

Order no. 12 of March 4, 2015 (* updated *)

approving the Regulation for granting licenses and authorizations in the electricity field

ISSUER: ROMANIAN ENERGY REGULATORY AUTHORITY

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*) Note CTCE:

Updated form of this bill on November 21, 2016 is carried out by the Legal Department of the SC "Centrul Teritorial de Calcul Electronic" S.A. Piatra Neamt by including all amendments and supplements by: [Order no. 158 of November 17, 2015](#).

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Considering the provisions of [art. 9 paragraph. \(4\) of the Electricity Act and Gas no. 123/2012](#), as amended and supplemented, pursuant to Art. 5 paragraph. (1) a) and ale [art. 9 paragraph. \(1\) a\) Government Emergency Ordinance no. 33/2007](#) on the organization and functioning of the Romanian Energy Regulatory Authority, approved with amendments by [Law no. 160/2012](#),

President of the Romanian Energy Regulatory Authority issues this Order.

ART. 1

Approving the Regulation for granting licenses and authorizations in the electricity field set out in the Addendum part of the present order.

ART. 2

Economic operators who are granted, modified, suspended or withdrawn, as appropriate, the establishment authorization and licenses in the electricity field carry out the provisions of this Order, and organizational entities within the Romanian Energy Regulatory Authority to pursue compliance of this order.

ART. 3

The entry into force of this order is repealed the [Order of the president of the Romanian Energy Regulatory Authority no. 48/2013](#) approving the Regulation for granting licenses and authorizations in the electricity field, published in the OFFICIAL GAZETTE of Romania, Part I, no. 445 July 22, 2013.

ART. 4

This order is published in the OFFICIAL GAZETTE of Romania, Part I.

Art. 5

Since the entry into force of this order, all references and references to the la [Order of the President of the Romanian Energy Regulatory Authority no. 48/2013](#) existing in other regulations are deemed to be made to this order.

President of the Romanian
Energy Regulatory Authority,
Niculae Havrileț

Bucharest, March 4, 2015.

No. 12.

ADDENDUM

REGULATIONS
licensing and permits
in the electricity field

CHP. I

General dispositions

Authority

ART. 1

(1) This regulation is issued pursuant to [art. 9 paragraph. \(4\) of the Electricity Act and Gas no. 123/2012](#), as amended and supplemented.

(2) The Romanian Energy Regulatory Authority, hereinafter referred to as ANRE, is empowered to grant, modify, suspend or withdraw the establishment authorizations and licenses in the electricity field, under [Law no. 123/2012](#), as amended and supplemented, and this Regulation.

Field of application

ART. 2

This Regulation applies to operators who are granted, modified, suspended or withdrawn their establishment authorization / license in the electricity field.

Scope

ART. 3

This Regulation establishes:

- a) establishing the conditions for the granting of permits and licenses required by law;
- b) the conditions on the modification, suspension or withdrawal of establishment or licenses;
- c) the conditions on the refusal to grant / modify permits and licenses establishment.

Abbreviations

ART. 4

Abbreviations used in the text of this regulation are:

- a) SEN - National Power System;
- b) ANRE - Romanian Energy Regulatory Authority .

Definitions

ART. 5

(1) Terms used in this Regulation are defined by [Law no. 123/2012](#), as amended and supplemented.

(2) For the purposes of this regulation, terms and expressions have the following meanings:

- a) establishing authorization / authorization - administrative act by which a person is given permission to develop or refurbish energy capacities for production of electricity, ANRE issued at the request of that person;
- b) the annual contribution - the amount of money collected annually by ANRE a license holder, the duration of validity established by ANRE President's order;
- c) license - administrative act that grants the holder permission to carry out commercial exploitation of energy capacity in the electricity and heat produced from cogeneration or to provide services to participants in the electricity market, issued by ANRE at the request of natural / legal Romanian or foreign;
- d) amendment to the authorization / license - issuing by ANRE decision approving the amendment of the authorization / license and / or conditions of validity of the authorization or license;
- e) commissioning - all the activities provided for technical design documentation and regulations, to demonstrate that the equipment and technological systems related to a / some energy capacities behave within the limits of the project, when it / they declares appropriate to enter commercial operation;
- f) grantee distribution operator - legal person who is a concessionaire in a concession agreement for the public service of electricity distribution;
- g) withdrawal of the authorization / license - issuing by ANRE decision by which a holder of authorization / license rights and withdraw completely by the act; withdrawal takes place at the holder's request or initiative ANRE;
- h) suspension of the authorization / license - issuing by ANRE decision by which a holder of authorization / license is withdrawn, partially or totally, for a period of time, the rights conferred by the act, ANRE may approve continued its work under controlled in order not to affect the interests of consumers of electricity and heat;
- i) grant price / modification of the license / permit - money charged by ANRE from person / entity applying for or amendment of licenses / authorizations, established by ANRE order; rate includes a component corresponding to the activity of analyzing the documentation received for that purpose from the applicant called price analysis;
- j) holder of authorization / license - natural or legal person, holder of an authorization / license issued by ANRE.

CHP. II

Regime of authorizations and licenses in the electricity field

Conditions for granting authorization

ART. 6

ANRE issue authorization setting for works of construction or refurbishment of a power capacity of electricity generation, including the capacity of producing electricity and heat in cogeneration if electric power plants with total installed capacity is bigger than 1MW or becomes greater than 1 MW.

ART. 7

ANRE does not issue permits for:

- a) works construction or refurbishment of power capacities of electricity production, including production capacity of electricity and heat in cogeneration, with installed power of up to 1 MW inclusive;
- b) works realization / refurbishment of electrical systems, surveillance systems, telecommunications and / or associated control energy production capacity, including the capacity of producing electricity and heat in cogeneration;
- c) works to achieve / refurbishment of substations and power lines.

ART. 8

(1) ANRE establishes the validity of a permit based on establishing time frames needed to complete the installation work and commissioning of power facilities licensed and given the duration of the authorization proposed by the applicant.

(2) The minimum duration of validity of the authorization setting is one year.

ART. 9

(1) Authorization to set up for construction / refurbishment of a power capacity of electricity production, including the production of electricity and heat in cogeneration, comprising several groups of production, may contain a staging commissioning groups production according to documentation submitted by the applicant.

(2) In the case under para. (1) to commercially exploit energy capacities commissioned in phases, the holder can apply for / license amendment, continuing development of works remaining to be executed under the establishment authorization granted to the investment project in question until the end of the period of validity.

(3) When setting up / modernizing the production capacities of electricity or electricity and heat produced from cogeneration with installed power greater than 1 MW, which comprises a production facility, storage and use of biogas / bio methane ANRE granted a single permit setting for both power capacity and installation for biogas / bio methane, the applicable provisions of this Regulation and the Regulation on the authorization of activities in the natural gas sector, approved by ANRE. Common documents shall be submitted in a single copy.

Par. (3) art. 9 was introduced pt. 1 of [of art. IORDER no. 158 of 17 November 2015](#) published in the Official Gazette no. 898 of 3 December 2015.

(4) When setting up / modernizing the production capacities of electricity or electricity and heat produced from cogeneration with installed power less than 1 MW, which comprises a production facility, storage and use of biogas / bio methane ANRE granted authorization to establish a single, exclusively for

the installation of biogas / bio methane, and provisions of the regulation on licensing activities in the gas sector, approved by ANRE.

Par. (4) art. 9 was introduced pt. 1 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

Conditions on licensing

ART. 10

(1) The activities performed under the licenses issued by ANRE are:

- a) the commercial operation of electricity generation capacity;
- b) the commercial exploitation of the production capacities of electricity and heat in cogeneration;
- c) the service of electricity transmission;
- d) service delivery system;
- e) distribution service of electricity;
- f) management of centralized electricity markets;
- g) the supply of electricity;
- h) electricity trader activity.

(2) In the category of activities provided by par. (1) b) enter and commercial exploitation of production capacities separate thermal energy which are located in shared premises with cogeneration capabilities, connections having technological and management and operation of cogeneration common with these capabilities.

(3) ANRE issues licenses in cases not provided by [Art. 10 para. \(5\) and \(6\) of Law no. 123/2012](#), as amended and supplemented.

(4) Households holding a capacity of producing electricity or electricity and heat in cogeneration connected to the network with electrical power less than 100 kW, has the right to commercially exploit these energy capacity without a license, regardless of how the connection through common or distinct connection to the place of consumption of that customer appliances.

(5) The activity in para. (1) g) and h) can be carried out in Romania by a legal entity having its registered office in a Member State of the European Union, but that does not hold a license granted by ANRE, if the foreign legal person holds a valid license or similar document for the work, issued by the competent authority of the Member State, and if they declare on oath that he will comply with applicable technical and commercial in Romania for the activity.

Par. (5) art. 10 was changed pt. 2 of [art. I of Order no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(6) In the situation provided in par. (5) ANRE shall issue a decision under the conditions and the procedure of confirmation of the right of participation in electricity markets in Romania of foreign legal entities having their registered office in a Member State of the European Union, approved by order of ANRE.

Par. (6) of art. 10 was introduced by pt. 3 of [Art. I of Order no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

ART. 11

(1) For the activities referred to in Art. 10 para. (1) a) and b) one license is issued, common activities of commercial exploitation of electricity production capacity and thermal cogeneration.

(2) For the activities referred to in Art. 10 para. (1) c) and d) and to manage the balancing market falling to art. 10 para. (1) f) carried by the transmission system operator, one license is issued, common for these activities.

(3) The granting a license for commercial exploitation capacity of electricity production or for producing electricity and heat in cogeneration, which comprises production facilities, storage, respectively, use of biogas / bio methane or modifying an existing license to include within the conditions attached to it new energy capacities of this kind is conditional upon:

a) authorizing the establishment / operation of these installations under ANRE regulations applicable both in electricity and in the gas; for the operation of facilities for production, storage, respectively, use of biogas to operate safely such plants, the license applicant may opt for a contract with an economic operator holder of specific approval for this type of objective, given by ANRE in accordance with the Regulation authorizes the economic operators operating in the natural gas sector and the framework conditions of validity of an authorization, approved by [Order of the President of the Romanian Energy Regulatory Authority no. 98/2015](#), in which case the contract shall forward a copy to the attached application for granting / amendment of the license;

b) commissioning of the plant for the production, storage, respectively, use of biogas / bio methane, confirmed by the reports of delivery the commissioning, which is transmitted in copy, attached to the application for the grant / license amendment.

Par. (3) art. 11 was introduced pt. 4 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

ART. 12

(1) The license holder cannot simultaneously hold two licenses for the same type.

(2) Licensee referred to in art. 11 para. (2) cannot hold simultaneously none of the licenses provided for in art. 10 para. (1) a), b), g) and h).

(3) The operator of distribution concessionaire, licensee distribution service for electricity, cannot hold simultaneously in the activity area defined by it, none of the licenses provided for in art. 10 para. (1) a), b), c), g) and h).

(4) Licensee for the supply of electricity may not simultaneously hold a license for electricity trader activity, the rights of trader activity is included in the license for the supply of electric power it holds.

(5) Licensee for commercial exploitation of the production capacities of electricity, including electricity and heat in cogeneration, cannot hold simultaneously a license for electricity trader activity, the electricity trader activity being included in the license for commercial exploitation of the production capacity held by it.

ART. 13

(1) The validity of a license shall be established by ANRE, given the data submitted by the licensee upon receipt of the grant thereof, and not more than:

- a) 25 years for any of the licenses mentioned by art. 10 para. (1) a) -f);
- b) 10 years for licenses for electricity supply and electricity trader activity, referred to in art. 10 para. (1) g) and h).

(2) At least 60 days before reaching the maximum validity period provided by par. (1), the holder may apply for a new license that is granted, having regard to business continuity, compliance with applicable legal requirements extension of the validity of existing licenses referred to in art. 39 para. (5).

ART. 14

In granting a license, ANRE can establish additional rights specific to other types of licenses. Applicants for permits / licenses

ART. 15

(1) can apply for permits / licenses legal entities / individuals Romanian or foreign.

(2) A foreign entity outside the European Union can apply for permits / licenses only if constituted in Romania, under the law, a secondary headquarters for the entire duration of the authorization / license required to carry out its activities.

(3) individuals have no right to commercially exploit the energy capacity of electricity and heat production in cogeneration whose installed electric power is greater than 1 MW.

(4) ANRE issues licenses only to natural persons for commercial exploitation of the energy capacity of electricity production or for producing electricity and heat in cogeneration, whose installed electrical power of 100 kW is between and including 1 MW.

(5) Individuals in para. (4) must prove ANRE that meet the conditions set by the legislation on the organization of economic activities by individuals.

ART. 16

(1) ANRE does not issue permits / licenses to the following categories of operators:

a) economic operators who are in judicial reorganization or bankruptcy proceedings and not developing the application, under other licenses / permits, work for applying for license / permit;

b) economic operators who are under [Art. 9 paragraph. \(3\) of Law no. 123/2012](#), as amended and supplemented;

c) foreign natural persons outside the European Union.

(2) Notwithstanding the provisions of paragraph. (1) a) ANRE issue authorizations / licenses operators under par. (1) a) requiring licenses dependent upon:

a) continuous supply end customers with electricity or electricity and heat produced from cogeneration,

b) completion of works / development activities decided under the judicial reorganization plan approved by the court.

CHP. III

The procedure for requesting and granting authorizations and licenses

Documents required for all types of authorizations and licenses

ART. 17

(1) To obtain an authorization / license, the applicant shall submit an application containing the ANRE data and information from the model set out in Addendum. 1, accompanied by the required documents granting the authorization / license under this Regulation.

(2) The applicant shall provide ANRE in the application for granting / amendment of the authorization / license full contact details or office address, telephone number and fax number of the applicant and legal representative.

(3) The request and the enclosed documents provided in par. (1), and the correspondence between the applicant and ANRE shall be in Romanian.

(4) The applicant shall send to ANRE documents to be attached to the application on paper and, if required, electronically, at the request of ANRE.

(5) [The documents accompanying the application for authorization / license shall be signed on each page, by the applicant's legal representative or a person authorized by him.](#)

Par. (5) art. It amended by section 17. 5 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(6) Upon filing an application to grant or amend an authorization / license, the applicant can show that he has paid in advance, the Fee analysis, as required by law. Fee Analysis:

a) fare is deducted from the grant or modification of the authorization / license, is charged in connection with the favorable settlement of that application;

b) representing the business analysis documentation attached to the application are not to be returned to the applicant if the ANRE refuses to grant or the amendment of the authorization / license or documentation ranks.

(7) If it is found that the amount of the Fee analysis has not actually been paid into the bank account of ANRE, the received request is recorded by correspondence nature and is not incorporated in the work plan.

(8) Request is filed should within 10 days of the date of registration the proof of payment hasn't been made, notifying the applicant of the filing of the application and whether to seek reimbursement documents attached to the application.

ART. 18

(1) Upon application for authorization / license the applicant attaches:

a) ascertain certificate, original or copy issued by the trade registry with complete information, reflecting the situation of the applicant;

b) statements, copy of latest financial statement filed under the law of the applicant to tax authorities prior to registration ANRE application for authorization / license, including the first page of these financial statements, proof of registration with the tax authorities, the balance sheet and profit and loss account, except the applicant holding other licenses already registered with ANRE; if the applicant making the request for granting authorizations / licenses during the year in which it was established, shall be attached copy of the last monthly checking balance;

c) declarations in original or authenticated copy of the oath of shareholders / associates who hold control of the applicant and, where applicable, the administrators, members of the Board or of the Supervisory Board of the applicant, drawn up for each of , the model no. 2.1 of Addendum. 2.

(2) If the state is a shareholder holding control, the provisions of par. (1) c) only apply to managers, directors or members of the Supervisory Board of the applicant.

Specific documents requesting the grant of the authorization / license

ART. 19

(1) Upon application for a permit to establish the applicant attached, in addition to the documents referred to in art. 18, the following documents:

- a) documents - copy - in which the applicant has acquired ownership, grantee or holder of legal title to any land and / or building, you / it is placed energy capacities to be established / retrofitted;
- b) land registry statements issued in requesting the authorization, proving tabulation in the land of rights in immovable property referred to in subparagraph a), which requires registering under the law;
- c) table with records of land / building rights and papers proving the applicant consents on such immovable property following the model no. 3.1 of Addendum. 3;
- d) proof of notification of the intention of achieving / upgrading of power capacity, to the Authority local government to inform the public;
- e) proof of publication in the media, the local rule, the intention of developing / upgrading of power capacity;
- f) technical and economic indicators of the investment / energy capacity required for the completion of which is the establishment authorization, resulting from the feasibility study, approved by the authorized persons of the applicant;
- g) statement presentation / explanatory, the applicant includes technical and economic data relating to each item of work for energy capabilities which calls for the establishment authorization, completed in a table the size prescribed in Addendum. 4 and any clarification which the applicant considers useful for understanding its technical options for financing the investment or explanations on the documents submitted;
- h) documents resulting sources of financing works, such as the available capitals allocated for that investment by the economic operator, documents committing issued by banking institutions (such as credit lines / loans, letters of comfort), loans banking institutions, individuals / legal, national or international awarding grant, issue of shares, which attract capital market, contractual or other documents relating to pre-finance the investment;
- i) the technical connection within the validity period, accompanied by the connection contract if this has been concluded;
- j) environmental agreement or decision on the classification of the investment project, issued / issued by the competent authority for environmental protection;
- k) The layout of the energy capacity, which indicate the required information regarding identification of land occupied by power capacity components and their position in relation to other existing targets being set up in that geographical area;
- l) the applicant's declaration of authorization that, in determining the locations of components energy facilities subject to authorization have been identified targets existing or being set up under the authorizations in force, in the vicinity of power capacities, to which are set distances safety technical regulations into force, and they have been complied with safety distances of targets identified. Declaration will be Annexed the table following the model no. Provided in Addendum 3.2. 3;
- m) mark the stages of the works to be conducted on the basis of the establishment authorization requested and commissioning capabilities results, and the total project investment;
- n) an affidavit of the applicant that the design and execution of electrical installations subject to authorization by the foundation will be employed only contractors / subcontractors certified according to ANRE regulations.

(2) If an applicant submits documents drawn up in the pre-contractual phase on financing the energy capacity, he has the obligation to submit to ANRE, within established conditions associated with the establishment authorization, contracts that provide financing of works covered authorization.

(3) When the applicants submits the application for set-up for construction / refurbishment capacity of electricity generating plants, which are included in [Art. 14 para. \(6\) of Law no. 121/2014 on energy efficiency](#), besides the documents referred to in para. (1) The applicant shall present the documents issued by local government authorities in the plant and, where appropriate, the central public administration authorities, showing conclusions assessments and analyzes made in accordance with [Art. 14 para. \(1\) and \(3\) of Law no. 121/2014 regarding the identification of a potential for implementing high-efficiency cogeneration in the vicinity of the geographic area in which it will be established / refurbish energy capacity that is subject to authorization.](#)

Par. (3) art. Section 19 was introduced. 6 of [art. I of Order no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

[\(Art. 14 para. \(4\) of Law no. 121/2014, Art. 14 para. \(6\) of Law no. 121/2014](#)-----

Par. (4) art. Section 19 was introduced. 6 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(5) Where the documents referred to in para. (3) that it was not identified a potential for implementing high-efficiency cogeneration in the geographical area in the vicinity of the to be established / refurbish energy capacity that is subject to authorization or where there is an analysis of potential implementing high-efficiency cogeneration carried out under [Law no. 121/2014](#), notwithstanding the provisions of par. (3) and (4) the applicant shall submit notifications from local government authorities / central to confirm this.

Par. (5) art. Section 19 was introduced. 6 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(6) ANRE has the right to adopt, in the case of par. (4) a decision authorizing an installation individual energy different from the results of evaluations of local / national identifying a potential for the application of high efficiency cogeneration if there are compelling reasons legal, property or financial in this regard, proven by the applicant, in accordance with [art. 14 para. \(11\) of Law no. 121/2014.](#)

Par. (6) of art. Section 19 was introduced. 6 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(7) The decision referred to in para. (6) and giving reasons shall be notified to the European Commission within 3 months of adoption.

Par. (7) of art. Section 19 was introduced. 6 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

ART. 20

(1) For granting the licenses for commercial exploitation of the production capacities of electricity or electricity and heat in cogeneration, besides the documents referred to in art. 18 applicant legal entity attached:

- a) addresses of locations where they are installed electricity generating capacities whose exploitation requires licensing required;
- b) technical characteristics of energy facilities referred to in subparagraph a) in accordance with the table in Annex. 4;
- c) the technical characteristics of their related electricity grids - power stations, substations, power lines - used for evacuation SEN solicitor electric power products, and for connecting other natural or legal persons;
- d) the organization applicant operator, valid at the time the license request, indicating the organizational entity responsible for the activity for which the license is requested;
- e) statement on the applicant personnel staffing structure, specialties, proving qualifications of the personnel assigned to the activity for which the license is requested, which must be part of a sufficient number of electricians and specialist personnel relation to the volume activities / facilities managed; if the applicant has committed any electrician, it can present a service contract for carrying out activities related to the operation and maintenance of electrical installations, concluded with an economic operator certified by ANRE or authorized persons qualifying as electrician;
- f) estimated turnover in the year to achieve the required license was granted because of their activities subject, except the applicant holding other licenses granted by ANRE;
- g) minutes of receiving the commissioning of power capacity, signed by legal representatives of the applicant, resulting from the commissioning of power facilities;
- h) documents that prove ownership or use of such energy capacity for commercial exploitation of which the economic operator applying for the license;
- i) [certificate issued by your wireless connection corresponding stage / stages of development contained in the technical connection, except as provided in par. \(4\);](#)

Lit. i) of para. (1) art. Section 20 has been amended. By pt. 7 of [art. I of Order no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

j) documents proving the applicant to start the procedure required to obtain environmental authorization.

(2) In order to grant a license for commercial exploitation of electricity production capacity with a total installed electrical capacity greater than 100 kW and less than or equal to 1 MW, the applicant shall attach to his application documents provided by Art. 18 lit. a) and c) and para. (1) a), b), h), i) and j) of this article.

(3) In order to grant a license for commercial exploitation of electricity production capacity with a total installed electrical capacity less than or equal to 100 kW, the applicant shall attach to his application documents provided by Art. 18 para. (1) a) and c) documents provided in par. (1) a) and h) of this article and data provided at pt. 1 and 4 of Appendix. 4.

(4) [power plants which, according to the technical regulations issued by ANRE, it is required to obtain a technical certificate of compliance if the applicant submit to ANRE, instead of the document referred to in para. \(1\) i\) certificate of technical compliance with valid temporary issued under procedure energize period of tests and certification of technical compliance of offshore wind power and photovoltaic, approved by order of ANRE, the license is granted on the basis and validity technical conformity certificate valid temporary, with the possibility of extension if the applicant submits to ANRE, the period of validity of the license, certificate issued by your wireless connection.](#)

Par. (4) art. Section 20 was introduced. 8 of [art. I of Order no. 158 of 17 November 2015](#) published in the Official Gazette no. 898 of 3 December 2015.

ART. 21

(1) For granting of licenses for the service of electricity transmission and system services, and to manage the balancing market, the applicant shall attach to his application, besides the documents referred to in art. 18, a presentation of the technical, organizational and human resources to conduct these activities.

(2) Presentation of the technical framework of activities provided in par. (1) shall include:

- a) summary tables, power lines or power stations of the electricity transmission network;
- b) the total installed electrical substation transformers in the electricity transmission network;
- c) Single wire diagrams, which can separation points between the electricity transmission network in operation applicant's license and installation of a transmission system operators in neighboring countries, namely producers, operators of electricity distribution or served clients ;
- d) list and technical data on the operated dispatching centers, as well as technical and physical facilities used (computer and communications infrastructure, buildings, software, other technical systems etc.);
- e) list and data on the platform used for the balancing market as well as the associated technical and physical facilities (computer and communications infrastructure, buildings, software, other technical systems etc.);
- f) documents that prove ownership or use of such energy capacity for commercial exploitation of which the economic operator applying for the license;
- g) minutes of receiving the commissioning of a new or refurbished power capacity, signed by legal representatives of the applicant, resulting from the commissioning of power capacity;
- h) certificate issued by your wireless connection facilities which are connected facilities of the applicant, if applicable;

i) contracts which acquired ownership of some components of the transmission grid and, where applicable, the concession agreement by which acquired the right to use the transmission network of public property;

j) the declaration Board members, Management Board and Supervisory Board of the applicant on the fulfillment of the conditions for certification provided by law.

(3) The presentation of the organizational and human resources of activities provided in par. (1) shall include:

a) organizational applicant operator of the license valid license application date;

b) statement on staff - the staff structure, specialties, certifying staff qualifications allocated for activities requiring a license, which must be part of a sufficient number of electricians relation to the volume activities / facilities managed; can be added to their personnel staff provided by an economic operator certified by ANRE applicant has concluded a service contract for carrying out activities related to the operation and maintenance of electrical installations.

(4) In addition to the documents provided in par. (2) and (3) the license applicant shall notify in writing the estimated turnover provisioned from activities subject to the license applied for in the year of grant.

ART. 22

(1) The granting of licenses for the management of a / centralized electricity markets, the applicant shall attach to his application, besides the documents referred to in art. 18, a presentation of technical-organizational framework and human resources needed to that end.

(2) Presentation of the technical-organizational and human resources will include:

a) organizational applicant operator, valid at the time the license request, indicating the department responsible for the activity for which the license is requested;

b) statement on staff - the staff structure, specialties, certifying the qualification of staff assigned activity for which the license is requested;

c) list of markets centralized electricity and green certificates which the applicant intends to manage under the license, according to ANRE regulations;

d) list of the main software products are operated by the current applicant operator, in managing market / markets centralized electricity under letter c) with details on use rights to such software;

e) list of technical and physical resources allocated by the applicant management market / markets centralized electricity under letter c) such as buildings, infrastructure elements and communication science and other technical systems etc. .;

f) internal working procedures confirming that commercially sensitive information is protected on the applicant to obtain and manage them in the management of centralized electricity markets.

(3) The applicant shall attach application documents showing that he has at least 1,000,000 euros at the exchange rate of the National Bank of Romania valid on the date of application for the license.

(4) In addition to the documents provided in par. (2) and (3) the license applicant shall notify in writing the estimated turnover provisioned from activities subject to the license applied for in the year of grant.

ART. 23

(1) The granting of licenses for the service of electricity distribution, the applicant legal entity shall attach to his request, besides the documents referred to in art. 18, a presentation of the technical and the organizational and human resources needed to that end.

(2) Presentation of the technical framework will include:

a) demarcation of the area of activity in which the applicant shall provide the service of electricity distribution (e.g. district, site, building, etc.);

b) tables centralizing power lines or electric substations and transformer stations for medium and high voltage, specifying technical data such as rated voltage, power installed in transformer stations of the electricity distribution network, line lengths of within this network;

c) high-voltage single wire diagrams, which are the boundary points between distribution facilities and plants operated solicitor transmission system operator or operators of producers or other distribution of electricity;

d) list of energy facilities located at the limit between the activity defined in the conditions attaching to the license and other areas of activities of distribution system operators, if applicants operators concessionaires or statement that no such energy capacities;

e) data on low voltage electrical installations with nominal voltage specification, the length of power lines and supply lines;

f) the number of users connected to the equipment license applicant broken down by types of users, indicating the total power users for each type approved; if electricity production capacity will be presented and broken down by type of primary energy sources;

g) certificate issued license applicant connection network operator that its facilities are connected by applicable regulations;

h) documents that prove ownership or use of such energy capacity for commercial exploitation of which the economic operator applying for the license;

i) approval of the distribution operator concessionaire, if the applicant intends to provide a service for the distribution of electricity using electricity distribution networks own in an area leased to another operator distribution as defined in the conditions attaching to the license granted to the latter;

j) an indication of customer service centers;

k) specification information points located to the places of consumption of end customers benefiting from universal service law.

(3) The presentation of the organizational and human resources will include:

a) organizational applicant operator, valid at the time the license request, indicating the department responsible for the activity for which the license is requested;

b) statement on staff - the staff structure, specialties, certifying the qualification of staff assigned activity for which the license is requested, which must be part of a sufficient number of electricians relation to the volume activities / facilities managed; can be added to their personnel staff provided by an economic operator certified by ANRE applicant has concluded a service contract for carrying out activities related to the operation and maintenance of electrical installations.

(4) In addition to the documents provided in par. (2) and (3) the license applicant shall submit:

a) the estimated turnover provisioned from activities subject to the license required, in granting it;

b) proof that the separation of business, law, the grantee distribution operators;

c) a copy of the concession contract concluded with the granting authority, the grantee distribution operators.

ART. 24

(1) The granting of licenses for the provision of electricity, the applicant legal entity shall attach to his request, besides the documents referred to in art. 18, a presentation of the organizational and human resources needed to that end.

(2) The presentation of the organizational and human resources will include:

- a) specifying the premises of economic operators requesting the work to take place related to the provision of electricity;
- b) accurate customer centers, including contact points; if applicants designated as suppliers of last resort they must prove that the conditions of location stipulated by law;
- c) the organization applicant operator, valid at the time the license request, indicating the department responsible for the activity for which the license is requested;
- d) plug on staff - the staff structure, specialties, certifying the qualification of staff assigned to the licensed activity.

(3) The applicant shall attach application documents showing that he has at least 1,000,000 euros at the exchange rate of the National Bank of Romania for the date of registration application for the license, which comes from one or more of the following resources:

a) equity - the value of which is calculated using the last monthly trial balance according to the formula used in the annual financial statements on which the economic operator will notify the tax authorities;

b) availability of bank credit lines benefiting the applicant economic operator;

c) financial resources that associations and / or shareholders make them available to the applicant through its financing contracts / loan or other types of contracts.

(4) Amounts as those referred to in para. (3) a) and b) may be included in the financial guarantee that the applicant is required to establish and maintain for the duration of the license.

(5) In addition to the documents provided in par. (2) and (3) the license applicant shall notify in writing the estimated turnover provisioned from activities subject to the license applied for in the year of grant.

(6) If the license applicant for the supply of electricity is the holder of a license as stipulated in art. 10 para. (1) a) or b) book value of electricity generation capacity or production of electricity and heat in cogeneration is taken into account in determining the amount of financial resources mentioned in par. (3) together with the values resulting from the resources provided in par. (3).

Par. (6) of art. It amended by section 24. 9 of [art. I of Order no. 158 of 17 November 2015](#) published in the Official Gazette no. 898 of 3 December 2015.

Par. (6) of art. It amended by section 24. 9 of art. I of Order no. 158 of 17 November 2015 published in the Official Gazette no. 898 of 3 December 2015.

ART. 25

(1) The granting of licenses for the trader, the applicant legal entity shall attach to his request, besides the documents referred to in art. 18, a presentation of the organizational and human resources needed to that end.

(2) The presentation of the organizational and human resources will include:

- a) A headquarters applicant operator, which is to operate electricity trader;
- b) statement on staff - the staff structure, specialties, certifying the qualification of staff assigned to the licensed activity.

(3) The applicant shall attach application documents showing that he has at least 500,000 euros at the exchange rate of the National Bank of Romania for the date of registration application for the license, which comes from one or more of the following resources:

a) equity - the value of which is calculated using the last monthly trial balance according to the formula used in the annual financial statements on which the economic operator will notify the tax authorities;

b) availability of bank credit lines benefiting the applicant economic operator;

c) financial resources that associations and / or shareholders make them available to the applicant through its financing contracts / loan or other types of contracts.

(4) Amounts as those referred to in para. (3) a) and b) may be included in the financial guarantee that the applicant is required to establish and maintain for the duration of the license.

(5) In addition to the documents provided in par. (2) and (3) the license applicant shall notify in writing the estimated turnover provisioned from activities subject to the license applied for in the year of grant.

ART. 26

The application for a license to commercially exploit the capacity of producing electricity, the individual applicant should attach:

- a) copy of identity, where Romanian citizens and citizens of Member States of the European Union;
- b) copy of the passport and the documents resulting from residence in Romania, where foreigners;
- c) affidavit, the model in annex 2.2. 2;
- d) ascertain certificate in original or copy, on the situation and registering as an individual provider, independently of an economic activity, issued by the Trade Register, reflecting the situation of the applicant;
- e) documents provided in art. 20 para. (1) a), b), h) and i).

Settlement of the authorization / license

ART. 27

(1) ANRE analyzing the documentation submitted by the applicant meets the requirements of this Regulation and, if appropriate, send the applicant a notice be made aware additions, corrections or clarifications to be made within a period not exceeding 60 days from the registration application.

(2) The applicant shall provide the information required by ANRE within 90 days of receiving the request missing information.

(3) If the applicant does not respond within the period specified in par. (2) or if within 6 months from the date of filing submitted documentation is not complete, it is graded automatically, notifying the applicant ANRE.

(4) ANRE issue a decision granting the authorization / license within 60 days of the date on which his application documentation that the applicant is complete and meets the requirements of this Regulation.

(5) If the documentation does not meet the requirements of this regulation, ANRE decision to refuse to issue the permit / license.

(6) If the request for establishment authorization for construction / refurbishment of units / capacities from renewable energy sources or high efficiency cogeneration, as well as licenses for commercial exploitation, the term provided in par. (4) will be reduced to 30 days if the conditions provided for in this Regulation.

ART. 28

In the analysis of documentation, depending on the quality and completeness of the information submitted by the applicant, ANRE is entitled:

- a) to convene at the headquarters ANRE, the authorized representatives of the applicant to clarify issues relating to documents filed;
- b) to verify on the spot the situation / existing documents at the request of DG specialist;
- c) to request any documents whose presentation obligation arising from this Regulation and subsequent normative acts whose verification is required to clarify information contained in the submitted documentation.

ART. 29

(1) In granting or refusing authorization / license, taking into account, where appropriate, following results of analyzing the documents submitted by the applicant:

- a) compliance of the applicant, in relation to art. 15 and 16;
- b) completeness of documentation, including in relation to the explanations provided at the request ANRE on the requirements listed in this Regulation;
- c) an organizational and technical framework, including appropriate staff, that the applicant is associated with the conditions of authorization / license;
- d) providing resources for the work for which was applied for authorization / license evaluated based on proven availabilities with the documents provided for in this Regulation;
- e) energy efficiency of the energy capacity which was applied for authorization / license, based on the sizes and baselines established by ANRE;
- f) other items as stipulated in [art. 9 paragraph. \(7\) of Law no. 123/2012](#), as amended and supplemented.

(2) If the request for an authorization to establish, in addition to in para. (1) shall take into account the results of checks on:

- a) fulfill the legal requirements for the location of energy facilities for which authorization was sought to establish the objectives in the same area, built with the pending authorization by ANRE;
- b) the fulfillment of legal requirements on getting electricity to energy facilities.

(3) In justified cases, ANRE analyzes the completeness of the documentation provided in par. (1) b) in relation to documents that are similar in content or effects to those provided for in this Regulation.

Par. (3) art. 29 was introduced by pt. 10, [art. I of Order no. 158 of 17 November 2015](#) published in the Official Gazette no. 898 of 3 December 2015.

ART. 30

(1) After completing the analysis of documentation submitted by the applicant, the specialized department within ANRE shall prepare a report proposing Committee The Regulatory how to handle the applicant's request.

(2) establishing authorization / license issued by ANRE applies with general and specific conditions that are part of it and containing mainly:

- a) data on the holder of the authorization / license;
- b) the authorization / license;
- c) the duration of the authorization / license;
- d) the rights and obligations of the holder of the authorization / license;
- e) conditions for transfer, amendment, suspension, withdrawal of the authorization / license;
- f) conditions ANRE is entitled to apply sanctions holder authorization / license.

(3) general conditions associated with the establishment authorization / license is approved by ANRE President's order.

(4) The specific conditions associated with the establishment authorization / license holder is approved for each permit / license in hand, by decision of ANRE.

ART. 31

ANRE regulatory committee decides on the basis of the report of the directorate of the ANRE, in public session, granting, amendment, suspension, withdrawal or refusal of authorization / license.

ART. 32

(1) When granting the authorization / license, ANRE shall notify the holder thereof:

- a) ANRE decision on granting authorization / license;
- b) form authorization / license, drawn up according to the model set out in Annex. 5;
- c) specific conditions attached to the authorization / license, which constitute an integral part thereof.

(2) In case of refusal to grant authorization / license, ANRE shall notify the applicant of its decision refusing authorization / license, which contains its reasons therefore.

CHP. IV

Conditions to adjust authorizations or licenses granted

ART. 33

At the request of holders, ANRE take a decision in accordance with the legal provisions in force on the amendment permits / licenses granted under the following circumstances:

- a) in the case of changes to the status of the licensee / license of the change of legal form, change of name or change of registered office;
- b) in the case of changes to the status of the licensee / license due to merger or division of the licensee;
- c) it is required to update the specific conditions associated authorization / license: if included in the license of energy capacities new or exclusion of energy capacities as stipulated in the license or modify technical features which lead to the modification of installed or territoriality area geographies in which it can operate that or other circumstances, except as provided in subparagraph a) and b);

Lit. c) art. Amended by section 33. 11 of [Art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

d) the holder requests to extend the validity of a granted authorization to set up, where the deadline for completion of works authorized beyond the expiry date of the authorization;

e) the proprietor requests extend the validity of a license granted, if their duration is less than the maximum allowed under Art. 13.

ART. 34

(1) Change authorizations / licenses is the initiative of the ANRE, the equal treatment of holders in the nature of the issue that caused the change, if they occur some changes in circumstances of granting / amendment of authorizations / licenses, such as changes in the legislative and regulatory incident or if events occur which substantially affect the activities authorized / licensed or lead to the impossibility to conduct activities authorized / licensed.

(2) In the case under para. (1) ANRE FEES amending authorizations / licenses.

(3) In cases provided by art. 33 lit. a) -c), the holder of the license / authorization to ANRE records the request to amend the license / authorization notification periods required, where appropriate, conditions associated with it or, where such terms are not provided within the 10 calendar days from the occurrence situation which requires an amendment of the license / authorization.

Par. (3) art. Section 34 was introduced. 12 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

ART. 35

(1) The cases referred to in Art. 33 lit. a) ANRE shall be notified by the holders of authorizations / licenses within 30 days of their occurrence.

(2) The cases referred to in Art. 33 lit. b) ANRE shall be notified at least 60 days before the date on which the transaction is to take place by division / fusion according to the decrees governing bodies of holders of authorizations / licenses.

ART. 36

Until the amendment of the authorization / license holder's name change as a result of the authorization / license, it is entitled to work for which it was authorized / licensed under the authorization / license existing.

ART. 37

The request to amend the authorizations / licenses will be accompanied by:

a) in situations referred to in art. 33 lit. a) and b) documents proving the law, the status of the holder of the authorization / license;

b) in situations referred to in art. 33 lit. c) those documents required by this Regulation subject to the amendment relating to new energy capacities and their technical characteristics, where commissioning of capacities new energy or documents relating to the decommissioning of existing capacity in If their exclusion from the license etc.

ART. 38

In situations referred to in art. 33, ANRE shall examine the application for amendment and the documentation thereof and, if the request is founded, has, as appropriate:

a) the withdrawal of authorizations / licenses initial and / or the granting of authorizations / licenses us;

b) amendment permits / licenses granted.

ART. 39

(1) The applicant requests to ANRE the amendment of the authorization / license within the meaning extending the duration of its validity, at least 60 days before the expiry date; the request will be accompanied by the documents referred to in para. (4) or (5), as appropriate.

(2) If the documentation concerning the prolongation of the license for the supply of electricity is not complete at least 20 days before the expiry date of the license, ANRE has the right to begin the process of taking over by providers ultimately the final customers of the respective license holder, according to regulations.

(3) ANRE examines the request for change in par. (1) and has, if the documentation is complete under par. (4) or (5), as applicable:

a) the granting of authorizations / licenses us;

b) amendment permits / licenses granted.

(4) The application for extension of the validity period of an authorization under Art. 33 lit. d) the holder thereof shall be attached:

a) a notice about the need to extend the period of validity of the authorization;

b) the documents referred to in art. 19 para. (1) i) and j) the term of validity, or documents relating to the extension of their validity, as appropriate;

c) documents proving obtain financing energy capacity, where, when granting authorization, the applicant submitted documents drafted in pre-contractual phase.

(5) At the request of extending validity of a license under Art. 33 lit. e), the holder shall attach:

a) ascertain certificate, original or copy of registration and status of the license issued by the Trade Register with no more than 30 days before the date of the ANRE;

b) statement on modification or maintenance items that have been granted license whose validity is to be terminated; if modified, will specify the elements that have changed;

c) addresses of offices through which the holder operates or can be contacted updated if any amendments thereof; if applicants designated as suppliers of last resort, they must prove that the conditions of location stipulated by the law on information points;

d) evidence that satisfies those conditions as applicable to art. 22 para. (3), Art. 24 para. (3) times in art. 25 para. (3) relating to financial resources, if the request concerning the prolongation of the license categories provided for in art. 10 para. (1) f), g) or h);

e) note the information on the contracts for the supply of electricity to end customers ongoing, whose validity exceeds the duration of the license.

CHP. V

The procedure for suspension and withdrawal of authorizations and licenses

ART. 40

(1) In case of default by the owner of the establishment authorization, respectively the license, its legal obligations set out in primary legislation, or secondary, and in case of non-compliance with the conditions of the license / authorization, established by ANRE ex officio or referral to third parties or notification by the holder, ANRE will apply measures in para. (2) or (3) as appropriate.

(2) Where non-compliance or failure is not attributable to the licensee / license, ANRE has, as appropriate:

- a) providing compliance within maximum 6 months holder of the authorization / license, if the situation can be remedied, under penalty of suspension of the authorization / license;
- b) withdrawal of the authorization / license, if the situation is irretrievable.

(3) If the failure or non-compliance is attributable to the licensee / license, ANRE has, as appropriate:

- a) suspension of the authorization / license for a period determined to remedy this situation, if it is remediable; or
- b) withdrawal of the authorization / license if the situation is irretrievable.

(4) Suspension or revocation of the authorization / license is approved by decision of ANRE and take effect on the date established by ANRE therein.

(5) In case the reasons which led to the suspension of the authorization / license, ANRE shall issue a decision to terminate the suspension, which enters into force on the date established by ANRE therein.

ART. 41

(1) In addition to cases provided for in art. 40, ANRE suspends license holder and / or license in the following situations:

- a) upon a reasoned request, submitted by the holder of the authorization / license and accepted by ANRE;
- b) whether other government suspended the validity of one of the documents that have been granted authorization / license (authorization, consent, notice, permit or approval) under this Regulation;
- c) establishment of energy capacity or one or more of its components endanger or harm individuals, property and / or the environment, a situation found by an authority / public institution or a court;
- d) during checks carried out by ANRE on a dispute concerning the granting of the authorization / license;
- e) for repeated failure to fulfill payment obligations as a responsible party with balance or repeatedly defaulted contribution CHP, according to ANRE regulations, established by ANRE at the request of the support scheme administrator;
- f) in the event of default repeated by electricity suppliers payment obligations penalties for failure obligations quarterly and / or annual green certificates, as required by law and ANRE regulations, established by ANRE notification of the Environment Fund Administration.

Lit. f) of paragraph. (1) of art. 41 was amended by pt. 13 of [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(2) Failure to meet the obligations under paragraph. (1) e) and f) shall be deemed to be repeated when there are at least two invoices that relate to debts, liquid and payable.

(3) When setting energy capacity was in breach of property rights and / or use of immovable property of other person / entity suspension of the authorization / license is done only on the basis of a final judgment that establishes the violation of those rights .

ART. 42

(1) In addition to cases provided for in art. 40, ANRE withdraws the authorization and / or license in the following situations:

- a) upon a reasoned request authorization holder / licensee accepted by ANRE;
- b) in the case of disqualification, incapacity or bankruptcy of the holder;
- c) termination of the concession or lease energy capacity run times their sale by owner;
- d) where the cancellation by the issuer or expiry of an act (authorization, consent, notice, permit or approval) that have been granted authorization / license under this Regulation is irreversible, leading to inability to carry out the activities permitted authorization / license or the conditions associated with them;
- e) loss of legal title of property in the possession or energy capacities to be placed on the holding legal title or loss of energy capacity, leading to the impossibility to conduct business license permits proven by final judgment;
- f) as a result of objections to the granting of the authorization / license, which was favorably resolved;
- g) the presentation of evidence (order restricting or prohibiting the activity, court orders, etc.) issued by a public authority, certifying that the establishment / operation of energy facilities or one or more of its components endangers or harms serious individuals, property and / or the environment;
- h) in case of impossibility to remedy as provided in Art. 41 para. (1) e) and f).

(2) The holder of the authorization and / or license is required to notify ANRE situations referred to in para. (1) b) -e) within 8 days of their occurrence.

CHP. VI

Final and Transitional Provisions

ART. 43

(1) establishment authorization and licenses that have been issued by ANRE before the entry into force of this Regulation to allow certain activities in the electricity field remain valid until their expiry, with the possibility of changing them by ANRE under this Regulation.

(2) Decisions on the granting / amendment / suspension / withdrawal of authorizations and licenses shall be published on the website of the ANRE and communicated holder.

ART. 44

(1) establishing authorization / license may be transferred to another natural or legal person, under this article.

(2) The application for transfer of the establishment authorization / license the transfer energy capacity / activity carried out under the authorization / license, if applicable, shall be submitted to ANRE at least 60 days before the date on which transfer energy capacity / activity becomes effectively with documents evidencing the transfer operation, certificate issued by the trade register on the economic operator who takes over the establishment authorization / license its staff list and declaration provided for in art. 18 para. (1) c).

(3) The request for transfer in para. (2) signed by the legal representative of the licensee / license transfer and the legal representative of the person who takes over the energy capacity / activity.

(4) By the time of the transfer of the establishment authorization / license becomes effective, ANRE shall, by decision of ANRE, establishing authorization / license provisional trader who takes over the activity covered by the authorization / license.

(5) The authorization of establishment / The temporary license is valid until the holder thereof to obtain authorization for the establishment / license issued with final under this regulation, but not more than 6 months from the date of issue.

ART. 45

(1) If after the control action taken by ANRE is established that the holder of the authorization / license has not complied with the law or one or more of the conditions of the permit / license, ANRE applicable under the law, penalties.

(2) application and / or payment of any fines not in any way limit ANRE right to suspend / withdraw the authorization under this regulation.

(3) Where, following an inspection activities undertaken by ANRE, there is completion for construction / refurbishment energy capacity by putting into service without authorization to establish, are issued this permit.

ART. 46

ANRE decisions on the granting, denial, modification, suspension or withdrawal of authorization / license can be appealed to the Administrative Division of the Court of Appeal under [Art. 5 paragraph. \(7\) of the Emergency Government Ordinance no. 33/2007](#) on the organization and functioning of the Romanian Energy Regulatory Authority, approved with amendments by [Law no. 160/2012](#).

ART. 47

(1) ANRE shall make available for public consultation prior to granting / amendment of the authorization / license, any documents developed to address a request regarding the granting, denial, modification, suspension or revocation of an authorization / license.

(2) There may be no public access to documents containing:

a) state secret data;

b) data secret service;

c) commercially sensitive data, according to contracts concluded by economic operators, the confidentiality of which has been notified ANRE.

ART. 48

(1) ANRE issues establishment authorizations / licenses in duplicate, one copy which resolves holder and a duplicate is kept in the archives ANRE.

(2) After approval of the request for granting / amendment / suspension / withdrawal of authorizations for establishment / licenses, raising originals by their holders is made by:

a) the legal representative;

b) employees of the holder, which has a mandate to this effect, signed by the legal representative of the holder;

c) any other person with power of attorney notary or attorney drawn up under the law.

(3) In case of loss / destruction of documents related to the establishment authorization / license holder ANRE issues, upon request, free of charge, a duplicate copy. The application must be accompanied by proof of publication holder loss / destruction of documents relating to the authorization / license in the Official Gazette of Romania, Part III.

ART. 49

(1) ANRE charge fees for granting / changing authorizations / licenses under the law.

(2) Throughout the validity of a license, which includes the period of license suspension if its suspension occurs, the account holder pays an annual contribution ANRE.

(3) The level of charges for granting / amendment of authorizations / licenses, including Fee analysis and the annual contribution is established by ANRE President's order.

(4) [Where electricity producers and, where applicable, the heat produced in cogeneration electric power input of less than or equal to 1 MW Fee for granting the license and yearly contribution provided by para. 2 equal 20% from the minimum granting fee of the license, respectively, minimum contribution set by the order of the ANRE president.](#)

Par. (4) art. Section 49 has been amended. 14, [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

(5) In order to grant authorization for establishment / temporary license, someone who takes the establishment authorization / license paid in advance to ANRE Fee authorization / temporary license, worth 25% of the minimum Fee for granting an authorization establishment / licenses established by ANRE President's order.

(6) In order to modify the authorization of establishment / temporary license, the holder paid in advance to ANRE Fee amending the authorization / license provisional value of 25% from the modification of an establishment authorization / license established by order of President ANRE.

(7) If the amendment permits or licenses to set up the object change any of the cases provided for in art. 33 lit. a), the licensee pays a price change of 25% from the change established by ANRE President's order.

(8) The licensee requesting withdrawal of the license under Art. 42 para. (1) a) does not pay the annual contribution due from the date ANRE requesting withdrawal of the license, which may not be prior to the withdrawal request.

ART. 50

[Individuals holding licenses for commercial exploitation capacity of electricity production or for producing electricity and heat in cogeneration in their possession, granted under this regulation, due ANRE an annual contribution of 10% of the minimum contribution yearly established by ANRE President's order.](#)

Art. 50 was amended by section. 15, [art. I of ORDER no. 158 of 17 November 2015](#) published in the OFFICIAL GAZETTE no. 898 of 3 December 2015.

ART. 51

ANRE published on the website of the institution date information on permits and licenses granted / refused, suspended and / or withdrawn.

ART. 52

Addendums. 1-5 are part of this Regulation.

ADDENDUM 1
To the Regulation

MODEL Nr. 1.1

Mister President,

The undersigned [name and surname], as [general manager / unique administrator] economic operator registered with the Trade Register under the name [name of national company / company / autonomous administration], having the legal form of [CN / SA / SRL / RA], registered in the trade register no. J / ... / having unique registration code, headquartered in [name of village / town / city, street, no ., county, postcode], no. phone no. fax and account [specification / account number / ROL], opened bank [name of the bank], branch [name / location of the branch where the account is held national company / company / autonomous administration] request [regarding authorization of the establishment / change establishment authorization] for

- (* 1) achieving new energy capacities ["name whose energy capacity for construction-mounting for authorization", its location]
- (* 2) upgrading energy capacity ["name whose energy capacity for revamping the authorization is requested ', its location].

Notify you that the purpose of communicating with the Romanian Energy Regulatory Authority can be contacted by phone / fax no. [No. Telephone / No. fax].

It is accompanied by specific documents, the list of which is attached hereto.

Knowing the Criminal Code regarding false statements, certify on oath the truthfulness and authenticity of all documents submitted.

Signature
.....

(* 1) (* 2) Complete only line that follows one of these figures, according to the situation.

MODEL NO. 1.2

Mister President,

The undersigned [name and surname], as [general manager / unique administrator] economic operator registered with the Trade Register titled ... [name of national company / company / autonomous administration], having the legal form of [CN / SA / SRL / RA], registered with the trade register no. J / ... / having unique registration code, headquartered in [name of village / town / city, street no., county, postcode], no. phone no. fax and account [specification / account number / ROL], opened bank [name of bank], branch [name / location of the branch where the account is held national company / company / autonomous administration] request [granting a license / license amendment] for [type of license under art. 10 para. (1) of the Regulation for granting licenses and authorizations in the electricity field, approved by [Order of the President of the Romanian Energy Regulatory Authority no. 12/2015](#)]

Notify you that the purpose of communicating with the Romanian Energy Regulatory Authority can be contacted by phone / fax no. [No. phone / fax]. *)

It is accompanied by specific documents, the list of which is attached hereto.

Knowing the Criminal Code regarding false statements, certify on oath the truthfulness and authenticity of all documents submitted.

Signature of
.....

*) The phone will pass both the applicant legal entity and the legal representative.

MODEL NO. 1.3

Mister President,

The undersigned [name and surname] request [granting a license / license amendment] to generate electricity / heat being registered / individual enterprise / I represent the family business was registered with the trade register under no. J / ... / having unique registration code, in accordance with the law on the organization in Romania of economic activities by individuals and having domicile / residence (* 1) in [name of village / town / city, street no., county, postcode].

It informs you that the purpose of communicating with the Romanian Energy Regulatory Authority can be contacted by phone / fax no. [No. phone / fax].

- (* 2) I mention that my name / company of the individual / family business the account is opened with [specification / account number / ROL], the bank [bank name], branch [name / location of the branch].

It is accompanied by specific documents, the list of which is attached hereto.

Knowing the Criminal Code regarding false statements, certify on oath the truthfulness and authenticity of all documents submitted.

Signature
.....

(* 1) For individuals who are foreign nationals.
(* 2) Complete if required.

ADDENDUM 2
To the Regulation

MODEL Nr. 2.1

Affidavit
[The applicant legal entity]

..... Undersigned, as a shareholder / associate keeper of the control of the applicant / administrator / Member of the Board / Supervisory Board member of the economic operator registered with the trade register under no. CUI, knowing art. 326 of the Criminal Code regarding false statements, hereby declare the following:
- I had / have not had as shareholder / partner and / or the administrator in economic operators holding authorizations / licenses granted by the Romanian Energy Regulatory Authority *)
- I am not in the situation described in [art. 9 paragraph. \(3\) of the Electricity Act and Gas no. 123/2012](#), as amended and supplemented.

*) To specify holders of authorizations / licenses, where has shareholder / partner / director / Member of the Board / Member of the Supervisory Board within them.

MODEL Nr. 2.2

AFFIDAVIT
[Applicant individual]

The undersigned, identified I.C. no. CNP residing in knowing art. 326 of the Criminal Code regarding false statements, hereby declare the following:
- I had / have not had as shareholder / partner and / or the administrator in economic operators holding authorizations / licenses granted by the Romanian Energy Regulatory Authority *)
- I am not in the situation described in [art. 9 paragraph. \(3\) of the Electricity Act and Gas no. 123/2012](#), as amended and supplemented.

*) To specify holders of authorizations / licenses, where has shareholder / partner and / or the administrator within them.

ADDENDUM 3
To the Regulation

MODEL Nr. 3.1

RECORDS
land / buildings occupied by temporarily or permanently
establishment of capacity and energy bills of rights
on this land / construction (denomination)

T
Font 9

Componence of energetic capacity	Estate (land and/or construction) whereon is located the energetic capacity Identifier, adress/territorial no.	Land surface (mp)	Legal document whereby were gained the holder/grantee/user rights on lands and/or constructions	No./Date Extract Land register

ST

MODEL No. 3.2

PROTECTION AND SAFETY DISTANCES

T

Componence of the energetic capaci-	Objective	Distances (m)	
		Relative distance	Rated distance

ty		as per project	

ST

ADDENDUM 4
To the Regulation

TECHNICAL-ECONOMIC DATA
Referring to energetic capacities
Wherefore it is requested the establishment authorization

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No. crt.	Indicators name	UM	Group1		Total plant
1	General data				
	Project/plant denomination				
	Electrical power	MWe			
	Installed thermal power	MWt			
	Life	years			
	Year PIF				
	Duration of making the investment - it is filled out only if it is requested the set-up authorization	years			
	Average duration of accounting write-off of the investment	years			
2	Total value of the investment (without TVA), wherefrom:	lei			
	Equipment	lei			
	Constructions and assembly	lei			
3	Indicators calculated within the analysis cost-benefit from the feasibility study, whereupon was decided the execution of the project:				
	RIR - productivity internal rate	%	-	-	
	VAN - net actual value	lei	-	-	
	DRI - investment recovery duration	years	-	-	
4	Presentation of constructive types and technical main characteristics of the components of production energetic capacities as well as plant electrical units	-	-	-	

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NOTE:
Depending on the situation and characteristics of the energy capacity wherefore is requested the authorization for the establishment, the Romanian Energy Regulatory Authority may require in addition to data in the table other data and information that it considers relevant.

ADDENDUM 5
To the Regulation

MODEL No. 5.1

Content Framework setting up authorization form

Romanian Energy Regulatory Authority

No. Of

CONSENT FOR ESTABLISHMENT
for [achieving new energy capacities /
upgrading energy capacity]

..... [Name energy capacity], having MW of installed capacity, located in / on
..... [address / full description of the site, for energy capacity target or object of authorization]
granted [name of economic operator], headquartered in [full address the registered
office of the economic operator], registered in the trade register no. J / ... /, on request made
to the Romanian Energy Regulatory Authority no. [Registration number] of [registration
date] and documentation submitted.

This authorization is valid under specific and general conditions attached thereto, which are part of
the permit.

President,
.....

Release day

This document forgery is punishable by law.

MODEL Nr. 5.2

Content Framework license form

Nr. Of

Romanian Energy Regulatory Authority

LICENSE
for [licensed]

given [name / surname and name * 2) * 3) Holder], headquartered * 1) / domicile * 2) /
residence * 3) in [full address of the registered office * 1) / domicile * 2) / residence *
3)], registered in the trade register no. J / ... /, on request made to the Romanian Energy
Regulatory Authority no. [Registration number] of [registration date] and
documentation submitted.

This license is valid under the general and specific conditions attached thereto, which are part of
the license.

President,
.....

Release day

-
- * 1) For national companies, businesses or agencies.
 - * 2) For individuals who are Romanian citizens.
 - * 3) For individuals who are foreign nationals.
-

This document forgery is punishable by law.
