

energy - legal changes published in February 2017

Order no. 8/2017 regarding the approval of cap values for trading green certificates and the value of a non-acquired green certificate was published in the Official Gazette of Romania, Part I, no. 118 of February 13, 2017.

The purpose of the approval of the order is to approve the cap values for trading green certificates on the green certificate market, as follows:

- the minimum value is RON 133.0611 per green certificate (namely EUR 29.4559 per green certificate);
- the maximum value is RON 271.0624 per green certificate (namely EUR 60.0054 per green certificate).

At the same time the order establishes the value of a green certificate which was not acquired by economic operators having annual quota of green certificates, for failure of their mandatory quota of green certificates, to:

- RON 539.4450 per non-purchased green certificate (namely EUR 119.7702 per non-purchased green certificate) for the year of analysis 2016;
- RON 542.1198 per non-purchased green certificate (namely EUR 120.0097 per non-purchased green certificate) for the year of analysis 2017.

On the date this order takes effect, the Order of the President of the National Authority for Energy Regulation no. 3/2016 regarding the approval of caps for trading green certificates and the value of a non-purchased green certificate, shall be repealed.

Order no. 7/2017 establishing rules on the publication of information relating to deals concluded on the electricity market was published in the Official Gazette of Romania, Part I, no. 123 of February 15, 2017.

The provisions of the new Order are addressed to economic operators in the electricity industry, establishing that operators involved in contracts on the regulated market or export market are required to submit to the operator of the electricity market a copy of these contracts, within 7 days from the date of their conclusion and, where operators who have concluded ongoing contracts on the regulated market or export market before the entry into force of this order, it provides the obligation to provide the operator of the electricity market copies of those contracts within 7 days from the date of entry into force of this order.

Order no. 6/2017 approving Performance Standard for the supply of electricity was published in the Official Gazette of Romania, Part I, no. 124 of February 15, 2017.

The performance standard approved by this Order regulates the quality of electricity supply, establishing the following:

- provisions on the quality of the supply activity;
- performance indicators characterizing the supply activity;
- guaranteed levels of the performance indicators;
- compensations which the last mile suppliers pay to end users of the universal service, in case of failing to observe the guaranteed levels of the performance indicators;
- the reporting of the performance indicators afferent to the supply activity.

The performance standard also includes provisions on requirements on ensuring electricity supply, establishing the following general performance indicators:

- the number of supply contracts concluded with the end customers following template and/or customized supply offers send upon their request, under negotiated prices and conditions;
- the number of breaches of the deadline for issuance of supply offers;
- the number of compensations paid to end users for failing to observe the deadline for issuance of supply offers.

It also regulates the situation of resolving complaints concerning billing, stating that if the end client disputes the amount of an invoice and communicates this to the supplier within 30 days from the date of issue, the supplier must consider the merits of the complaint and communicate to the customer the analysis result within 5 business days from lodging, regardless of whether or not the bill was paid by the customer.

On communicating the values of the performance indicators, it is stated that starting in 2017, the providers determine quarterly the performance indicator values for the supply of electricity by type of end customers, namely households, small non-household customers, large non-household customers. These values are transmitted (electronically) quarterly by NRAE until the 15th of the second month following the quarter for which reporting is done.

Order no. 10/2017 amending and supplementing the methodology of establishing regulated revenue, total revenue and tariffs for the transmission of natural gas, approved by Order of the President of the National Regulatory Agency for Energy no. 32/2014 was published in the Official Gazette of Romania, Part I, no. 135 of February 22, 2017.

The Order introduces changes to the methodology for establishing the regulated revenue, total revenue and tariffs for natural gas transmission activity. Among the changes occurred we mention the change of the allocation of total revenue in the fixed component and the volumetric component and introducing obligations on the licensee to operate the transmission system of publishing a set of data on its website at least 30 days before beginning of the regulatory period/year.

Order no. 11/2017 on the establishment of mandatory quota of green certificates, for the year 2016 was published in the Official Gazette, Part I no. 147 of February 27, 2017

According to this order, the mandatory quota of green certificates for economic operators who have this obligation for 2016 is set at 0.306 green certificates / MWh, corresponding to a final consumption of electricity exempted from payment of green certificates of 6845.56 GWh.

Order no. 13/2017 on supplementing the Regulation for the organization and operation of simultaneous decreasing price auctions on the centralized market for the universal service, approved by Order of the President of the National Regulatory Agency for Energy no. 65/2014 was published in the Official Gazette of Romania, Part I, no. 149 of February 28, 2017.

The Order supplements the Regulation for organizing and conducting simultaneous decreasing price auctions on the centralized market for universal service, approved by Order of the President of the National Regulatory Agency for Energy no. 65/2014, in that it introduces stay on the right to submit offers for sale in the subsequent three (3) organized auction sessions, of bidders who were declared winners after conducting an auction sessions but who do not comply with obligations arising from contracts concluded with the last mile supplier and that, during the staying period of the license under which the seller was registered in the centralized market for universal service, the sale-purchase contracts concluded on the basis of the auction results by them are suspended.