

DECISION No. 1189 / 02.11.2006
amending the framework-contract for natural gas distribution

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 – The framework-contract for natural gas distribution – specific contracting terms, approved by Decision No. 183/10.03.2005 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. The title of chapter V „Duration of the contract” is changed and will be named: „Duration of the contract. Quality of natural gas”.

2. A new article, art. 3¹, is inserted after article 3, with the following contents:

„Art. 3¹ - (1) The quality of natural gas will be certified according with the legislation in force, based on the chromatographical analysis and on the determination of Dew point in the points of commercial inlet/outlet at the entry and exit respectively from the distribution system. The chromatographical analysis bulletin will explicitly state the inferior or superior calorific power, expressed in kWh/cm. Upon justified request of one of the parties, analysis will be carried out as many times necessary, according with the legislation in force.

(2) The beneficiary will make available, free of charge, to the distributor, the analysis bulletins referred to in par. (1) for the points of commercial inlet/outlet at the entry into the distribution system.

(3) The distributor will make available, free of charge, to the beneficiary, the analysis bulletins referred to in par. (1) for the points of commercial inlet/outlet at the exit from the distribution system.

3. Paragraph (1) of article 6 is amended and will have the following contents:

„Art. 6 – (1) The beneficiary is entitled to request and receive:

a) an amount of money calculated by multiplying the difference between the input and offtake of the beneficiary, by the price of imported gas that ANRGN took into account when evaluating the fixed unitary amount of money for gas purchase over that period – in case the amount of gas delivered to the distributor in the point of inlet/outlet at the entry into the distribution system is not entirely supplied to the beneficiary in the point of inlet/outlet at the exit from the distribution system;

b) as of 1 July 2007, an amount representing 0.1% of the value of gas delivered at the exit from the distribution system and whose quality conditions are below those stipulated in the legislation in force, as stated by the chromatographical analysis bulletins drawn out as per art. 3¹ of the present contract, calculated by multiplying the amount of gas written down in the minute concluded in the point of commercial inlet/outlet at the exit from the distribution system, corresponding to the period of non-observance of quality, by the unitary fixed amount covering gas purchase cost as evaluated by ANRGN for that period.”

4. Paragraph (2) of article 6 is amended and will have the following contents:

„Non-fulfilment of the obligation relating to payment of the value of gas distribution services stipulated in art. 5 par. (3), leads to:

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 16th 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;

b) limitation of the delivery of natural gas distribution services, starting with the 26th day from the issue of the bill, with a 5-day notice, in case of non-fulfilment of the payment obligation;

c) interruption of the delivery of gas distribution services, with a 5-day notice, starting with the next day after expiration of the reprieve stipulated in Law No. 469/2002 with subsequent amendments, in case of non-fulfilment of the payment obligation, including related delay increases;

d) the possibility to cancel the present contract, by way of a notification sent by the distributor. The cancelling becomes lawfully effective, with no delay, in case of non-payment of arrears, starting with the 31st calendar day from expiry of the retrieve provided for in Law No. 469/2002 with subsequent amendments.”

5. The title of Chapter VI „Distribution tariff. Ways and conditions of payment” is changed and will be named: „ Distribution tariff. Ways and conditions of payment. Guarantees”.

6. A new article, art. 5¹, is inserted after article 5, with the following contents:

„Art. 5¹ - (1) When signing the present contract parties may present to each other one or several guarantee instruments for their own agreed obligations.

(2) The guarantee referred to in par. (1) aims at fulfilling parties’ contractual obligations against unforeseen future events that may put the distributor/beneficiary in the position to be unable to meet its contractual obligations.

(3) The guarantee instruments referred to in par. (1) are established under equivalent terms.”

Art. II - Specialised departments within the National Natural Gas Regulatory Authority, as well as parties in natural gas distribution contracts have the obligation to enforce the provisions of the present decision.

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

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