

Order 187/2020 amending and supplementing orders of the President of the National Energy Regulatory Authority and repealing the Order of the President of the National Energy Regulatory Authority no. 14/2020 on the approval of the Methodology for establishing the unit income related to the activity of regulated supply and approving regulated prices in the natural gas sector

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It shall enter into force:
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Order 187/2020 amending and supplementing some orders of the President of the National Energy Regulatory Authority and repealing the Order of the President of the National Energy Regulatory Authority no. 14/2020 on the approval of the Methodology for establishing the unitary income related to the activity of regulated supply and approval of regulated prices in the natural gas sector
Date of act: 21-oct-2020
Issuer: National Energy Regulatory Authority

Having regard to the provisions of Article 22(1)¹, Article 62(1)(h)·Article 143(1)(s), Article 145(4) (g) and Article 179(2)(b) and (c) of the Law on Electricity and Gas No 123/2012, as amended and supplemented,

Under the provisions of Art. 5 par. (1) lett. c) and par. (5), art. 9 par. (1) letter t) 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, as amended and supplemented,

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

Art. I

The Regulation on the supply of electricity to final customers, approved by the Order of the President of the National Energy Regulatory Authority no. 235/2019, published in the Official Gazette of Romania, Part I, no. 7 of 7 January 2020, is amended and completed as follows:

1. In Article 15(1), letter c) shall be amended and shall read as follows:

‘c) copy of the document resulting from the ownership or use of the space covered by the place of consumption, from which, at the request and for the protection of the final customer, parts not relevant to the electricity supply activity can be deleted/anonymised. The document may be any act attesting to ownership or use, at the choice of the applicant, including the certificate issued by the local government within the area of which the property is situated, from which it follows that the applicant is known to own the property under the name of the owner; where the document attests a temporary right of use on this space by means of an act concluded with the owner, the applicant must submit the written consent of the rightful owner to conclude the electricity supply contract, if this is not included in the proof of the right of use; where the

applicant does not have a document certifying the ownership or use of that space or the document is not definitive, but he or she declares in writing that he is legally using that space, as long as the place of consumption is not claimed by someone else, the supplier may conclude a contract for the supply of electricity for a limited period of up to one year, with the possibility of extension; ’

2. In Article 30, point l) shall be amended and shall read as follows:

“l) benefit from several payment arrangements which do not unduly discriminate between customers.”

3. In Article 33, point n) shall be amended and shall read as follows:

‘n) make available to the final customer several payment methods which do not unduly discriminate between customers; ’

4. In Article 33, after the letter ee, two new letters are inserted, letters ff) and gg), with the following wording:

“ff) in case of the domestic customer, if, following the regularisation of the additional amount paid by him is more than 100 lei, he shall repay this amount according to the legal provisions in force. If the amount paid by the household customer is less than 100 lei as a result of the regularisation, the amount will be compensated in the account of the following invoices;

GG) ensure that the provisions of the general conditions are fair and transparent, presented in clear and understandable language and do not include non-contractual barriers to the exercise of customer rights.

5. In Article 52, a new paragraph, paragraph 6, is inserted after paragraph 5 with the following wording:

‘6. Early payment systems shall be fair and adequately reflect likely consumption. Any difference in terms and conditions shall reflect the costs for the supplier of the different payment systems.’;

6. In Article 56, letters c) and d) are amended and shall read as follows:

‘c) information on the right of final customers to receive universal service and the conditions they must meet;

d) regulated prices/tariffs applied to clients receiving universal service;”

7. In Article 56, the letter f) is repealed.

Art. II

The Regulation on the supply of natural gas to final customers, approved by the Order of the President of the National Energy Regulatory Authority no. 29/2016, published in the Official Gazette of Romania, Part I, no. 510 of 7 July 2016, as amended, shall be amended and completed as follows:

1. In Article 12(1), point a) shall be amended and shall read as follows:

“a) supply as last resort, in accordance with ANRE regulations;”

2. In Article 12, paragraph 2 is repealed.

3. Article 13 shall be amended and shall read as follows:

“Art. 13

Final customers shall have the right to choose their supplier to conclude contracts relating to the supply of natural gas on a competitive basis.’;

4. In Article 15(3), letter c) shall be amended and shall read as follows:

‘c) copy of the document resulting from the ownership or use of the space covered by the place of consumption, from which, upon request and for the protection of the final customer, parts not relevant to the natural gas supply activity can be deleted/anonymised. The document may be any act attesting to ownership or use, at the choice of the applicant, including the certificate issued by the local government within the area of which the property is situated, from which it follows that the applicant is known to own the property under the name of the owner; where the document attests a temporary right of use on this space by means of an act concluded with the owner, the

applicant must submit the written consent of the rightful owner to conclude the natural gas supply contract, if this is not included in the proof of the right of use; where the applicant does not have a document attesting the ownership or use of the space or the said document is not definitive, but the applicant declares in writing that he is legally using that space, as long as the place of consumption is not claimed by someone else, the supplier may conclude a contract for the supply of natural gas for a limited period of maximum one year with the possibility of extension; ’

5. In Chapter III, the title of Section 2 is amended to read as follows:

SECTION 2: Supply of natural gas as a last resort’

6. Articles 18 to 20 are repealed.

7. In Article 21, paragraphs 5 and 6 shall be amended and shall read as follows:

“(5) The conditions for the conduct and termination of the supply of last resort shall be established in accordance with the applicable regulations approved by ANRE.

(6)The pricing principles applied by suppliers of last resort to purchased customers shall be established in accordance with the applicable regulations approved by ANRE.”

8. Article 30 is repealed.

9. In Article 32, paragraph 2 shall be amended and shall read as follows:

“(2) For the provision as a last resort the invoicing period shall be monthly.”

10. After Article 42, a new Article 421 is inserted with the following wording:

“Art. 421

(1) In the case of the domestic customer, if, following the regularisation of the additional amount paid by him is more than 100 lei, the supplier is obliged to repay this amount according to the legal provisions in force.

(2) If the amount paid by the household customer is less than 100 lei as a result of the regularisation, the amount will be compensated in the account of the following invoices.”

11. In Article 47, paragraph 1 shall be amended and shall read as follows:

“Art. 47

(1)For last resort provision, the payment obligation shall be deemed to be fulfilled on the date of payment by the final customer, unless the payment is made by bank transfer, in which case the obligation in question is deemed to be fulfilled on the date on which the supplier’s account was filled with the amount covered by the payment.’;

12. Article 49 shall be amended and shall read as follows:

“Art. 49

In the competitive market, in the case of the final customer who has been interrupted from supply of natural gas at the place of consumption for failure to pay the invoice representing the equivalent value of the natural gas consumption, the supplier shall be entitled to request the provision of a financial security, the amount and conditions under which this guarantee is lodged being laid down in the natural gas supply contract, in accordance with the will of the Contracting Parties.’;

13. In Article 55(1), point (c) is repealed.

14. In Article 59, the letter j) shall be amended and shall read as follows:

‘j) notify the final customer, appropriately and free of charge, of any intention to amend and/or supplement the terms/contractual terms and any increase in the price/tariff charged, specifying the reasons, conditions and extent of such increase, directly and in due time, but not later than the end of the first normal invoicing period following the entry into force of the increase, and in the case of the final customer, in the case of the new customers, in a manner which is at least 30 days prior to the entry into force of the legal provisions, and the time of the legal provisions, which shall not be informed of the right to comply with the legal provisions, and in the case of at least 30 days prior to the entry into force of the legal provisions, and in the case of the final customers, in the

case of which they are to be informed of the right to comply with the legal provisions before the date of the legal provisions, and in the case of the final customer, in the case of which the contract is in force, and not later than the end of the legal provisions which are applicable to the legal provisions before the date of the legal provisions, and in the case of which, in the case of which, in the case of the consumer, in the case of which they are effected, that the contract is in force, and in any case of the timely applicable, that the contract shall be subject to the entry into force, and in the case of at least 30 days prior to the date of the applicable legal provisions, and in the case of at least 30 days prior to the date of the applicable legal provisions, and no later than 30 days prior to the date of the applicable legal provisions, and in the case of the final customer, in the case of which, in the case of the consumer, in the case of the Member State, or at least 30 days before the date of official notice of the applicable legal provisions, and of the Official Notification of the Terms of Enforcement, Notice of Notification of the Terms or Notes, Including Including Including Invitation, Individually and Withincluding Individual Notification, Individualt, Including, Individualt, Including The Terms of Contract, Notifying the Terms of Enforcement, Including Individual

15. In Article 60(1), letter c) shall be amended and shall read as follows:

‘c) to change the type of contract by switching from the supply of natural gas as a last resort to the supply of natural gas on a competitive basis;

16. In Article 60, paragraph 2 shall be amended and shall read as follows:

“(2) The final gas customer shall not be entitled to sell contracted natural gas.”

Art. III

On the date of entry into force of this Order, the Order of the President of the National Energy Regulatory Authority no. 14/2020 approving the Methodology for establishing the unitary income related to the activity of regulated supply and approval of regulated prices in the natural gas sector, published in the Official Gazette of Romania, Part I, no. 92 of 7 February 2020.

Art. IV

Economic operators in the electricity and natural gas sector shall comply with the provisions of this Order, and the organisational entities of the National Energy Regulatory Authority shall monitor compliance with the provisions of this Order.

Art. V

This order shall be published in the Official Journal of Romania, Part I.

President of the National Energy Regulatory Authority,

Dumitru Chirita _____

Published in the Official Gazette No. 1024 of 3 November 2020