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THE OFFICIAL GAZETTE OF ROMANIA, PART I, No 982/5,XII,2019

ACTS OF THE NATIONAL REGULATORY AUTHORITY FOR ENERGY

ORDER

on the amendment and supplementation of some orders of the President of the National Regulatory Authority for Energy

Based on Art. 130 (1) (d), (d¹) and (q) of Energy and Gas Law 123/2012, as further amended and supplemented, based on Art. 5 (1) (c) and (d) and Art. 10 (1) (j), (o) point 2 and (q) of Government Emergency Ordinance 33/2007 on the organisation and functioning of the National Regulatory Authority for Energy, approved as amended and supplemented by Law 160/2012, as further amended and supplemented

the President of the National Regulatory Authority for Energy issues the following Order:

Art. I. — The Network Code for the National Gas Transmission System, approved by Order 16/2013 of the President of the National Regulatory Authority for Energy, published in Official Journal of Romania 171 and 171 bis/29 March 2013, Part I, as further amended and supplemented, shall be amended as follows:

1. Art. 24 shall be supplemented with paragraphs (3)—(11), following paragraph (2), having the following content:

(3) The interruptible capacity available for day (D) shall be equal to the difference between the technical capacity available at the entry/exit point and the sum of the nominations processed by the TSO on the basis of the nominations submitted by the NU until 3.00 p.m. of day D-1 for day D, for the relevant point. In the case of bi-directional interconnection points, the level of the available interruptible capacity shall be calculated separately for each transmission direction, taking into account the nominations submitted by the NU in the relevant direction.

(4) No interruptible capacity shall be offered if the firm capacity booked at an entry/exit point is lower than the technical capacity available at the relevant point.

(5) If the total nominations exceed the quantity of natural gas which may circulate through a particular interconnection point, the interruption order shall be determined on the basis of the date of conclusion of the relevant interruptible transmission contracts. In case of interruption, the transmission contract which enters into force earlier shall prevail over the transmission contracts which enter into force later.

(6) If after the application of the procedure established at paragraph (5) two or more nominations are classified under the same position in the order of interruptions and

the transmission system operator does not interrupt all of them, a reduction is applied using the pro rata principle with the interruptible capacity nominations of the NU.

(7) The reasons for the interruptions may include, without limitation, the following: gas quality, pressure, temperature, flow profile, use of firm contracts, maintenance works, upstream or downstream restrictions.

(8) The TSO shall notify the NU at least 1 hour before the application of the interruption.

(9) If the natural gas entering the NTS does not comply with the quality and/or pressure conditions established under the interconnection agreements, the TSO shall not accept the supplied gas.

(10) If the natural gas delivered at NTS exit does not comply with the quality and/or pressure conditions established under the interconnection agreements, the NU shall not accept the delivery of the gas and the TSO shall reduce the delivery of non-compliant gas.

(11) In the situations foreseen at paragraphs (9) and (10), to avoid imbalances, the NU shall re-nominate the new natural gas quantities accordingly.

2. Art. 36 shall be supplemented with paragraph (3⁶), following paragraph (3⁵) having the following content:

(36) By derogation from the provisions of paragraph (2) (a) and (g) and paragraph (3), applicants for transmission capacity at the Isaccea 1 entry/exit point and at the exit points of to the localities in Romania connected to the Isaccea 1-Negru Vodă 1 pipeline shall send the capacity requests no later than the day immediately following the day on which the Negru Vodă 1 entry/exit point capacity auctions were closed. Capacity booking requests shall be submitted directly on the online capacity booking platform operated by the TSO or by e-mail, in accordance with Annex No. 3 to the Network Code.

3. Art. 74 (1) shall be amended and shall have the following content:

Art. 74

(1) The TSO performs the final monthly allocation not later than day 13 of month (M+1) following month (M) in which it provided the transmission service, for each NU separately, for the quantification of the natural gas transmission service provided by the TSO.

4. Art. 79 (12) shall be amended and shall have the following content:

(12) The provisions of paragraph (1) shall not apply to the NTS virtual entry points from the production blocks.

5. Art. 80 (8) shall be amended and shall have the following content:

(8) The provisions of paragraph (1) shall not apply to the NTS virtual entry points from the production blocks.

6. Art. 861 (21) and (22) shall be amended and shall have the following content:

(21) Until 31 March 2020, 7.00 a.m. of day D+1, the NU shall send to the TSO the initial daily imbalance communicated according to paragraph (2), separately by household consumers, thermal energy producers and non-household end clients, compliant with Art. 37 (1) and (2).

(22) Until 31 March 2020, from 7.00 a.m. to 1.30 p.m. of day D+1, the TSO shall process the information sent by the NU according to paragraph (21) and shall centralize it for trading on the balancing market or send it to the operator appointed

to ensure the fulfilment of the balancing market organization and management obligations.

7. Art. 12 (1) of Annex No. 13 shall be amended and shall have the following content:

(1) The NU shall establish a payment guarantee in favour of the TSO for covering the risk of failure to pay the invoices issued by the TSO.

8. Annex No. 13, Art. 12 (7) (b) (i), (ii), (iii) and (iv) shall be amended and shall have the following content:

(i) if the aggregated imbalance registered in the previous delivery month, calculated as the algebraic sum of the daily imbalances is a `Deficit` and is lower than 10% of the sum of the quantities allocated daily at the entry points - A(i) and/or of the sum of the VTP notifications of the buying transactions performed by the NU - T(C), the payment guarantee foreseen at (a) is maintained;

(ii) if the aggregated imbalance registered in the previous delivery month, calculated as the algebraic sum of the daily imbalances is a `Deficit` and is comprised between 10% and 50% of the sum of the quantities A(i) and/or T(C) allocated daily, $NG =$ the maximum value of the `Deficit` monthly imbalance registered in the current gas year;

(iii) if the aggregated imbalance registered in the previous delivery month, calculated as the algebraic sum of the daily imbalances is a `Deficit` and is higher than 50% of the sum of the quantities A(i) and/or T(C) allocated daily, $NG = 2 \times$ the maximum value of the `Deficit` monthly imbalance registered in the current gas year;

(iv) if the NU had unpaid invoiced in the grace period in the current gas year, $NG = 2 \times$ the maximum value of the `Deficit` monthly imbalance registered in the current gas year.

9. Art. 12 (10) (b1) of Annex No. 13 is abrogated.

Art. II

Order No. 34/2016 of the President of the National Energy Regulatory Authority on the approval of the transmission capacity booking and tariff setting methodology on the natural gas transmission services through the Isaccea-Negru Vodă gas transmission pipelines, published in Official Journal Of Romania No. 560/25 July 2016 , Part I, as further amended, shall be amended as follows:

1. Art. 3 shall be amended and shall have the following content:

Art. 3

The provisions of this Order shall apply after the conclusion of the interconnection agreements with the neighbouring transmission system operators in the EU Member States or of the technical agreements with the transmission system operators or with other entities in third countries.

2. Art 6 of the Annex is abrogated.

Art. III

The Methodology for transmission capacity booking for natural gas transmission services through the points located on the route of the Isaccea 1-Negru Vodă 1 gas transmission pipelines dedicated to the gas transmission on the Russian Federation-Bulgaria-Bulgaria corridor and gas supply to localities on the Romanian territory, approved by Order of President of the National Energy Regulatory Authority, published in Official Journal of Romania No. 534/28 June 2019 , Part I, shall be

amended as follows:

1. Art. 1 shall have the following content:

Art. 1

(1) The booking of the transmission capacity at the Negru Vodă 1 interconnection point of the Isaccea 1-Negru Vodă 1 pipeline shall be made by the auctions held on the Regional Booking Platform, hereinafter referred to as RBP, operated by Foldgazzallito Zartkoruen Mukodo Reszvenytarsasag - FGSZ Ltd., compliant with the Operational Rules of the RBP and the auction calendar published annually by the European Network of Transmission System Operators for Gas - ENTSOG.

(2) The booking of the transmission capacity at the Isaccea 1 interconnection point and at the exit points to the localities in Romania connected to the Isaccea 1-Negru Vodă 1 pipeline shall be made compliant with Order No. 16/2013 of the President of the National Energy Regulatory Authority, as further amended and supplemented.

2. Art. 3 shall have the following content:

Art. 3

(1) When establishing the firm capacity available at the entry and exit points of the Isaccea 1-Negru Vodă 1 transmission pipeline it is considered the provision of the firm capacity available at the exit points to localities in Romania connected to the pipeline at Art. 1.

(2) The Network User may book firm/interruptible capacity at the exit points to localities in Romania connected to the pipeline at Art. 1 only if at the Isaccea 1 interconnection point in the entry direction or at the Negru Vodă 1 interconnection point in the entry direction such Network User books a capacity at least equal to the capacity requested at these exit points.

(3) At the Isaccea 1 interconnection point in the exit direction, the Network User may book firm/interruptible capacity only if at the Negru Vodă 1 interconnection point in the entry direction, such Network User books a capacity at least equal to the capacity requested at the Isaccea 1 interconnection point.

(4) At the Negru Vodă 1 interconnection point in the exit direction, the Network User may book firm/interruptible capacity only if at the Isaccea 1 interconnection point in the entry direction, such Network User books a capacity at least equal to the capacity requested at the Negru Vodă 1 interconnection point.

3. Art. 5 is abrogated.

4. Art. 9 (1) shall have the following content:

Art. 9

(1) The Network User shall establish the level of the participation guarantee based on its estimations related to the auction clearing price it would pay. Thus:

a) for the daily/monthly standard capacity product such guarantee shall be equal to the value of the requested capacity;

b) for the quarterly/annual standard capacity product such guarantee shall be equal to the monthly average value of the requested capacity.

5. Art. 2 (1) of Annex No. 1 shall have the following content:

Art. 2

(1) The scope of the Contract is the provision of the natural gas transmission services, such services meaning all the activities and operations carried out by the TSO for or in connection with the booking of standard transmission capacity products at

the Negru Vodă 1 interconnection point of the Isaccea 1-Negru Vodă 1 gas transmission pipeline.

6. Art. 2 (3) of Annex No. 1 is abrogated.

7. Art. 9 (d) of Annex No. 1 is abrogated.

8. Art. 9 (g) of Annex No. 1 shall have the following content:

g) accept the daily nominations/re-nominations submitted to the TSO for the entry/exit points of the pipeline at Art. 2 (1), based on the principle that the sum of the quantities nominated by the entry/exit points must be higher than or equal to the quantities nominated by the exit points;

9. Art. 1 of Annex No. 6 shall have the following content:

Art. 1

(1) The TSO, acting fairly and prudently, is entitled to limit/interrupt the interruptible transmission capacity booked by the NU in order to ensure the safe operation of the pipeline at Art. 1 of the methodology if the sum of the nominations is higher than the quantity of natural gas which may circulate through the entry/exit point.

(2) The limitation/interruption reasons may include, without limitation, the following: natural gas quality, pressure, temperature, flow profile, use of firm contracts, maintenance works, upstream or downstream restrictions.

(3) The TSO shall notify the NU with regard to the limitation/interruption of the interruptible transmission capacity according to paragraphs (1) and (2), compliant with the conditions of the contracts and interconnection/technical agreements, as applicable, at least one hour before the application of the limitation/interruption.

Art. IV

The National Gas Transmission Company Transgaz S.A. Mediaş and the Network Users shall apply the provisions of this Order, and the specialist departments of the National Energy Regulatory Authority shall monitor compliance with them.

Art. V

The Order is published in Official Journal of Romania, Part I.

President of the National Energy Regulatory Authority,
Dumitru Chiriță

Bucharest, 5 December 2019.

No. 215.