

energy - draft laws published in September 2017

Draft Order for supplementing the Regulation on the organization and functioning of the Committee for the settlement of disputes on the wholesale and retail market between the participants in the electricity and natural gas market approved by the Order of the President of the National Regulatory Authority for Energy no. 61/2013 was published on the website of the National Regulatory Authority for Energy on 1 September 2017.

The draft order brings the following changes:

- In the event that the Commission's mandate ends, the time limits set in Chap. III are extended until a new Commission is appointed;
- the applications submitted to the authority and not solved until the date of entry into force of the present order, shall be considered to have their time limit reset as stipulated in Chap. III

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq2DgQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft order for amending the methodology for setting and adjusting prices for electricity and heat produced and delivered from cogeneration plants benefiting from the support scheme, namely the bonus for high efficiency cogeneration approved by the Order of the President of the National Regulatory Authority for Energy no. 15/2015 was published on the website of the National Regulatory Authority for Energy on 5 September 2017.

The Draft Order proposes to modify the Methodology in the sense that for the approval of the reference bonuses and regulated / reference prices of heat applicable in 2018, the minimum values between the average prices resulting from the NRAE monitoring of the gas market and those reported by producers for the second quarter of 2017 for gas from the transport and the distribution network, **taking into account an average percentage of gas storage / import insurance reported by producers for the first semester of 2017.**

Currently, the Methodology does not provide for the storage / import percentage to be taken into account when determining the reference prices for heat and reference bonuses in the case of natural gas.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq2Dgw%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Order amending and supplementing the Methodology for establishing and monitoring of overcompensation for the production of electricity and heat in high efficiency

cogeneration benefiting from the bonus support scheme approved by the Order of the President of the National Regulatory Authority for Energy no. 84/2013, was published on the website of the National Regulatory Authority for Energy on 5 September 2017.

The draft amends the Methodology regarding the following aspects:

- regulating the exception provided in point 1 of GD no. 925/2016 as regards the definition of overcompensation, where cogeneration units are taken over under public service delegation contracts for the supply of heat;
- determination of over-compensation for 2017;
- regulating the case where the producer fails to pay within the time limit set by the legislation the value of the overcompensation and does not comply with the debt clearing agreements concluded with the Support Scheme Administrator;
- settling the case of non-payment or late payment of the value of overcompensation;
- regulating the mandatory character of decisions to approve overcompensation.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq2DhQ%3D%3D&t=wOutwdHbn8%2BcmLPfrrV5ps%3D>

Draft Order on amending the pricing Methodology for heat delivered in SACET from plants with cogeneration units not benefiting from support schemes for the promotion of high efficiency cogeneration approved by the Order of the President of the National Regulatory Authority for Energy no. 111/2014 was published on the website of the National Regulatory Authority for Energy on 8 September 2017.

The Draft Order proposes to modify the Methodology in the sense that for the approval of the reference bonuses and regulated / reference prices of heat applicable in 2018, the minimum values between the average prices resulting from the NRAE monitoring of the gas market and those reported by producers for the second quarter of 2017 for gas from the transport and the distribution network, **taking into account an average percentage of gas storage / import insurance reported by producers for the first semester of 2017.**

Currently, the Methodology does not provide for the storage / import percentage to be taken into account when determining the reference prices for heat and reference bonuses in the case of natural gas.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq2Dhw%3D%3D&t=wOutwdHbn8%2BcmLPfrrV5ps%3D>

Draft Order for the approval of the sale prices of electricity produced in power plants from renewable sources with installed capacity below 100 kW belonging to natural persons, to the distribution operators leaseholders was published on the website of the National Regulatory Authority for Energy on 21 September 2017.

On August 18, 2017 NRAE published the draft Order for the approval of the sale prices of electricity produced in power plants from renewable sources with installed capacity below 100 kW belonging to natural persons, to the distribution operators leaseholders.

Considering the Ministry of Public Finance's failure to fulfill the obligations regarding the creation of the legal framework necessary to ensure the trade of electricity produced and delivered to the electricity grid by the natural persons' power plants, NRAE created this version of the draft order according to which the payment of electricity produced from renewable sources and delivered to the electricity network by individuals will be paid to them by the distribution operators through the electricity suppliers, while the accounting documents of the parties involved will be kept in accordance with the applicable tax rules.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq2EiQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Order for amending and supplementing the Methodology for establishing and monitoring the contribution for High Efficiency Cogeneration approved by the Order of the President of the National Regulatory Authority for Energy no. 117/2013 was published on the website of the National Regulatory Authority for Energy on 29 September 2017.

The draft amends the Methodology regarding the following aspects:

- exemption of export from the contribution for high efficiency cogeneration;
- recovery through the inclusion in the contribution for cogeneration of the contribution of cogeneration left unpaid by electricity suppliers to Romanian consumers;
- inclusion in the cogeneration contribution of the overcompensation and / or the undue bonus unpaid by the electricity and heat cogeneration producers accessing the support scheme and for which all legal steps have been taken will be recovered by including them in the contribution for CHP.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq57iQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>