

Order 106/2014 on the modalities for informing final customers by natural gas suppliers of commercial conditions for the supply of natural gas

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Order 106/2014 on the modalities for informing final customers by natural gas suppliers of commercial conditions for the supply of natural gas  
Date of act: 22-oct-2014  
Issuer: National Energy Regulatory Authority

Having regard to the provisions of Art. 99 letters c) and d), Art. 143 par. (1) lett. h), i), j), k), p), art. 145 par.

(4) letters b), c), e), f), k), p) and Art. 177 par. (3) of the Law on Electricity and Natural Gas No 123/2012, with subsequent amendments and additions, as well as Article 5 paragraph (1) lett. c) and Art. 10 par.

(1) Letter q) of the Government Emergency Ordinance no. 33/2007 on the organisation and functioning of the National Energy Regulatory Authority, approved with amendments and additions by Law no. 160/2012,

Under the provisions of Art. 10 par. (1) lett. a) of the Government Emergency Ordinance no. 33/2007, approved with amendments and additions by Law no. 160/2012,

the President of the National Energy Regulatory Authority shall issue this order.

## Chapter I: Objective and scope

### Art. 1

- (1) This Order sets out the modalities for informing final customers by natural gas suppliers of commercial conditions for the supply of natural gas.
- (2) The order applies in relation between natural gas suppliers and final customers.

### Art. 2

- (1) Gas suppliers, hereinafter referred to as suppliers, are required to make available to final customers, at the pre-contractual and contractual stage, transparent information presented in a clear, complete and legible manner on commercial conditions for the supply of natural gas.
- (2) In the pre-contractual stage, information on commercial conditions for the supply of natural gas shall be made available to final customers in the following ways:
  - a) by their own means, under the conditions laid down in Articles 3 and 4;
  - b) by means of an interactive web application, developed and administered by the National Energy Regulatory Authority, hereinafter referred to as ANRE, under the conditions set out in Art. 5.

- (3) At the contractual stage, information on commercial conditions for the supply of natural gas shall be made available to final customers in the following ways:
- a) by means of the contract on the supply of natural gas, under the conditions laid down in Article 6;
  - b) by means of invoices and/or documents annexed thereto, under the conditions laid down in Article 7.

## Chapter II: Information in the pre-contractual

### phaseSECTION 1: Information by suppliers' own means

#### Art. 3

- (1) In order to ensure that the final customer is able to take an informed decision on the possible conclusion of a contract for the sale and purchase of natural gas, on the basis of the terms and conditions of contracting offered by the supplier and, where appropriate, the options expressed by the final customer, the supplier shall provide the final customer free of charge with the necessary information on its business conditions, in compliance with the information requirements laid down in the legislation in force.
- (2) The supplier shall make available to the final customer, free of charge, in printed form or, if so required, in electronic form, a copy of the contract for the sale and purchase of natural gas, before the conclusion or confirmation of its conclusion.

#### Art. 4

- (1) The final customer has the right to conclude the contract for the sale-purchase of natural gas by negotiating directly with the supplier or by accepting a standard offer published by the supplier.
- (2) In order to enable the final customer to compare more offers, the supplier is obliged to develop standard offers for the categories of final customers in its portfolio, with an annual gas consumption of less than or equal to 28.000 MWh.
- (3) Suppliers shall publish the standard offers referred to in paragraph 2 cumulatively by the following means:
- a) on their own website;
  - b) at the single point of contact.
- (4) The standard offer shall be made available to the final customer, on request, free of charge, in printed form or, if required, in electronic form.
- (5) In the case of acceptance by the final customer of a standard offer, the supplier is obliged to include in the contract for the sale and purchase of natural gas all the information in that standard offer, but is not limited to it.
- (6) The standard tenders referred to in paragraph 2 shall contain at least the following information:
- a) the identification data of the tendering supplier;
  - b) the date of preparation of the standard tender, specifying the duration of its validity, if it has a limited period;
  - c) the category and type of final customer that may opt for that standard offer;
  - d) Description of the services provided; where a 'service package' is provided, including in addition to the supply of natural gas and other services, the conditions under which they are offered will be provided and for each service the information corresponding to the category of services to which it belongs shall be specified;
  - e) supplyprice (lei/MWh) and tariffs for services included in the 'service package', as appropriate; where the standard offer concerns the supply of natural gas with regulated services for distribution/transport/subsurface storage of natural gas included, the type of service shall be

specified

regulated which is included in the final supply price;

f) the guarantees required, where appropriate;

g) the time limits, procedures and conditions for payment of the invoice;

h) options on how to transmit the invoice, including electronic transmission;

i) the duration of the contract, the conditions for renewal/extension and termination of services and of the contract, specifying the terms and conditions for its unilateral termination;

j) method of acceptance of the type offer;

k) the documents necessary for the conclusion of the contract.

(7) The information referred to in paragraph 6 shall be drawn up and presented in a simple, clear, legible and accessible manner which facilitates its understanding. The conditions or time limits affecting the standard offer shall be presented in the same format, in characters of the same type and size as those used to draft it.

(8) The information referred to in paragraph 6 shall be updated whenever such changes occur, specifying the date of the last update.

## Section 2: Information via ANRE

### Art. 5

(1) ANRE will develop, manage and provide end-users with an interactive web application that will provide comparative information on suppliers' standard offers.

(2) The interactive web application referred to in paragraph 1 shall, on the basis of a set of options introduced by the user, carry out comparative analyses of the standard offers available on the market and return a list of offers corresponding to the options expressed by the user.

(3) The criteria and options used by the interactive web application referred to in paragraph 1 for the purpose of drawing up the list of standard offers corresponding to the options expressed by the user, the format in which suppliers enter the standard offers to ensure the content necessary for the operation of the application, as well as any other elements and conditions necessary for the development and functioning of the application, shall be determined by ANRE, on the basis of consultation of the suppliers.

(4) Within 30 days from the date of receipt of a notification from ANRE regarding the completion of the interactive web application referred to in paragraph (1), suppliers shall enter their own standard offers in electronic form, in the application database provided for in paragraph (1), by means of a web interface made available for this purpose by ANRE.

(5) Where suppliers launch a new standard offer or modify the existing one, they shall be required to enter them in electronic form in the application database within 5 working days of the date of launch or modification of the standard offer. Suppliers are obliged to specify the validity period and any conditions affecting the standard offers, in compliance with the format established by ANRE.

(6) Standard tenders shall be entered in the database of the interactive web application referred to in paragraph 1 in a secure manner ensuring the authenticity and integrity of the information.

## Chapter II Information in the contractual stage

### Section 1: Information contained in the contract for the sale and purchase of natural gas

#### Art. 6

1. The supplier shall conclude with the final customer a contract providing for fair and transparent contractual conditions/clauses presented in a clear, complete and legible manner and containing at least the following information:

- a) the identity and address of the supplier;
- b) the services offered, the quality of the services offered and the time limit for starting the contract, i.e. the time limit for starting the initial gas supply, where appropriate;
- c) the types of maintenance services provided, where appropriate;
- d) the means by which up-to-date information can be obtained on all applicable prices/tariffs, including maintenance, as appropriate;
- e) the duration of the contract, the conditions for renewal/extension and termination of services and of the contract, specifying the terms and conditions for its unilateral termination;
- f) any compensation/compensation and the method of reimbursement applicable in the event of non-compliance with the quality of the services provided for in the contract, including in the case of inaccurate and/or late invoices;
- g) information on the rights of final customers, including how to deal with complaints;
- h) the modalities for initiating dispute resolution procedures.

(2) The provider is obliged to notify the final customer of any intention to change the terms/contracts and to inform at the time of notification of the right to terminate the contract if the final customer does not accept the new conditions notified; notification to the final customer of any price/tariff increase shall be made by the supplier directly and in a timely manner, but no later than the end of the first invoicing period following the entry into force of the increase in a simple, clear, legible and accessible manner.

### Section 2: Information contained in invoices issued by the supplier and/or documents annexed to them

#### Art. 7

(1) The supplier shall make the following data available to the final customer in a clear, complete, legible and comprehensible form through the invoice and/or documents attached to it:

- a) the components of the final price, specifying those which are regulated and which, consequently, cannot be the subject of negotiation with the final customer;
- b) the method of determining the invoiced consumption, i.e. by direct reading of the index of the measuring equipment, by self-reading or by estimating consumption;
- c) information on the right of the final customer to change the supplier, free of charge, in compliance with the contractual conditions, specifying that the “List of economic operators, holders of natural gas supply license” is published on the ANRE website;
- d) information on how to submit complaints.

(2) The supplier is obliged to provide the final customer, on request, with a clear and understandable explanation of how to determine the payment amounts contained in the invoice, in particular where invoices are not based on actual consumption.

- (3) Where the contract for the sale and purchase of natural gas is concluded for a fixed duration, at least 45 days before the expiry of its validity, the supplier shall be obliged to provide, preferably attached to the invoice, an information of the date on which the contract expires.
- (4) In order to enable final customers to adjust their own gas consumption, the supplier shall make the following data available to final customers, at least every 6 months, in a clear, complete, legible and comprehensible form through the invoice and/or documents attached thereto:
- a) the current price and actual consumption of natural gas;
  - b) comparisons between the final customer's current consumption and consumption corresponding to the same period of the previous year, in so far as this information is available, preferably in graphic form; compliance with the concept of energy efficiency, i.e. contact details of energy institutions, where final customers can obtain information on available measures to improve energy efficiency, reference profiles on individual consumption and other technical specifications of energy appliances that can help reduce consumption.
- (5) The information referred to in paragraph 4 shall be transmitted by the supplier, at least quarterly:
- a) the final customer who opted to receive the invoice in electronic form;
  - b) at the request of the final customer.
- (6) In order to provide final customers with complete, accurate and accurate information on the actual consumption of natural gas, the invoicing of natural gas consumption must be carried out by the supplier on the basis of actual consumption, at least every 6 months.
- (7) Final customers receive free of charge all invoices and information on the invoicing of natural gas consumption, as well as their own consumption data.
- \*) The article enters into force 30 days after publication

#### Chapter IV: Final provisions

##### Art. 8

Natural gas suppliers will comply with the provisions of this Order and the relevant compartments of the National Energy Regulatory Authority will monitor their compliance.

##### Art. 9

This order shall be published in the Official Gazette of Romania, Part I, and shall enter into force 10 days after the date of publication, except for the provisions of Article 7, which shall enter into force 30 days after the date of publication.\*\*\*\*\*

President of the National Energy Regulatory Authority,  
Niculae Havrilet

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