

energy - legal changes published in December 2018

Order of the National Regulatory Authority for Energy no. 207/2018 approving the establishment of the mandatory quota for the acquisition of green certificates for the year 2019 was published in the Official Gazette of Romania, Part I, no. 1084 of December 20, 2018 and is applicable as of January 1, 2019.

The order sets the estimated mandatory quota for the acquisition of green certificates to be observed by the economic operators who must purchase them for the year 2019, at the threshold of 0.433 green certificates / MWh.

The provisions of this order are carried out by the power and gas market operator OPCOM SA, the generators of electricity from renewable sources as well as by the economic operators who must purchase green certificates, and the observance of these provisions is being monitored by the organizational entities within the National Regulatory Authority for Energy.

Order of the National Regulatory Authority for Energy no. 221/2018 approving the obligation of the natural gas market participants to trade on the centralized markets in Romania was published in the Official Gazette of Romania, Part I, no. 1101 of 27 December 2018 and is applicable from the same date.

The order establishes and regulates the obligation of the participants in the natural gas market to conclude transparent, public and non-discriminatory transactions on the centralized markets in Romania for the sale or purchase of minimum quantities of natural gas.

As of January 1, 2019, natural gas producers who contract natural gas sales in a calendar year are required to conclude contracts on the wholesale centralized market in a way which is transparent, public and non-discriminatory, in the calendar year in which they deliver the natural gas, in order to sell a minimum amount of natural gas from its own onshore production, set out in this order. This provision also applies to natural gas market participants other than the aforesaid sellers in so far as those participants contract the sale of natural gas on the wholesale market.

The legislator applies the same reasoning in relation to the buying operation, in that the participants in the natural gas market that contract the purchase of natural gas on the wholesale market in a calendar year have the obligation to conclude the contracts on centralized, transparent, public and non-discriminatory markets in order to buy a minimum quantity of natural gas established in accordance with this order.

Transactions on the wholesale market in Romania are, according to the present Order, of the following types:

(i) transactions under Art. 177 par. 2, let. (a) and b) of Law 123/2012 (bilateral contracts between natural gas companies or transactions in centralized markets administered by the natural gas market operator or the balancing market operator, as the case may be); (ii) transactions in organized markets with non-standardized products; (iii) bilateral transactions, negotiated directly on the basis of export contracts.