

**DECIZIA nr.1191 / 02.11.2006**  
**amending the framework-contract for natural gas regulated supply to captive customers**

Taking into consideration the provisions of art. IV par. (2) of Law No. 210/2005 approving Government Ordinance No. 20/2005 amending Government Ordinance No. 92/2003 concerning the Fiscal Code,

on the basis of the provisions of art. 8, let. m), and of art. 10 par. (4) and (5) of the Gas Law No. 351/2004, with subsequent amendments,

**the president of the National Natural Gas Regulatory Authority** issues the present decision.

**Art. I** – Annex No. 1 – “The framework-contract for natural gas regulated supply to household captive customers – specific contracting terms”, to Decision No. 182/10.03.2005 of the president of the National Natural Gas Regulatory Authority, published in Romania’s Monitorul Oficial, Part I, No. 225 of 17 March 2005, with subsequent amendments, is amended as follows:

**1. Letter a) of paragraph (1) of article 8 will have the following contents:**

a) charge of a share of delay increases, calculated to the non-paid value, equal to the delay increases owed for non-payment in due time of budgetary obligations, for each day of delay, starting with the 16<sup>th</sup> calendar day from issue of the bill until the bill is fully paid, including the payment day, in case of non-fulfilment of payment obligation within 30 calendar days from the due payment date;”

**2. Letter b) of paragraph (1) of article 8 will have the following contents:**

„b) interruption of the supply of natural gas, starting with the 26<sup>th</sup> day from the issue of the bill, in case of non-fulfilment of the payment obligation; the bill represents a notice in case of non-fulfilment of the payment obligation;”

**3. Letter c) of paragraph (1) of article 8 will have the following contents:**

„c) the possibility to cancel the present contract and/or to disconnect, by way of a notification sent by the supplier. The cancelling becomes lawfully effective, with no delay, in 65 calendar days from the issue of the bill in case the customer did not pay the entire value of the supply serviced delivered and the delay increases owed to the supplier.”

**4. Paragraph (2) of article 8 will have the following contents:**

„(2) Provided the customer permits the access, the supplier is compelled to restore the supply in maximum 24 hours, if the household customer fulfils all his payment obligations, pays the tariffs for reconnection and provides a proof in this respect.”

**5. Paragraph (3) of article 8 will have the following contents:**

„(3) The cases where the supply contract has been cancelled are exempted from par. (2). In this case, a new supply contract will be signed, provided arrears, delay increases and tariffs for reconnection are previously paid.”

**6. Article 9 will have the following contents:**

„Art. 9 - (1) For unfulfilled contractual obligations, other than customer’s payment obligation referred to in art. 8 par. (1), the guilty part will pay to the other part compensations, in accordance with the General contracting conditions for natural gas household captive customers and other regulations in force.

(2) As an exemption, the household customer will not be able to request and get compensations for non-observance of the quality requirements for the natural gas

delivered, in accordance with the legal provisions in force. The exemption will last until 30 June 2007, including this day.”

**7. Letter a) of paragraph (1) of article 10 will have the following contents:**

„a) in case of non-payment of bills and delay increases within the deadline stipulated in art. 8 par. (1) let. c);”

**8. Article 4 of Annex No. 2 to the frame-work contract „Classification of natural gas customers into consumption categories” will have the following contents:**

„Art. 4. – (1) The supplier will change the classification of the household customer as follows:

a) starting with the following month after the exceeding occurred, in case between 1 January and 31 December, the consumption exceeds the upper consumption limit of the category under which the customer falls;

b) starting with 1 January, in case, by the end of the period 1 January – 31 December, the consumption is lower than the inferior consumption limit of the category under which the customer falls.

(2) As an exemption, for the situation referred to in par. (1) let. a), the supplier will change the classification as of 1 January, in case it does not have a final regulated price approved for the category under which the customer should fall.

(3) In case the contract for regulated natural gas supply is cancelled before 31 December, including this day, the supplier will not change the classification of the household customer.”

**9. Article 6 of Annex No. 2 to the frame-work contract „Classification of natural gas customers into consumption categories” will have the following contents:**

„Art. 6. (1) – In case the classification of the household customer is changed, the supplier will recalculate the value of natural gas consumed as follows:

a) for the situation referred to in art. 4 par. (1) let. a) of the present annex, by taking into consideration the amount of natural gas consumed up to the change of the classification and the final regulated price for the category under which the customer was re-classified;

b) for the situation referred to in art. 4 par. (1) let. b) of of the present annex, by taking into consideration the amount of natural gas consumed between 1 January and 31 December and the final regulated price for the category under which the customer was re-classified.

(2) By way of derogation from par. (1), the supplier will not re-calculate the value of natural gas consumed in case it did not have, for the period concerned, a final regulated price approved for the category under which the customer was re-classified.”

**Art. II.** – Annex No. 2 – “The framework-contract for natural gas regulated supply to non-household captive customers – specific contracting terms”, to Decision No. 182/10.03.2005 of the president of the National Natural Gas Regulatory Authority, published in Romania’s Monitorul Oficial, Part I, No. 225 of 17 March 2005, with subsequent amendments, is amended as follows:

**1. Letter a) of paragraph (1) of article 9 will have the following contents:**

a) charge of a share of delay increases, calculated to the non-paid value, equal to the delay increases owed for non-payment in due time of budgetary obligations, for each day of delay, starting with the 16<sup>th</sup> calendar day from issue of the bill until the bill is fully paid, including the payment day, in case of non-fulfilment of payment

obligation within the reprieve stipulated in Law No. 469/2002 with subsequent amendments concerning certain measures for improving contractual discipline;”

**2. Letter b) of paragraph (1) of article 9 will have the following contents:**

„b) limitation of the supply of natural gas, when is technically feasible, or interruption of the supply, starting with the 26<sup>th</sup> day from the issue of the bill, with a 5-calendar day notice, in case of non-fulfilment of the payment obligation;”

**3. Letter c) of paragraph (1) of article 9 will have the following contents:**

„c) interruption of the supply of natural gas, with a 5-calendar day notice, in case the supply was limited as per let. b), starting with the following day after the reprieve, stipulated in Law No. 469/2002 with subsequent amendments concerning certain measures for improving contractual discipline, expired, in case of in case of non-fulfilment of payment obligation, including related delay increases;.”

**4. Paragraph (2) of article 9 will have the following contents:**

„(2) In case the due payment day or the following day after the reprieve expired is a non-working day, the deadlines mentioned in par. (1) are correspondingly postponed.”

**5. Paragraph (3) of article 9 will have the following contents:**

„(3) ) Provided the customer permits the access, the supplier is compelled to restore the supply in maximum 24 hours, if the household customer fulfils all his payment obligations, pays the tariffs for reconnection and provides a proof in this respect.”

**6. Paragraph (4) of article 9 will have the following contents:**

„(4) The cases where the supply contract has been cancelled are exempted from par. (3). In this case, a new supply contract will be signed, provided arrears, delay increases and tariffs for reconnection are previously paid.”

**7. Paragraph (3) is inserted after paragraph (2) of article 10, with the following contents:**

„(3) As an exemption from par. (1), the non-household customer will not be able to request and get compensations for non-observance of the quality requirements for the natural gas delivered, in accordance with the legal provisions in force. The exemption will last until 30 June 2007, including this day.”

**8. Letter c) of paragraph (1) of article 11 will have the following contents:**

„c) by non-payment of the bill, as per art. 9 par. (1) let. d);”

**9. Article 17 is inserted after article 16, with the following contents:**

„Art. 17. – (1) When the present contract is signed, the non-household customer with an annual consumption bigger than 124,000 cm and the natural gas supplier may present to each other one or several mutually agreed guarantee instruments for their own obligations.

(2) The guarantee referred to in par. (1) aims at fulfilling parties’ contractual obligations, in case of unforeseen future events that may lead to a situation where the supplier/customer cannot fulfil its contractual obligations.

(3) The guarantee instruments are set up as per par. (1) and in a mutual manner.”

**10. Article 4 of Annex No. 2 to the frame-work contract „Classification of natural gas non-household customers into consumption categories” will have the following contents:**

„Art. 4. – (1) The supplier will change the classification of the non-household customer as follows:

a) starting with the following month after the exceeding occurred, in case between 1 January and 31 December, the consumption exceeds the upper consumption limit of the category under which the non-household customer falls;

b) starting with 1 January, in case, by the end of the period 1 January – 31 December, the consumption is lower than the inferior consumption limit of the category under which the non-household customer falls.

(2) As an exemption, for the situation referred to in par. (1) let. a), the supplier will change the classification as of 1 January, in case it does not have a final regulated price approved for the category under which the non-household customer should fall.

(3) In case the contract for regulated natural gas supply is cancelled before 31 December, including this day, the supplier will not change the classification of the non-household customer.”

**11. Article 6 of Annex No. 2 to the frame-work contract „Classification of natural gas non-household customers into consumption categories” will have the following contents:**

„Art. 6. (1) – In case the classification of the non-household customer is changed, the supplier will recalculate the value of natural gas consumed as follows:

a) for the situation referred to in art. 4 par. (1) let. a) of the present annex, by taking into consideration the amount of natural gas consumed up to the change of the classification and the final regulated price for the category under which the customer was re-classified;

b) for the situation referred to in art. 4 par. (1) let. b) of the present annex, by taking into consideration the amount of natural gas consumed between 1 January and 31 December and the final regulated price for the category under which the customer was re-classified.

(2) By way of derogation from par. (1), the supplier will not re-calculate the value of natural gas consumed in case it did not have, for the period concerned, a final regulated price approved for the category under which the non-household customer was re-classified.”

**Art. III** - Specialised departments within the National Natural Gas Regulatory Authority, as well as parties in contracts for natural gas regulated supply to captive customers have the obligation to enforce the provisions of the present decision.

**Art. IV** - The present decision will be published in Romania’s Monitorul Oficial, Part I.

**President of the National Natural Gas Regulatory Authority,  
Stefan Cosmeanu**