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DECISION

no. 457/09.06.2005

**regarding the changing and completing the natural gas regulated supply framework-
contracts for captive customers**

Taking into consideration the provisions of the National Regulatory Authority in Natural Gas Sector president's Decision no. 1078/18.12.2003 regarding the authorization of the Criteria and methods for the prices' approval and the establishment of the regulated tariffs within the natural gas sector, with its further changes,

Based on the provisions of art. 8, lit. m), respectively of art. 10 paragraph (4) and (5) from Gas Law no. 351/2004,

The president of the National Regulatory Authority in Natural Gas Sector issues the present decision.

Art. I - Annex no. 1 - „, Natural Gas Regulated Supply for captive household customers FRAMEWORK-CONTRACT – *specific contracting clauses* " to the National Regulatory Authority in Natural Gas Sector president's Decision no. 182/10.03.2005, published in Monitorul Oficial of Romania, Part I, no. 225 from March, the 17th 2005, is being changed as follows:

1. Chapter II - „General data and documents (shall be filled in by the supplier)" is being completed and shall have the following content:

„1. The consumption location / (locality, county/district, street, number)/ , holding the ownership document no / location agreement (place rental) no / commodate agreement no

2. Minimum supply pressurePa (bar)

Art. 1. – The connection of the household customer's utilization installation is: ? to the natural gas distribution system/ to the upstream pipelines; ? to the national natural gas transmission system.

Art. 2. – The modality of reading the meter is:

? by direct reading, by the supplier's authorized personnel;

? by self-reading;

? automatic, within the pre-payment system by customer card;

?, other modality."

2. Paragraph (2) of article 3 is being changed and shall have the following content: "(2) The

supplier has the obligation to remit to the household customer, on this one's request, free of charge, „ the General contracting conditions for the natural gas household captive customers", authorized by the National Regulatory Authority in Natural Gas Sector president's decision, published in the Romania Official Gazette, Part I. These General conditions shall also be listed at the supplier's registered offices and cash offices."

3. Paragraph (1) of article 7 is being changed and shall have the following content:

„(1) The payment representing the counter value of the natural gas supply performed services' invoice is made within 15 calendar days from the date of the invoice's issuance by the distributor. In case the due term is a non-working day, the term is considered due in the next working day."

4. Paragraph (4) of article 7 is being changed and shall have the following content:

„(4) By derogation from the provisions of paragraph. (1), in case the measuring device is prepayment system by customer-card, the payment of the natural gas consumption counter value is made in advance."

5. Paragraph (1) of article 8 is being changed and shall have the following content:

(1) Non-payment, by the household customer, under the conditions of art. 7 paragraph (1), of the invoice representing the counter value of the performed natural gas supply services, leads to:

a) The charge of a delay increase share calculated upon the unpaid value equal to the level of interest owed for nonpayment on term of the budgetary obligations, for each day of delay, starting with the 16th calendar day from the date of the invoice's issuance, until this one's integral payment, including the day of payment, in case of unfulfillment of the payment obligation within 30 calendar days from the due term;

b) The interruption of natural gas supply, starting with the 46th calendar day from the date of the invoice's issuance, in case of unfulfillment of the payment obligation, including the delay increases;

the invoice represents a warning in case of unfulfillment of the payment obligation;

c) the possibility of the agreement's termination, based on a notification sent to the supplier, the termination operating of right and without delay, 65 calendar days after the date of the invoice's issuance and/or of disconnection, in case the customer did not integrally paid the counter value of the performed natural gas supply services, the delay increases owed to the supplier and did not constituted the guarantee according to the provisions in the „General contracting conditions for household captive customers of natural gas".

6. Paragraph (3) of article 10 is being changed and shall have the following content:

„(3) The household customer may unilaterally denounce the natural gas supply agreement, based on a prior notification addressed and registered to the supplier at least 30 calendar days before the moment the denunciation becomes effective. The denunciation becomes effective under the condition of payment of all payment obligations."

7. Paragraph (2) of article 13 is being changed and shall have the following content:

„(2) By derogation from paragraph.(1), the present agreement is deemed rightfully changed under the following situations:

a) The change of the final regulated prices and/or the payment terms, by order/decision of the president of the National Regulatory Authority in Natural Gas Sector, published in Monitorul Oficial of Romania, Part I, after/at the same time the date of the present agreement's signing; The change of the final regulated prices shall be notified to the customer, by the supplier, by mass-media;

b) The change of the inclusion of the household customer into another consumption level, according to the provisions of annex nt. 2 to the present agreement."

8. Annex no.1 to the Framework-contract -, The natural gas final regulated price (does not include VAT)", is being changed and completed, having the following content:

„Annex no. 1 to the Framework-contract

The natural gas final regulated price

Art. 1 The final regulated price is of.....ROL/1000 cm, according to the regulations in force, corresponding to the category ... the customer registers in.

Art.2 By derogation from the provisions of art. 1 (*the supplier has the obligation to apply the variant corresponding to the category provided on art. 1*):

- For the provided quantity exceeding 1800 cm, the final regulated price is of ROL/1000 cm, corresponding to the category B2 (*for the customers included in the category B1*);
- For the provided quantity exceeding 11.160 cm, the final regulated price is of ROL/1000 cm, corresponding to the category B3 (*for the customers included in the category B2*);
For the provided quantity exceeding 117.800 cm, the final regulated price is of ROL/1000 cm, corresponding to the category B4 (*for the customers included in the category B3*);
For the provided quantity exceeding 1.209.000 cm, the final regulated price is of ROL/1000 cm, corresponding to the category B5 (*for the customers included in the category B4*).

Art. 3 The provisions of art. 2 do not apply if the supplier's final regulated prices are not authorized for the category immediately following the one the customer is registered in.

Art. 4 The final regulated prices do not include VAT ".

9. Annex no. 2 to the Framework-contract - „Modalities of inclusion of the household customers into the consumption levels" is being changed and completed, having the following content:

„Annex no. 2 to the Framework-contract

Modalities of inclusion of the household customers into the consumption levels

Chapter I The inclusion of customers

Art. 1. – The consumer's inclusion into a certain consumption level is made by the supplier for each consumption place, for a one year determined period, between 1st of January – 31st of December, depending on the respective consumption place's way of connection, of the consumption history registered for the respective place loc for the previous calendar year.

Art. 2. - In case of a customer for which a consumption history is not available, the inclusion shall be made by the supplier taking into consideration the maximum installed capacity afferent to the consumption place.

Art. 3 - In case of a customer who, depending on the above mentioned criteria, must be included into a consumption level for which the supplier does not have a final regulated price authorized, this one shall be included as follows:

- a) the customer connected to the distribution system, into the level with the most favorable final regulated price of those practiced by the supplier for such connecting system ;
- b) the customer directly connected to the national transmission system, into the level with the most favorable final regulated price of those practiced by the supplier.

Art. 4. - (1) The supplier shall only change the inclusion at the beginning of each determined period, for the time period provided in art. 1, in the situation the consumption registered during the previous year does not correspond to the existing inclusion and shall notify it to the customer within 30 calendar days from the date of the inclusion's changing.

(2) In case of the natural gas supply agreement's termination before the date of 31st

of December, inclusively, the supplier shall not change the customer's inclusion.

Art. 5. - The customer, for the consumption place, is included into one of the following categories, defined depending on the connection and the annual consumption, as follows:

A. Customers directly connected to the transmission system:

A1. Final customers with an annual consumption of up to 124.000 cm;

A2. Final customers with an annual consumption between 124.001 cm and 1.240.000 cm;

B. Customers connected to the distribution system:

B1. Final customers with an annual consumption of up to 2.400 cm;

B2. Final customers with an annual consumption between 2.401 cm and 12.400 cm;

B3. Final customers with an annual consumption between 12.401 cm and 124.000 cm;

B4. Final customers with an annual consumption between 124.001 cm and 1.240.000 cm;"

Chapter II Regularization of the amounts afferent to the consumption during the period 1st of January – 31st of December

Art. 6. - (1) In case of reinclusion of the customer, the supplier shall recalculate the value of the natural gas consumed during the period 1st of January – 31st of December, based on the final regulated price in force within the same period, corresponding to the category the customer was reincluded into, under the conditions provided in art. 1 and art. 2 from annex no. 3 to the agreement.

(2) By derogation from the provisions of paragraph. (1), the supplier shall not recalculate the value of the natural gas consumed during the period 1st of January – 31st of December in case, during the respective period, this one did not have an authorized final regulated price for the category the customer was included into.

Art. 7. - Regularization shall be made based on distinct invoice, the payment/recovery of the amounts resulted from the regularization being made under the conditions provided in art. 7 paragraph (1) in the agreement, with the proper engagement of contractual liability, under the conditions stipulated in the agreement.

Art. II - Annex no. 2 - „Natural Gas regulated supply Framework-contract for the non-household captive customers – *specific contracting clauses* " to the National Regulatory Authority in Natural Gas Sector president's Decision no. 182/10.03.2005, published in Monitorul Oficial of Romania, Part I, no. 225 from March, the 17th 2005, is being changed as follows:

1. Paragraph (2) of article 3 is being changed and shall have the following content:

„(2) The supplier has the obligation to put at the non-household customer's disposal, on this one's request, free of charge, „ the General contracting conditions for the natural gas non-household customers", authorized by the National Regulatory Authority in Natural Gas Sector president's decision, published in Monitorul Oficial of Romania, Part I. These General conditions shall also be listed at the supplier's registered offices and cash offices."

2. Paragraph (2) of article 5 is being changed and shall have the following content:

„(2) The non-household customer, with an annual consumption of over 1.240.000 cm, may take under variable regime the contracted natural gas quantities, provided in annex no. 1, with the supplier's approval, depending on this one's existing resources, within the limit of +/- 5% of the agreed daily quantity, but no more than 2% of the monthly contracted total quantity."

3. Paragraph (1) of article 8 is being changed and shall have the following content:

„(1) The payment representing the counter value of the natural gas supply performed services' invoice is made within 15 calendar days from the date of the invoice's issuance by the distributor. In case the due term is a non-working day, the term is considered due in the next working day."

4. Letter a) of paragraph (1) within article 9 is being changed and shall have the following content:

„a) The charge of a delay increase share calculated upon the unpaid value equal to the level of interest owed for nonpayment on term of the budgetary obligations, for each day of delay, starting with the 16th calendar day from the date of the invoice's issuance, until this one's integral payment, including the day of payment, in case of unfulfillment of the payment obligation within the due term provided by Law no. 469/2002 regarding certain measures for the enhancement of the contractual discipline, with its further changes;"

5. Paragraph (3) of article 11 is being changed and shall have the following content:

„(3) The non-household customer may unilaterally denounce the natural gas supply agreement, based on a prior notification addressed and registered to the supplier at least 75 calendar days before the moment the denunciation becomes effective. The denunciation becomes effective under the condition of payment of all payment obligations."

6. Paragraph (2) of article 14 is being changed and shall have the following content:

„(2) By derogation from paragraph.(1), the present agreement is deemed rightfully changed under the following situations:

- a) The change of the final regulated price and/or the payment terms, by the National Regulatory Authority in Natural Gas Sector president's order/decision, published in Monitorul Oficial of Romania, Part I, further/at the same time with the date of the present agreement's signing;

The change of the non-household customer's inclusion into consumption levels, according to the provisions of annex no. 2 to the present agreement."

7. Annex no. 2 to the Framework-contract - „THE MODALITY OF INCLUSION of non-household customers into the consumption levels” is being changed and completed, having the following content:

„Annex no. 3 to the Framework-contract

The modality of inclusion of non-household customers into the consumption levels

Chapter I The inclusion of customers

Art. 1. -The consumer's inclusion into a certain consumption level is made by the supplier for each consumption place, for a one year determined period, between 1st of January – 31st of December, depending on the respective consumption place's way of connection, as follows:

- a) based on the consumption history registered for the respective consumption place for the previous calendar year, for the customers with a consumption history under 1.240.000 cm;
- b) depending on the delivery schedule for the respective consumption place, for the customers with a consumption history of over 1.240.000 cm.

Art. 2. - In case of a customer for which a consumption history is not available, the inclusion shall be made by the supplier taking into consideration the maximum installed capacity afferent to the consumption place or, depending on the case, the delivery schedule for the respective consumption place.

Art. 3. - In case of a customer who, depending on the above mentioned criteria, must be included into a consumption level for which the supplier does not have a final regulated price authorized, this one shall be included as follows:

- a) the customer connected to the distribution system, into the level with the most favorable final regulated price of those practiced by the supplier for such connecting system;
- b) the customer directly connected to the national transmission system, into the level with the most favorable final regulated price of those practiced by the supplier.

Art. 4. - (1) The supplier shall only change the inclusion at the beginning of each determined period, for the time period provided in art. 1, in the situation the consumption

registered during the previous year does not correspond to the existing inclusion and shall notify it to the customer within 30 calendar days from the date of the inclusion's changing.

(2) In case of the natural gas supply agreement's termination before the date of 31st of December, inclusively, the supplier shall not change the customer's inclusion.

Art. 5. – The customer, for the consumption place, is included into one of the following categories, defined depending on the connection and the annual consumption, as follows:

A. Customers directly connected to the transmission system:

A1. Final customers with an annual consumption of up to 124.000 cm;

A2. Final customers with an annual consumption between 124.001 cm and 1.240.000 cm;

A3. Final customers with an annual consumption between 1.240.001 cm and 12.400.000 cm;

A4. Final customers with an annual consumption between 12.400.001 cm and 124.000.000 cm;

A5. Final customers with an annual consumption of over 124.000.001 cm.

B. Customers connected to the distribution system:

B1. Final customers with an annual consumption of up to 2.400 cm;

B2. Final customers with an annual consumption between 2.401 cm and 12.400 cm;

B3. Final customers with an annual consumption between 12.401 cm and 124.000 cm;

B4. Final customers with an annual consumption between 124.001 cm and 1.240.000 cm;

B5. Final customers with an annual consumption between 1.240.001 cm and 12.400.000 cm;

B6. Final customers with an annual consumption of over 12.400.001 cm.

Chapter II Regularization of the amounts afferent to the consumption during the period 1st of January – 31st of December

Art. 6. - (1) In case of reinclusion of the customer, the supplier shall recalculate the value of the natural gas consumed during the period 1st of January – 31st of December, based on the final regulated price in force within the same period, corresponding to the category the customer was reincluded into, under the conditions provided in art. 1 and art. 2 from annex no. 3 to the agreement.

(2) By derogation from the provisions of paragraph. (1), the supplier shall not recalculate the value of the natural gas consumed during the period 1st of January – 31st of December in case, during the respective period, this one did not have an authorized final regulated price for the category the customer was included into.

Art. 7. – Regularization shall be made based on distinct invoice, the payment/recovery of the amounts resulted from the regularization being made under the conditions provided in art. 8 paragraph (1), with the proper engagement of contractual liability, under the conditions stipulated in the agreement."

8. Annex no. 3 to the Framework-contract - „Natural Gas FINAL REGULATED PRICE (does not include V.A.T.)" is being changed and completed, having the following content:

„Annex no. 4 to the Framework-contract

The natural gas final regulated price

Art.1 The final regulated price is of...ROL/1000 cm, according to the regulations in force, corresponding to the category..... the customer registers in.

Art.2 By derogation from the provisions of art. 1 (*the supplier has the obligation to apply the variant corresponding to the category provided on art 1*) :

For the provided quantity exceeding 1800 cm, the final regulated price is of

..... ROL/1000 cm, corresponding to the category B2 (*for the customers included in the category B1*);

For the provided quantity exceeding 11.160 cm, the final regulated price is of

..... ROL/1000 cm, corresponding to the category B3 (*for the customers included in the category B2*);

For the provided quantity exceeding 117.800 cm, the final regulated price is of

.....

ROL/1000 cm, corresponding to the category B4 (*for the customers included in the category B3*);

For the provided quantity exceeding 1.209.000 cm, the final regulated price is of..... ROL/1000 cm, corresponding to the category B5 (*for the customers included in the category B4*).

Art. 3 The provisions of art. 2 do not apply if the supplier's final regulated prices are not authorized for the category immediately following the one the customer is registered in.

Art. 4 The final regulated prices do not include VAT".

Art. III. - The National Regulatory Authority in Natural Gas Sector's specialized divisions and the parties in the natural gas regulated supply agreements for captive customers shall fulfill the present decision's provisions.

Art. IV. The National Regulatory Authority in Natural Gas Sector president's Decision no.182/2005 regarding the authorization of the natural gas regulated supply frame-agreements for captive customers, published in Monitorul Oficial of Romania, Part I, no. 225 from March, the 17th 2005, with the changes and completions brought by this present decision, shall be republished in the Romania's Official Gazette, Part I, new numbering being given to the texts

Art. V. - The present decision is published in Monitorul Oficial of Romania, Part I and comes into force on the date of June, the 11th 2005.

**PRESIDENT OF
NATIONAL REGULATORY AUTHORITY
IN NATURAL GAS SECTOR
STEFAN COSMEANU**