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DECISION

no. 459/09.06.2005 regarding the change

of natural gas distribution framework-contract

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 paragraphs (4) and (5) from Gas Law no. 351/2004,

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

Art. I - Annex - „Natural Gas Distribution FRAMEWORK-CONTRACT – *specific contracting clauses* ” to the National Regulatory Authority in Natural Gas Sector president's Decision no. 183/10.03.2005, 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 1 is being changed and shall have the following content:
„(2) The supplier has the obligation to put at the beneficiary's disposal, on this one's request, free of charge, the General conditions for contracting the natural gas distribution services, authorized by the National Regulatory Authority in Natural Gas Sector president's decision ”.
2. Article 3 is being changed and shall have the following content:
„The present agreement is concluded for the period between - The agreement's validity duration's extension may be made with the parties' express approval. Non-notification in writing, by any of the parties, of its intention of not extending the agreement, at least 30 calendar days before the agreement's validity duration's expiry, results in this one's rightful extension for a period equal to the one initially agreed”.
3. Paragraph (1) of article 5 is being changed and shall have the following content:
„(1) The invoicing of the natural gas distribution services' counter value is made based on the quantities of natural gas supplied/received by the distributors, which are stipulated in the minutes monthly drawn up at the commercial supplying/receiving points ”.
4. Paragraph (3) of article 5 is being changed and shall have the following content:
„(3) The payment of the natural gas distribution services' counter value 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".

5. Letter a) of paragraph (2) within article 6 is being changed and shall have the following content:

„a) the application of delay increases share, as follows:

- for the suppliers who contract natural gas distribution services, for the quantities designed for the captive customers – equal to the level of the interests owed for the non-payment 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 the payment, in case of unfulfillment of the payment obligation within the due term provided by Law no. 469/2002 regarding certain measures for enhancement of the contracting discipline, with its further changes;

- for the eligible customers and for the suppliers who contract natural gas distribution services, for the quantities designed for the eligible customers – an equal share to the level of the interests owed for the non-payment on term of the budgetary obligations, increased by 50%, starting with the 16th calendar day from the date of the invoice's issuance, until this one's integral payment, including the day of the payment, in case of unfulfillment of the payment obligation within the due term provided by Law no. 469/2002, with its further changes;"

6. Letter d) of article 8 is being changed and shall have the following content:

„d) on the beneficiary's request, by unilateral denunciation, based on prior notification addressed to the other party at least 75 calendar days before the moment the denunciation becomes effective. The denunciation becomes effective under the condition of paying up all payment obligations."

Art. II - The National Regulatory Authority in Natural Gas Sector' specialized divisions, as well as the parties in the natural gas distribution agreements shall fulfill the present decision's provisions.

Art. III - 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**