

energy – draft laws published in July 2017

Draft Order for the approval of the Methodology for the annual establishment of the level of the minimum natural gas stock for the holders of natural gas supply licenses was published on the website of the National Regulatory Authority for Energy on 1 July 2017

The draft Order is drawn up following the introduction of paragraph 3 of art. 143 of the Law on Electricity and Natural Gas no. 123/2012 by Government Emergency Ordinance no. 28 / 28.06.2016, according to which the Authority will establish annually the quantities of natural gas representing the minimum stocks to be stored by each supplier.

The draft can be viewed at:

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

Draft Order on amending and supplementing the Regulation for the qualification of the production of electricity in high efficiency cogeneration and for the verification and monitoring of the fuel consumption and the production of electricity and useful heat in high efficiency cogeneration approved by the Order of the President of the National Regulatory Authority for Energy no. 114/2013 was published on the website of the National Regulatory Authority for Energy on 3 July 2017.

The need to amend the Regulation approved by Order 114/2013 is generated by the necessity of correlation with the provisions of GD no. 925/2016 for the modification and completion of GD no. 1215/2009 establishing the criteria and conditions for the implementation of the support scheme for the production of high efficiency cogeneration on the basis of the useful heat demand.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq18iQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Order on supplementing the procedure for approval of new or retrofit projects of cogeneration plants approved by the Order of the President of the National Regulatory Authority for Energy no. 115/2013 was published on the website of the National Regulatory Authority for Energy on 3 July 2017.

The main proposed amendment is to specify that the Procedure does not apply to cogeneration producers in difficulty as defined in the European Commission Communication (2014 / C 249/2001) on Guidelines on State aid for rescuing and restructuring firms in difficulty, and that they will not be able to obtain accreditation to access the support scheme.

The need to amend the Regulation approved by Order 115/2013 is generated by the necessity of correlation with the provisions of GD no. 925/2016 for the modification and completion of GD no. 1215/2009 establishing the criteria and conditions for the implementation of the support scheme for the production of high efficiency cogeneration on the basis of the useful **heat** demand

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq18ig%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Proposals for modification of the Pricing Methodology for the Electricity Distribution Service, approved by the Order of the President of the National Regulatory Authority for Energy no. 72/2013, as amended and supplemented was published on the website of the National Regulatory Authority for Energy on 3 July 2017.

The Authority submits for public consultation the proposal for revision of the principles underlying the method of calculating fees for the electricity distribution service, set out in the methodology approved by Order 72/2013, as subsequently amended and supplemented, considering that on 1 January 2019 the fourth regulatory period begins.

According to the Authority's reasoning, the purpose of the review is to increase the degree of demand for the inclusion of justified service costs and new costs deriving from operators' new statutory obligations, such as the implementation of smart metering systems and the need to review incentivizing mechanisms in the light of past progress in terms of service efficiency.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq18iA%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

The draft amendment to the Regulation for the issue of green certificates, approved by the ANRE Order no. 4/2015 was published on the website of the National Regulatory Authority for Energy on 10 July 2017.

The draft brings a number of clarifications and changes to the Regulation and can be viewed at:

<http://www.anre.ro/download.php?f=fq1%2BgQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Order on amending and supplementing the Regulation for organizing and running of simultaneous auction with decreasing price on the centralized market for universal service, approved by NRAE Order 65/2014 and pricing methodology applied by last resort suppliers to end clients, approved by the Order ANRE 92/2015 was published on the website of the National Regulatory Authority for Energy on 10 July 2017.

Referring to the regulations in force, the Draft Order includes the following amendments and additions:

- A. For the Regulation on the organization and running of simultaneous auctions with decreasing price on the centralized market for universal service:
- reducing the FUI's obligation to make purchase offers on PCSU at a level that covers at least 50% of the forecast;
 - Expanding the possibility for NRAE / OPCOM to reduce the demand for FUI purchasing offers up to 50% of the requested quantity;
 - Changing the conditions under which OPCOM sets out diminished buying offers and decides to cancel a bidding session;
 - the manner in which NRAE cancels an auction session, respectively by decision of the president and consequently removes the possibility of cancellation during the auction
- B. For the pricing methodology applied by last resort suppliers to final clients:
- FUI's ability to purchase the electricity forecast to be delivered at CPC rates through bilateral contracts concluded on both the PCSU and the other futures markets managed by OPCOM, within the limits of the PCSU Regulation;
 - the FUI's right to purchase from all markets the quantity of the purchase offers in the event of cancellation of a bidding session;
 - establishing the expected / justified price cap on the prices charged on the markets managed by OPCOM for the months under review, in conjunction with OPCOM's obligation to transmit these prices;
 - changing the conditions under which NRAE may decide on the quarterly approval of CPC prices;
 - changing the calculation formula for the DAM charge applied in addition to the UI prices for the final clients taken over;
 - eliminating the provisions on the suspension of the auction session and the revocation of the PCSU regulatory framework

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq1%2Bgg%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Regulation on the organization and functioning of the green certificates market was published on the website of the National Regulatory Authority for Energy on 19 July 2017.

The Draft Regulation is elaborated following the amendments to the Law no. 220/2008 by the Emergency Ordinance no. 24/2017, regarding:

- NRAE's obligation stipulated in art. 10 par. (4) of the Law no. 220/2008, republished, as subsequently amended and supplemented, according to which the Authority will elaborate until 1 September 2017 the regulatory framework necessary for the operation of the centralized markets for green certificates
- replacing from 1 September 2017 the existing centralized markets on the green certificates market, namely the centralized green certificates market and the centralized market for bilateral green certificates with centralized and anonymous green certificates markets, and the spot green certificates market and the centralized futures market for bilateral green certificates contracts;
- Modifying maximum and minimum green card trading
- Single-time trading of a green certificate between the manufacturer as seller and supplier as buyer.
- Continuation of the development of the bilateral contracts for sale-purchase of the green certificates concluded before the entry into force of the Ordinance, in the sense that they produce legal effects until their expiry date, without the possibility of their extension

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq1%2BhQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>

Draft Order for the approval of the Regulation on connection to natural gas transmission systems was published on the website of the National Regulatory Authority for Energy on 26 July 2017.

The draft Regulation addresses economic operators holding a license to operate natural gas transmission systems (TSO), NRAE authorized economic operators for the design and execution of natural gas transmission systems, types PT and ET, as well as applicants seeking connection to the Natural gas transport systems.

This draft is in the third stage of public consultation after having been publicly available on the NRAE website for a period of 30 days, from 13.10.2016 to 12.11.2016, and for a period of 10 days from 29.11.2016, until 08.12.2016

This public consultation proposes:

- introduction of definitions regarding access to the transport system, incremental capacity process, economic test, high pressure connection;
- the possibility of fulfilling certain stages in the connection process, by the applicant;
- The possibility for the transmission system operator to establish a connection application model through a procedure for implementing the Regulation on the connection to the natural gas transmission systems approved by NRAE;
- requesting additional documents when submitting the connection application, of which we mention:
- issuing ATR throughout the service life of the connection facility;

- data and information necessary for the conclusion of the connection contract;
- usage of the high-pressure connection and the adjustment-measuring-delivery station for further connection of other applicants under the additional incremental capacity allocation remaining at the exit point after the transmission contract has been confirmed for the first applicant in accordance with the specific procedure drafted and approved by NRAE; applicants connected to the natural gas transmission system receive financial compensation from the subsequent applicants connected during the first 10 years after the high pressure connection and / or the adjustment-measuring-delivery station have been commissioned. The amount of the compensation shall be determined by the transport operator on the basis of a methodology developed and approved by NRAE;
- Commissioning of the high-pressure connection and of the adjustment-measuring-delivery station, after the conclusion of the natural gas transport contract, according to the provisions of the Network Code for the National Gas Transmission System, approved by the ANRE Order no. 16/2013, as amended and supplemented.

The draft can be viewed at:

<http://www.anre.ro/download.php?f=fq1%2FgQ%3D%3D&t=wOutwdHbn8%2BcmLPfvrV5ps%3D>