2024 shall be the net turnover, defined and calculated according to the accounting regulations, obtained in 2023 from carrying out activities in the electricity and heat sector based on a licence/confirmation decision. In the case of administrative-territorial units carrying out the activity of providing the centralised heat supply service, the basis for calculating the annual cash contribution is the revenues related to the licensed activity, including the subsidies related to the revenues received from the local/state budget for this activity.

(2) Economic operators for which the National Energy Regulatory Authority has established for the activity authorised by a licence complementary rights specific to other types of licences, as provided for in Article 10(2) ⁽¹⁾ of the Law on electricity and natural gas no. 123/2012, as amended, shall owe an annual monetary contribution established similar to the licensed activity whose complementary rights are.

(3) In the case of the holder of the licence for the provision of the electricity transmission service, as well as of the system balancing services, the revenues recorded from the management of balancing markets shall not be included in the basis for calculating the cash contribution for 2024.

(4) In the case of license holders and/or confirmatory decision granted by the National Regulatory Authority for Energy, the income recorded from electricity transactions in which they acted as intermediaries for the market with continuous double negotiation shall not be included in the basis for the calculation of the cash contribution for 2024.

(5) In the case of electricity suppliers, the basis for calculating the cash contribution collected by the National Regulatory Authority for Energy is the net turnover, defined and calculated according to the accounting regulations in force, which includes the revenues recorded from the activity of supplying electricity – including those corresponding to green certificates and the contribution of high-efficiency cogeneration, plus the revenues recorded from the application of the measures of the compensation scheme for electricity consumption and those related to the compensation granted for the implementation of the measures applicable to final customers in the electricity market.

6. Licence holders and/or confirmatory decision granted by the National Regulatory Authority for Energy, with the exception of those referred to in points 2(b) and (c) and 4, shall submit to the portal of the National Regulatory Authority for Energy (<https://spv.anre.ro>) by the end of February 2024 a statement containing the basis for calculating the estimated cash contribution for 2024 related to the activities in the

electricity and thermal sector for which they hold a licence and/or confirmatory decision granted by the National Regulatory Authority for Energy, signed by the legal representative of the holder or by a person authorised by him. In the case of economic operators who do not submit on the ANRE portal, by the end of February 2024, the above mentioned declaration, the contribution shall be established by applying the provisions of points 1-3 to the highest value of the calculation base declared by that economic operator in order to establish the contributions of the last two years for the activities in question, but may not be less than a minimum monetary contribution of RON 3.125 for each activity for which they hold a licence and/or confirmatory decision granted by the National Energy Regulatory Authority.

7. For license holders and/or confirmatory decision granted by the National Regulatory Authority for Energy, whose estimated annual monetary contribution is higher than the level of 3,125 lei, it shall be paid in equal quarterly instalments; the period for payment of each of these instalments shall be the end of the first month of that quarter, with the exception of the first instalment, as follows: rate I – 20 days after the invoice was issued, rate II – 30.4.2024, rate III – 31.7.2024, rate IV – 31.10.2024.

8._

(1) The regulation of the monetary contribution shall consist of determining the difference between the value of the estimated cash contribution for 2024, in accordance with point 6, and the value of the money contribution made for 2024 from the commercial activities for which the economic operators referred to in points 1, points 2(a) and 3 have a license and/or confirmatory decision granted by the National Regulatory Authority for Energy. The regularisation of the cash contribution collected for 2024 shall be carried out by 31 December 2024. In order to regularise the money contribution, license holders and/or confirmatory decision granted by the National Energy Regulatory Authority shall submit to ANRE by 15 June 2024:

a) the statement on the basis of the calculation of the money contribution made for the year 2024, related to the activities for which I hold a license and/or confirmatory decision granted by the National Regulatory Authority for Energy;

B) the annual financial statements for 2023, recorded with the Romanian tax administration authority, including the annual analytical check balance that was the basis for the preparation of these financial statements or similar documents in the case of legal entities that are not required to register with the Romanian tax administration authority.

(2) The license holders of points 2(b) and c) and point 4 shall be exempted from the provisions of paragraph (1).

9._

- (1) When granting in 2024 a new type of licence and/or confirmatory decision for carrying out activities in the electricity and heat sector, the applicant shall pay the National Energy Regulatory Authority an annual monetary contribution of RON 7,500.
- (2) Exemption from the provisions of paragraph (1) shall be made by public institutions in Romania in the fields of education and health which are exempt from payment of the monetary contribution to the National Regulatory Authority for Energy.

10. In the case of any economic operator covered by points 1, points 2(a) and 3, licence holder and/or confirmatory decision granted by the National Energy Regulatory Authority:

- a) If 2024 is the year of expiry of the validity or withdrawal of the licence and/or the confirmatory decision granted by the National Energy Regulatory Authority, at the request addressed in writing to the National Energy Regulatory Authority by the economic operator in this case after the expiry or withdrawal of the license and/or the confirmatory decision granted by the National Energy Regulatory Authority, the annual monetary contribution shall be recalculated as follows: the value calculated in accordance with points 1, points 2(a) and 3 shall be weighted by the ratio between the validity period of the licence and/or the confirmatory decision granted by the National Energy Regulatory Authority in 2024, expressed in calendar days, and the number of days of the calendar year (366). The annual monetary contribution thus recalculated may not be less than a minimum cash contribution of RON 3.125;
- B) If the economic operator enters into bankruptcy proceedings in 2024, established by a final court decision, at the request addressed in writing to the National Energy Regulatory Authority, the amount of the annual cash contribution shall be recalculated as follows: the value calculated in accordance with points 1, 2 (a) and 3 shall be weighted by the ratio between the period until the entry into bankruptcy proceedings expressed in calendar days and the number of days of the calendar year (366). The annual monetary contribution thus recalculated may not be less than a minimum cash contribution of RON 3.125;
- C) the provisions of letter a) are applicable in situations where the validity of the licence and/or the confirmatory decision granted by the National Energy Regulatory Authority expires in 2024, if no amendment is requested or approved, in order to extend its validity at least until a term of the following year, as well as if no new licence and/or confirmatory decision is granted by the National Energy Regulatory Authority, for the same type of activity, in which case it is considered continuity in the conduct of the commercial activity in question.

11. For the analysis of the documentation submitted for the purpose of issuing the decision approving prices/tariffs in the electricity and thermal energy sectors

produced in cogeneration and for heat produced in separate production capacities, natural and legal persons shall pay a monetary contribution of RON 3.125, if:

a) have the legal obligation to ask the National Regulatory Authority for Energy to approve the prices/tariffs charged in carrying out commercial activities;

B) carry out, according to the law, such activities in the electricity sector, without being license holders.

This contribution shall be collected upon submission of the analysis file and shall not be returned to the applicant if the National Energy Regulatory Authority refuses approval or in case of restitution of the documentation on the grounds that it is not complete.

12. Economic operators, natural and legal persons, applicants for accreditation or modification of accreditation for the application of the green certificate promotion scheme, who are not holders of a licence for the commercial exploitation of the RES renewable electricity generation capacity for which accreditation is requested, economic operators developing RES projects with installed power above 250 MW, subject to the detailed assessment of the support measure and notification to the European Commission, shall pay the National Energy Regulatory Authority a financial contribution of:

a) 3.125 lei for economic operators, legal entities, applicants for accreditation or modification of accreditation for the application of the green certificate promotion system, which are not holders of a licence for commercial exploitation of the RES production capacity for which accreditation is requested; In the case of economic operators holding more than one RES production capacity, the cash contribution shall be charged for each decision amending the accreditation issued to them;

B) 800 lei for legal entities, applicants for modification of the accreditation for the application of the green certificate promotion system as a result of the change in the name of the company or the form of organisation or applicants for suspension of accreditation for the application of the green certificate promotion scheme, if they are not holders of a commercial exploitation licence for the production capacity of RES for which accreditation is requested, by way of derogation from the provisions of letter a);

C) 600 lei for economic operators natural persons, applicants for accreditation or modification of accreditation for the application of the system of promotion through green certificates, who are not holders of a license for commercial exploitation of the production capacity of RES;

D) 150 lei for economic operators natural persons, applicants for accreditation or modification of accreditation for the application of the system of promotion by green certificates as a result of changing the name or form of organisation, if they are not

holders of a licence for commercial exploitation of the production capacity of RES, by way of derogation from the provisions of letter c);

e) 600 lei/MW installed for economic operators developing power plant projects subject to detailed assessment and notification of the support measure to the European Commission.

13. The economic operators accredited for the application of the green certificate promotion system shall pay the National Energy Regulatory Authority a monetary contribution of:

a) 125 lei for issuing a duplicate of the accreditation decision/modification of the accreditation/rejection of the accreditation or of the decision to suspend/terminate the suspension/withdrawal of the accreditation;

B) 350 lei for the communication of copies of documents from the file related to the accreditation decision. This contribution shall not apply to decisions referred to in subparagraph (a) issued on its own initiative of the National Regulatory Authority for Energy, nor in situations where it is necessary to communicate data and information requested by state authorities, in accordance with the legal provisions in force.

14. Economic operators requesting opinions for the preliminary/final accreditation of new or refurbished cogeneration units shall pay the National Energy Regulatory Authority a financial contribution determined with the formula: $T = 3.125 + 200 \times P$ [Lion], in which "T" represents the cash contribution and "P" is expressed in [MW] and represents the installed electrical power.

II. Annual cash contribution received from economic operators holding licences/confirmatory decisions in the natural gas sector

1. The annual cash contribution charged to the holders of the license/decision confirming the closed distribution system, respectively the right to participate in the natural gas markets in Romania, granted by the National Regulatory Authority for Energy, shall be established on the basis of the information set out in Table 1 and may not be less than a minimum monetary contribution of RON 3.125.

Table 1 – Annual cash contribution to licence holders and/or confirmatory decision granted by the National Energy Regulatory Authority

| No. crt. | Activity | Basis for calculation | U.M. | Unitary cash contribution (lei/U.M.) |
|----------|---|---|------|--------------------------------------|
| 1. | Supply of natural gas/biogas/biomethane | Amount of natural gas/biogas/biomethane | MWh | 0,168 |

| | | | | |
|----|--|--|-----|-------|
| 2. | Natural gas trader | Amount of natural gas | MWh | 0,168 |
| 3. | Supply of natural gas by natural gas suppliers who are also natural gas producers | Amount of natural gas | MWh | 0,168 |
| 4. | Provision of LNG | Amount of LNG | t | 0,780 |
| 5. | Operation of the natural gas transmission system | Amount of natural gas transported | MWh | 0,062 |
| 6. | Operation of the underground gas storage system | Amount of natural gas stored in underground storage facilities | MWh | 0,094 |
| 7. | Operation of the natural gas distribution system, including closed distribution system | Amount of natural gas distributed | MWh | 0,086 |
| 8. | Operation of upstream supply pipes | Amount of natural gas transported through upstream supply pipelines to final customers and natural gas distribution systems, directly connected to upstream supply pipelines | MWh | 0,031 |
| 9. | Commercial operation of hydrogen production facilities | Amount of hydrogen produced | MWh | 0,056 |

2.The holders of licenses granted by the National Energy Regulatory Authority for the activity of managing the centralised natural gas markets and for the operation of the LNG terminal shall pay the National Energy Regulatory Authority an annual monetary contribution that is determined by applying a percentage of 0.1 % to the net turnover, defined and calculated according to accounting regulations, obtained in 2023 from the activity covered by the license and which may not be less than a minimum cash contribution of RON 3.125. The net turnover, defined and calculated according to accounting regulations, obtained in 2023 from the licensed activity is the basis for calculating the cash contribution for 2024.

3.The public institutions in Romania in the fields of education and health are exempt from the payment of the annual cash contribution, as well as from the submission to the National Energy Regulatory Authority of declarations in order to establish the annual monetary contribution.

(1) The license holders and/or confirmatory decision granted by the National Regulatory Authority for Energy, referred to in point 1, shall submit a declaration on the quantity of natural gas/biogas/biomethane/hydrogen/hydrogen/LNG estimated for 2024 on the activities carried out on the basis of licence and/or confirmatory decision granted by the National Energy Regulatory Authority, signed by the legal representative of the applicant or by a person authorised by him/her.

(2) The holders of licences granted by the National Energy Regulatory Authority for the activity of managing the centralised natural gas markets and for the operation of the LNG terminal, referred to in point 2, shall submit to the portal of the National Regulatory Authority for Energy, by the end of February 2024, a statement on the estimated turnover for 2023.

(3) For economic operators, license holders and/or confirmatory decision granted by the National Regulatory Authority for Energy, who do not submit on the portal of the National Regulatory Authority for Energy the declaration on the estimated quantity, by the deadline specified above, the annual monetary contribution shall be calculated on the basis of the highest value of the annual quantities of natural gas/biogas/biomethane/hydrogen/hydrogen/LNG declared in the last two years by that economic operator to the National Regulatory Authority for the activities in question, in accordance with the provisions of the normative acts in the natural gas sector.

(4) For economic operators, license holders granted by the National Regulatory Authority for Energy, who do not submit the declaration on the value of the estimated turnover, by the deadline specified above, the annual money contribution shall be calculated on the basis of the highest value of the turnover declared in the last two years by the respective economic operator to the National Regulatory Authority for Energy, in order to establish the annual monetary contributions for the activities in this case.

(5) The amount of the annual money contribution thus established may not be less than a minimum monetary contribution amounting to 3,125 lei.

5. For license holders and/or confirmatory decision granted by the National Energy Regulatory Authority whose estimated annual monetary contribution is higher than the level of 3,125 lei, it shall be paid in equal quarterly instalments; the period for payment of each of these instalments shall be the end of the first month of that quarter, with the exception of the first instalment, as follows: rate I – 20 days after the invoice was issued, rate II – 30.4.2024, rate III – 31.7.2024, rate IV – 31.10.2024.

6. Regularisation of the monetary contribution collected for 2024 from the economic operators referred to in point 1 shall be carried out between 1 May and 31 May 2025 and shall consist of establishing the difference between the value of the estimated annual money contribution and the amount of the annual monetary contribution made determined on the basis of the quantities made in 2024 and declared to ANRE in

accordance with the provisions of the methodology for monitoring the natural gas market, approved by order of the President of the National Regulatory Authority for Energy.

7.Regularisation of the monetary contribution collected for 2024 from the economic operators referred to in point 2 shall be carried out by 31 December 2024 and shall consist of establishing the difference between the estimated annual cash contribution and the amount of the annual cash contribution made determined on the basis of the turnover achieved in 2023. In order to regularise the annual money contribution, license holders have the obligation to submit to the ANRE portal, by 15 June 2024:

- a) the statement on the turnover achieved in 2023 from the licensed activities;
- B) the annual financial statements for 2023, recorded with the Romanian tax administration authority, including the annual analytical check balance underlying the preparation of these financial statements, or similar documents in the case of legal entities that are not required to register with the Romanian tax administration authority.

8._

- (1) When granting in 2024 a new type of licence and/or confirmatory decision for carrying out activities in the natural gas sector, the applicant shall pay the National Energy Regulatory Authority an annual monetary contribution of RON 7,500.
- (2) Exemption from the provisions of paragraph (1) shall be made by public institutions in Romania in the fields of education and health which are exempt from payment of the monetary contribution to the National Regulatory Authority for Energy.

9._

a)In the case of any natural or legal person holding a licence and/or a confirmatory decision granted by the National Energy Regulatory Authority, if 2024 is the year of expiry of the validity or withdrawal of the license and/or the confirmatory decision granted by the National Energy Regulatory Authority, at the request addressed in writing to the National Energy Regulatory Authority by the economic operator in this case after the expiry or withdrawal of the licence and/or the confirmatory decision granted by the National Energy Regulatory Authority, the annual monetary contribution shall be recalculated as follows: the value calculated in accordance with points 1 and 2 shall be weighted by the ratio between the validity period of the licence/right confirmed in 2024, expressed in calendar days, and the number of days of the calendar year (366). The annual monetary contribution thus recalculated may not be less than a minimum cash contribution of 3,125 lei.

B) In the event that the economic operator enters into bankruptcy proceedings in 2024, established by a final court decision, at the request addressed in writing to the National

Energy Regulatory Authority, the amount of the annual cash contribution shall be recalculated as follows: the value calculated in accordance with the provisions of points 1 and 2 shall be weighted by the ratio between the time until the entry into bankruptcy proceedings expressed in calendar days and the number of days of the calendar year (366). The annual monetary contribution thus recalculated may not be less than a minimum cash contribution of 3,125 lei.

C) The provisions of letter a) are applicable in situations where the validity of the licence and/or the confirmatory decision granted by the National Energy Regulatory Authority expires in 2024, if the modification of that licence is not requested or approved, in order to extend its validity at least until a term of the following year, as well as if no new licence and/or confirmatory decision is granted by the National Energy Regulatory Authority for the same type of activity, in which case it is considered continuity in the conduct of the business in question.

III.Final provisions

1. During the period of suspension of a licence and/or confirmatory decisions granted by the National Regulatory Authority for Energy, which is specified in the decision issued for this purpose by the National Energy Regulatory Authority, the economic operators are obliged to submit the documents referred to in this Annex and to pay the annual monetary contribution. The value of the annual money contribution shall not decrease during the suspension period, and its value may not be less than a minimum monetary contribution of 3,125 lei.

2. In case of bankruptcy of the license holder and/or confirmatory decision granted by the National Regulatory Authority for Energy, the monetary contribution is not due from the date of the opening of the bankruptcy proceedings of the license holder, established by a final court decision.

3. If the checks carried out by the National Regulatory Authority for Energy reveal the need for corrections or additional data, as well as in case of self-examination of the declared data of the economic operator, it is necessary to correct the declaration initially submitted, the license holder and/or confirmatory decision granted by the National Regulatory Authority for Energy shall submit the amending declaration through the portal of the National Regulatory Authority for Energy.

4. The economic operators referred to in Chapters I and II shall submit to the National Energy Regulatory Authority the documents referred to in this Annex, including in the event of non-performance of the licensed activities and/or with a confirmatory decision granted by the National Energy Regulatory Authority, on the basis of which the value of the annual cash contribution shall be determined, which may not be less than a minimum monetary contribution of RON 3.125.

5. Interest and penalties of less than 10 lei calculated for non-payment of principal debts on time shall be cancelled.

6.If the adjustment of the contribution results in negative amounts, the National Energy Regulatory Authority will charge interest and penalties on the debt calculated as the difference between the value of the contribution invoice and the amount of the regularisation invoice, starting with the day immediately following the due date and the date of its extinguishment inclusive.

7.The amounts that the National Energy Regulatory Authority owes to license holders and/or confirmatory decision granted by the National Energy Regulatory Authority shall be returned within 30 days from the receipt of the refund request. The refund application shall contain at least the following elements: company name, company identification data, including IBAN code and banking company, amount requested, signature of legal representative of the company.

8.The failure to transmit the requested data within the time limits laid down in this Annex or their incorrect transmission following the receipt of the notifications of the National Regulatory Authority for Energy constitutes an infringement, in accordance with Articles 93 and 194 of the Law on Electricity and Natural Gas No 123/2012, as subsequently amended and supplemented, and Article 47 of Community Law on Public Utilities Services No 51/2006, republished, as subsequently amended and supplemented, as the case may be.

9.The amount of the annual monetary contribution collected by the National Regulatory Authority for Energy from an economic operator may not be less than a minimum monetary contribution of RON 3.125 for each license and/or confirmatory decision granted by the National Regulatory Authority for Energy.

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