

energy - legal changes published in February 2018

NRAE Order no. 27/2018 for the approval of the Regulation for organizing and conducting auctions on the centralized market for universal service was published in the Official Gazette of Romania, Part I, no. 106 of 02 February 2018

The Order approves the Regulation for organizing and conducting auctions on the centralized market for universal service, Regulation which establishes the framework for the procurement by the last providers in a transparent, public, centralized and non-discriminatory way of the electricity intended for the consumption of the end users under the service regime universal, namely:

- the method of organizing and conducting auction sessions on the centralized market for universal service;
- the way of determining the trading products within the auction sessions on the centralized market for the universal service;
- the way of establishing transactions and contracting of the energy traded on the centralized market for the universal service;
- the way of managing and publishing the information about participants, the conduct and the results of the auctions on the centralized market for the universal service

The regulation applies to:

- license holders for production/supply/trading in the electricity sector;
- the operator of the electricity and natural gas market in Romania, as operator of the centralized market for universal service

The Regulation contains provisions on: (i) the framework for the organization of the centralized market for universal service; (ii) the principles for the operation of an auction session; (iii) conducting auction sessions; (iv) the results of the auctions and the conclusion of the contracts.

On the date of entry into force of this Order, the Order of the President of the National Regulatory Authority for Energy no. 65/2014 for the approval of the Regulation on the organization and running of simultaneous auction with decreasing price on the centralized market for universal service, as well as the Decision of the President of the National Regulatory Authority for Energy no. 2.667 / 2014 for the approval of the Framework Contract for sale / purchase of electricity traded on the centralized market for universal service are repealed.

Date of entry into force: 02 February 2018.

NRAE Order no. 33/2018 for the amendment of the Regulation for issuing green certificates, approved by the Order of the President of the National Regulatory Authority for Energy no. 4/2015 was published in the Official Gazette of Romania, Part I, no. 121 of February 8, 2018.

The Order amends the Regulation for the issuance of green certificates, approved by the Order of the President of the National Regulatory Authority for Energy no. 4/2015, as follows:

- one of the obligations of the transmission system operator is amended, namely the operator verifies the existence of certificates of origin and other documents issued by the relevant ministries provided in art. 3 par. (10) of the Order, or institutions subordinated to these ministries, which will show the quantities of RES used for electricity production in the previous semester by producers in accredited power plants;
- an obligation of the accredited economic operators is modified, namely to transmit to the transmission system operator the certificates of origin and other documents issued by either the relevant ministries referred to in art. 3 par. (10) of the Act, or institutions under the subordination of these ministries, showing the quantities of RES used for electricity production and the analysis bulletins resulting in the lower calorific value of the fuels used;
- in the annex no. 2 to the Regulation, it amends point 4 on the calculation formula regarding the share of the consumption of renewable sources of energy accompanied by certificates of origin issued under Art. 3 par. (10) of the Law.

Date of entry into force: 08 February 2018.

NRAE Order no. 38/2018 regarding the establishment of the mandatory quota for the acquisition of green certificates for the year 2017 was published in the Official Gazette of Romania, Part I, no. 187 of 28 February 2018.

The mandatory quota for the acquisition of green certificates by economic operators obliged to purchase green certificates for 2017 is set as follows:

- for January-March 2017, at 0,210 green certificates / MWh, corresponding to a final electricity consumption exempt from the payment of green certificates of 1,693.5 GWh;
- for April-December 2017, at 0.357 green certificates / MWh, corresponding to a final electricity consumption exempt from the green certificates of 5.515,1 GWh

Date of entry into force: 01 March 2018.

Other acts in the energy field:

- (1) NRAE Order no. 20/2018 regarding the amendment of the Order of the President of the National Regulatory Authority for Energy no. 60/2016 was published in the Official Gazette of Romania, Part I, no. 98 of February 1, 2018, in force from the same date;
- (2) NRAE Order no. 22/2018 for amending and supplementing the Regulation regarding the connection to the natural gas distribution system, approved by the Order of the President of the National Regulatory Authority for Energy no. 32/2017 was published in the Official Gazette of Romania, Part I, no. 109 of 5 February 2018, in force from the same date;
- (3) NRAE Order no. 21/2018 regarding amending and supplementing the Order of the President of the National Regulatory Authority for Energy no. 82/2017 for the approval of the Regulation regarding the connection to the natural gas transmission systems was published in the Official Gazette of Romania, Part I, no. 111 of February 5, 2018, in force from the same date;
- (4) NRAE Order no. 25/2018 for amending and completing the Order of the President of the National Regulatory Authority for Energy no. 145/2014 regarding the implementation of smart metering systems was published in the Official Gazette of Romania, Part I, no. 123 of February 8, 2018, effective from the same date;
- (5) NRAE Order no. 26/2018 for the approval of the Competition Selection Regulation for the designation of the suppliers of last resort and for the amendment of certain regulations in the electricity sector was published in the Official Gazette of Romania, Part I, no. 129 of 12 February 2018, in force since July 1, 2018;
- (6) NRAE Order no. 32/2018 amending the General Conditions related to the license for the provision of the electricity distribution service by the economic operators who are not concessionaries of the power distribution service, approved by the Order of the President of the National Regulatory Authority for Energy no. 73/2014 was published in the Official Gazette of Romania, Part I, no. 136 of 13 February 2018, in force from the same date;
- (7) NRAE Order no. 28/2018 for the approval of the document "Proposing all OPEEDs for products that may be considered by OPEEDs in the single coupling for the next day in accordance with Article 40 of Commission Regulation (EU) 2015 / 1.222 of 24 July 2015" laying down guidelines on capacity allocation and congestion management" was published in the Official Gazette of Romania, Part I, no. 137 of 13 February 2018, in force from the same date;
- (8) NRAE Order no. 30/2018 to approve the document "Proposing all OPEEDs for Reserve Methodology in accordance with Article 36 (3) of Commission Regulation (EU) 2015 / 1.222 of 24 July 2015 laying down guidelines on capacity allocation and congestion management" was published in the Official Gazette of Romania, Part I, no. 141 of 14 February 2018, in force from the same date;
- (9) NRAE Order no. 29/2018 for approving the document "Proposing all OPEEDs for products that may be considered by OPEEDs in the intraday locking process, in accordance with art. 53 of Commission Regulation (EU) 2015 / 1.222 of 24 July 2015 laying down guidelines on capacity allocation and congestion management"

was published in the Official Gazette of Romania, Part I, no. 143 of 15 February 2018, in force from the same date;

- (10) NRAE Order no. 31/2018 regarding the approval of the Regulation on the functioning and settlement of the balancing market and the Regulation for calculation and settlement of imbalances of the parties responsible for balancing, as well as for the modification, supplementing and repealing some provisions in the electricity sector was published in the Official Gazette of Romania, Part I, no. 166 of 22 February 2018, in force since August 1, 2018;
- (11) NRAE Order no. 35/2018 approving specific rules on the setting of regulated prices for natural gas distribution service for the year 2018 and completing the Methodology for setting regulated prices for gas distribution services starting with the third period approved by the Order of the President of the National Regulatory Authority for Energy no. 42/2013 was published in the Official Gazette of Romania, Part I, no. 167 of February 22, 2018, effective from the same date;
- (12) NRAE Order no. 36/2018 regarding amending and supplementing the Methodology for determining the regulated income, the total income and the regulated prices for natural gas transmission activity, approved by the Order of the President of the National Regulatory Authority for Energy no. 32/2014 was published in the Official Gazette of Romania, Part I, no. 181 of 27 February 2018, in force from the same date;
- (13) NRAE Order no. 37/2018 on some derogating measures from the Methodology for determining the regulated income, the total income and the regulated prices for the natural gas storage activity, approved by the Order of the President of the National Regulatory Authority for Energy no. 4/2017 was published in the Official Gazette of Romania, Part I, no. 181 of 27 February 2018, in force from the same date;
- (14) NRAE Order no. 34/2018 for amending and supplementing the Procedure regarding the elaboration and approval of the investment programs of the economic operators of the electricity distribution service, approved by the Order of the President of the National Regulatory Authority for Energy no. 8/2016 was published in the Official Gazette of Romania, Part I, no. 186 of 28 February 2018, in force from the same date.