

**ORDER no. 29 of 28 June 2016**

Approving the Regulation on natural gas supply to final customers

**ISSUER:** THE ROMANIAN ENERGY REGULATORY AUTHORITY

**PUBLISHED IN:** THE OFFICIAL GAZETTE no. 510 of 7 July 2016

**Date of entering into force:** 7 July 2016

Considering the provisions of Articles 143-145, Article 174, Article 175 paragraph (1) and (3), Article 177 paragraph (1) and (3) and Article 179 paragraph (1)-(4) of [Law of electricity and natural gas no. 123/2012](#), as amended and supplemented,

Under the provisions of Article 5 paragraph (1) sub-paragraph c) and [Article 10 paragraph \(1\) sub-paragraph q\) of the Government Emergency Ordinance no. 33/2007](#) on the organization and functioning of The Romanian Energy Regulatory Authority, approved with amendments and supplements by [Law no. 160/2012](#),

The president of the Romanian Energy Regulatory Authority issues the following order:

**ARTICLE 1**

The Regulation on natural gas supply to final customers set out in the annex integral part of the present order.

**ARTICLE 2**

The gas suppliers, undertakers, holders of operating licenses, and end users have the obligation to carry out the provisions of this Order, and departments of the Romanian Energy Regulatory Authority will track compliance therewith.

**ARTICLE 3**

This order is published in the Official Gazette of Romania, Part I.

**ARTICLE 4**

Upon the entry into force of this Order is repealed [The order of the president of the Romanian Energy Regulatory Authority no. 42/2012](#) approving the Regulation on natural gas supply to end users, published in the Official Gazette of Romania, Part I, no. 875 of 21 December 2012 as subsequently amended.

President of the Romanian Energy Regulatory Authority,  
Niculae Havrileț

Bucharest, 28 June 2016.

No. 29.

ANNEX

REGULATION

on the supply of natural gas to end users

**CHAPTER I**

General provisions

**SECTION 1**

General objective and Scope

**ARTICLE 1**

The Regulation on natural gas supply to end users, hereinafter the regulation, establishes the regulatory framework for the activity of natural gas supply to places of use of the end users, namely relationships between suppliers and end users of natural gas, as well as the relationships associated with undertakers, holders of operating licenses, on the implementation of the contract for the supply of natural gas.

**ARTICLE 2**

(1) This Regulation applies to final customers of natural gas, natural gas suppliers and undertakers, operating license holders, to ensure the conditions necessary to supply gas supply to places of use of the end users.

(2) This Regulation shall apply in relation to each place of use of the end user.

**SECTION 2**

Definitions and Abbreviations

**ARTICLE 3**

(1) For the purposes of this Regulation, the below terms have the following meanings:

1. place of use code - the unique code assigned by the operator at each place of use in its own area of operation license, upon recording it in the database of the operator, which provides identification of the place of use, as well as operative seeking of the consumption data related thereto, respectively making them available to the applicants who have a right of access thereto;

2. consumption data - data on actual consumption of natural gas recorded for a place of use and determined by reading by the operator of the index of the metering equipment;

3. reading interval - the time interval between two consecutive readings of the index of the metering equipment to determine the quantity of natural gas corresponding to this interval;

4. consumption history - consumption of natural gas in a certain period of time at a place of use;

5. place of use - location of the installations for use of an end user, based on the postal address, where the metering of the consumed quantities of natural gas is made through the metering system, and for which they have all the necessary documents to be supplied with natural gas, as required by law; if the commercial handing over / taking over natural gas is made by multiple stations for control-metering and / or control-metering posts at the same mailing address, or multiple commercial metering systems in the same station or adjustment-metering post, the location of the installations of use must be considered in terms of trading as one place of use; are excepted the cases where the technical solution for gas supply

for the same postal address, was expressly requested by the end user, as well as the case in which the same at the postal address there are two types of customers, households and non-household, their consumption being metered separately;

6. operator - the undertaker, holder of operation license for the upstream supply pipelines related to the production / transmission system / distribution system / closed distribution system from the pipe / system from where the place of use of the end user is supplied with natural gas;

7. billing period - the time for which the bill is issued representing the natural gas use in this interval at the place of use of the end user;

8. regulated services - activities carried out by the holders of operating licenses based framework contracts approved by The Romanian Energy Regulatory Authority and the tariffs regulated by The Romanian Energy Regulatory Authority; the regulated services may be, if necessary, services of natural gas transmission through upstream pipelines / through transmission systems, natural gas distribution services through distribution systems / through closed distribution system, underground storage of natural gas services, in accordance with the legal provisions.

(2) The terms defined in paragraph (1) shall be completed with those defined in [Law of energy and natural gases no. 123/2012](#), as amended and supplemented, also in the specific regulations approved by ANRE.

(3) The abbreviations used in this Regulation shall have the following meanings:

1. ANRE - the Romanian Energy Regulatory Authority;
2. CLC - place of use code;
3. FUI - supplier of last resort.

## CHAPTER II

### End users of natural gas

#### SECTION 1

##### Classification of end users

#### ARTICLE 4

(1) Depending on the use of natural gas in place of use, the end user can be:

- a) household customer - end user purchasing natural gas for their own household consumption;
- b) non-household customer - end user purchasing natural gas which is not for its own household.

(2) Under this Regulation, in the category of domestic customers fall the end user using natural gas in real estate used for housing, regardless of form of ownership and administration, as well as residential centers for people with disabilities, homes for the elderly, orphanages, emergency shelters for children, maternity centers, boarding schools and dormitories, for domestic activities, by means of appliances burning gaseous fuels, mounted for heating its own facilities, to produce hot water and for cooking, excluding the consumption related to commercial / professional / social activities.

(3) Under this Regulation, the following fall into the category of non-household customers:

- a) the industrial customer - end user who uses natural gas in technological processes in the industry through industrial installations to use natural gas as defined by the technical regulations approved by ANRE; this category includes the producers of electricity and / or heat in power / heat / cogeneration plants;
- b) other non-household customer - the end user who uses natural gas for commercial / professional / social activities, such as restaurants, hotels, business centers, agriculture or for other like uses, including freelancers, individual enterprises, family businesses, non-profit legal persons of private law, public institutions - units providing services in the fields of education, health, culture, national defense, public order, social work, public administration, cults and other similar ones.

#### ARTICLE 5

Depending on the number of places of use, the end user of natural gas can be:

- a) with a single place of use;
- b) with multiple places of use.

#### ARTICLE 6

Depending on the connection to the place of use to an objective in the natural gas sector, the natural gas end user can be:

- a) connected to the transmission system;
- b) connected to the distribution system / the closed distribution system;
- c) connected to the upstream supply pipe relater to natural gas production.

#### ARTICLE 7

According to the annual consumption of natural gas achieved in one place of use, the natural gas end user can be:

- a) with low consumption, where the annual consumption is less than or equal to 11.627,78 MWh;
- b) with high consumption, where the annual consumption exceeds 11.627,78 MWh.

#### SECTION 2

##### The vulnerable customer

#### ARTICLE 8

(1) The end user belonging to the category household customers is recorded as a vulnerable customer if it meets one of the following conditions:

- a) has low incomes, located up to a threshold set by state institutions responsible for social protection;
- b) at the place of use lives a person who for reasons of health / age requires special conditions relating to the supply of natural gas.

(2) If a vulnerable customer meets both conditions set out in paragraph (1), he shall enjoy the facilities for each category.

(3) The criteria for classifying a household customer in the category of vulnerable customers for reasons of low income, financial facilities and arrangements for implementation thereof are determined by the state institutions responsible for social protection.

(4) The criteria for classifying a household customer in the category of vulnerable customers for reasons of health / age are set by the state institutions responsible for social protection.

#### ARTICLE 9

(1) The types of facilities provided for vulnerable customers for reasons of low income are the following:

a) financial aid for heating with natural gas granted by the state institutions responsible for social protection, which determine the amount, the income limit for granting such aid, and the arrangements for implementing these facilities;

b) monthly billing of the consumption of natural gas by the supplier based only on the actual consumption of natural gas, determined by reading by the operator / self-reading by the vulnerable customer of the index of the metering equipment, in the period in which the state institutions responsible for social protection grant financial aid for heating the houses with natural gas.

(2) The natural gas supplier shall communicate in a timely manner to the operator the centralized situation on vulnerable customers for reasons of low income, received from state institutions responsible for social protection.

(3) The types of facilities provided, free of charge, to vulnerable customers for health / age reasons are the following:

a) provision by the supplier of the access to the customer relationship center through specific means tailored to the needs of the customers vulnerable for reasons of health / age;

b) at the request of the vulnerable customer, the monthly billing of the consumption of natural gas by the supplier, based only on actual consumption of natural gas, determined by reading by the operator / self-reading by the vulnerable customer of the index of the metering equipment;

c) at the request of the vulnerable customer, transmission of the trading conditions for supply of natural gas, the invoices, notifications, complaints, or any informational materials, electronically, in a format that is compatible with most document reading programs, and the font color used to be in contrast with the background;

d) at the request of the vulnerable customer, the supplier and operator agree that the relationship with him (self-reading the index of the metering equipment, transmission of the bill on the name and mailing address of the person concerned, notifications, complaints etc.) is to be made through a third party authorized in writing by the holder of the place of use.

### SECTION 3

Other categories of end users

### ARTICLE 10

The protected end users that cannot be disconnected in critical situations, and the customers that need to be interrupted for safety reasons, whom by reducing consumption to stop contribute to maintaining the security in stopping the gas supply in critical situations are established by the responsible ministry.

### CHAPTER III

Contracting the natural gas supply

### SECTION 1

Contracting rules

### ARTICLE 11

(1) The end user can be connected to an objective from the natural gas sector and has access to it, under specific regulations approved by ANRE.

(2) In order to supply natural gas to a place of use of the end user it is necessary that:

a) the installation using natural gas related to the place of use is connected to an objective in the natural gas sector;

b) to have a natural gas supply contract concluded with the supplier;

c) to have concluded, for that place of use, a distribution contract and / or a transmission contract, where applicable, with the holder / holders of the license / licenses to operate the pipe / supply system which conveys natural gas to the place of use of the end user.

(3) To conclude the contract for the supply of natural gas, the supplier makes available to the end user the information on its commercial conditions of gas supply, with consideration to the provisions of the [Order of the president of the Romanian Energy Regulatory Authority no. 106/2014](#) on the modalities of the natural gas suppliers to inform the end users about the commercial terms for supply of natural gas, as well as the information requirements under the laws in force.

### ARTICLE 12

(1) Depending on the nature of the natural gas market on which the supply of natural gas activity takes place can be:

a) supply on the regulated market;

b) supply on the competitive market.

(2) Natural gas supply on the regulated market includes:

a) supplying in a regulated regime, under the contract for the supply of natural gas between supplier and the end user under the framework contract approved by ANRE, and the supply price regulated by ANRE, by the date specified in Law of electricity and natural gas no. 123/2012, as amended and supplemented;

b) supplying in the last resort regime, according to ANRE regulations.

(3) Natural gas supply in the competitive market comprises the supply on a competitive basis, under the contract for the supply of natural gas between supplier and end user to the supply price and in the commercial terms negotiated between them or determined by standard offers, in compliance with the legislation in force.

### ARTICLE 13

(1) The end users are entitled to exercise their eligibility and to choose their supplier with which to conclude contracts for providing natural gas on the competitive regime.

(2) Until date of the removal of the regulated prices for the household customers, this type of customer can choose at a place of use between:

a) not to exercise their eligibility right, in which case the contract with the supplier for the supply of natural gas is in a regulated regime;

b) to exercise the eligibility right, in which case the contract with the supplier is related to the supply of natural gas on the competitive regime.

(3) If they have exercised their eligibility right, the homestead customers don't have the right to return to the regulated supply.

(4) From date of elimination of the regulated prices for household customers, they may only conclude contracts for providing natural gas on the competitive regime.

(5) The non-household customers can only conclude contracts for providing natural gas on the competitive regime.

#### ARTICLE 14

(1) Natural gas supply at a place of use of the end user is made based on a single supply contract.

(2) Notwithstanding the provisions of paragraph (1), the high consumption end user may conclude, for that place of use, simultaneously, multiple contracts for providing natural gas on a competitive basis, with different suppliers, in which case is bound to conclude with them and with the operator of the pipe / system to which the place of use is connected to, at least 5 calendar days prior to the delivery period, a common agreement on the allocation mode of the quantities supplied by each supplier; if the parties do not enter into this agreement and the supplied amounts of natural gas record differences from the established programs, allocating the quantities supplied by each supplier is done by the operator, proportionately according to the principle of pro rata in accordance with the legal provisions in force.

(3) In case the end user has several places of use for which the supplier and the supply basis are the same, a single contract for the supply of natural gas can be concluded for all or some of the places of use, as agreed by the contracting parties. The contract contains annexes specific for each place of use, and the inclusion or exclusion of a place of use from the natural gas supply contract is made by an addendum.

#### ARTICLE 15

(1) Depending on the agreement of the parties, the natural gas supply contract may be concluded with the end user in the premises of the supplier, at a distance, or off-premises of the supplier, observing the legislation in force.

(2) Natural gas supply contract is concluded, as appropriate, with:

a) the person who is the holder of the ownership right, or the right to use the space covered by the respective place of use, or its legal representative, in the case of individual buildings;

b) the person / legal representative is authorized in writing by the owners, with the consent of the simple majority (at least half plus one), in the case of buildings with multiple owners, but with a single metering equipment for tax settlement.

(3) To conclude a contract for the supply of natural gas, the applicant must submit at least the following documents to the provider:

a) the request for conclusion of the contract; if the applicant chooses a standard offer, the application must specify its option on the chosen offer;

b) the copy of the identity card / certificate of registration with the National Trade Register Office of the applicant;

c) copy of the property deed or other document showing the applicant's right to use the space object of the place of use, which at the request and to protect the end user, can cut parts that are irrelevant to the supply of natural gas; if the document certifying the right of temporary use of this space through a document concluded with the owner, the applicant must submit the written consent of the rightful owner to conclude the contract for the supply of natural gas, if this mention is not found written in the document proving the right to use; if the applicant does not have a document proving the right of ownership or the right of use of this space, or the document is not final, but it declares in writing on oath that he uses the space legally, as long as the place of use is not claimed by someone else, the supplier may conclude the contract for the supply of natural gas for a limited time, of maximum one year, with possibility of extension.

(4) To conclude a contract for the supply of natural gas for household customer, the applicant must also present the supplier, besides the documents referred to in paragraph (3), and an declaration on oath regarding the destination space subject to the place of use, and the fact in the respective location, the gas is used only for household activities.

(5) The submission of necessary documents as well as the conclusion of the contract of supply of natural gas can be made by electronic means, by observing the law in force, if the vendor offers this contracting opportunity.

(6) Where, at the place of use covered by the contract for the supply of natural gas, the household customer intends to change the destination of the space or use natural gas for commercial / professional / social activities, it shall notify the supplier in writing at least 30 calendar days before the date from which gas will be used for non-household consumption; In this case, the contractual terms shall be modified under the new conditions.

#### ARTICLE 16

(1) The natural gas supply contract must contain at least the information set in [the Order of the president of The Romanian Energy Regulatory Authority no. 106/2014](#) on information modalities for the end users by the natural gas suppliers on the commercial terms for the supply of natural gas.

(2) The contract for supply of natural gas shall be concluded in writing, with a legible font, with the size at least 10 pt, on paper or another durable medium, visible and easy to read, or if the end user agrees, in electronic form or, where appropriate, by means of communication at a distance, subject to the conditions provided by law.

(3) The conditions / terms stipulated in the contract for supply of natural gas may be amended and / or completed by addenda, by mutual agreement of the parties, provided that they do not contradict the existing legal provisions.

(4) The contractual provisions based on normative acts dispositions are lawfully modified on the date of entry into force of the amendments of the respective regulations; In this case, the supplier is required to notify the end user about the occurred amendments, in the time and the manner established by the contract for the supply of natural gas.

(5) The general framework applicable to contractual relations developed between the supplier and end users in a given category may be entered by the supplier to in an annex entitled "Standard conditions for natural gas supply", which is integral part of the contract and which is displayed on website of the supplier.

#### ARTICLE 17

In case of disputes arising in the course of contractual relations, if not reaching an agreement, the parties may address ANRE to trigger the settlement process at its level, according to the provisions of the regulation on the organization and functioning of the commission for settling disputes on the wholesale and retail market arisen between the participants to electricity and natural gas market, approved by ANRE.

## SECTION 2

### Supply of natural gas on the regulated market

#### ARTICLE 18

On the regulated market, the natural gas supply is made:

- a) on a regulated basis;
- b) on a last resort basis.

#### ARTICLE 19

(1) Natural gas supply on a regulated basis represents the commercial activity of selling natural gas to household customers who have not exercised their eligibility right, performed by the supplier who has this obligation under the license issued by ANRE, until the date of eliminating of the regulated prices in line with the legal provisions.

(2) For natural gas supply on a regulated basis, the household customer concludes a contract with the supplier referred to in paragraph (1) under the framework contract for the supply of natural gas on the regulated market approved by ANRE.

(3) The provisions of the framework contract for the supply of natural gas on the regulated market are mandatory and cannot be excluded or modified by the agreement between the supplier and the end user, but may be supplemented by agreement of the parties, provided that these new clauses do not infringe upon the framework contract and other legal provisions in force.

(4) If the disagreements in signing the contract for supply of natural gas on a regulated basis, based on the framework contract approved by ANRE, namely of an addendum related to this contract, are not settled amicably, the parties may address ANRE for mediation of the pre-contractual disputes at its level, according to the procedure approved by ANRE.

(5) The prices at which the natural gas supply on a regulated basis is achieved, are approved by ANRE, differentiated for each supplier and for each category of customers determined by way of connection to an objective in the natural gas sector and the annual consumption, according to the methodology applicable, and are published by the provider on their website.

#### ARTICLE 20

(1) The natural gas supply on a regulated basis is achieved with the supplier referred to Article 19 paragraph (1) with included regulated services, for the supply price regulated by ANRE for the category of customers to which each place of use of the household customer belongs to.

(2) To conclude the contract for the supply of natural gas on a regulated basis, each place of use of the household customer is classified by the pipeline / system operator to which the place of use is connected in one of the categories of customers mentioned in the methodology for approving regulated prices in the natural gas sector, approved by ANRE for a determined period of 365 calendar days, between January 1 to December 31, according to the consumption history recorded for that place of use in the previous calendar year; where there is no history of consumption, the classification is made for the presumed consumption for the household customer's appliances burning gaseous fuels, within the maximum installed flow for the place of use.

(3) Notwithstanding the provisions of paragraph (2), where the place of use of the household customer must be placed the operator in a category for which the supplier does not have an approved a regulated price, falling into the category of the most favorable regulated price of those of those practiced by the supplier for the objective in the natural gas sector to which the place of use of the respective customer is connected to, up to the date of entry into force of the supply price approved by ANRE for that category.

(4) The classification carried out by the operator according to paragraph (2) and (3) shall be forwarded by it to the supplier, which has the obligation to take it when signing the contract for the supply of natural gas on a regulated basis with the household customer.

(5) The classification the household customer's place of use is changed by the operator, during the contract for the supply of natural gas on a regulated bases, as follows:

a) starting with the next month after the moment the excess was recorded, based on reading made by the operator of the index of the metering equipment, where, in the interval between January 1 to December 31, the consumption recorded at the place of consumption exceeds the upper limit of consumption of the category it is placed in;

b) as of January 1, respectively from the first day following the reading by the operator of the index of the metering equipment for a period of 365 calendar days if, at the end of the interval 1 January to 31 December, the consumption recorded for the place of use is less than the lower consumption threshold of the category in which this is placed in.

(6) Notwithstanding the provisions of paragraph (5) sub-paragraph a), where the place of use of the household customer which should be reclassified in a category for which the supplier does not have an approved a regulated price, the operator changes the classification from the date of entry into force supply of the supply price approved by ANRE for that category.

(7) The modification of the classification made by the operator under the provisions of paragraph (5) and (6) is transmitted by it to the supplier, which has the obligation to assume it in the contract for the supply of natural gas on a regulated basis, concluded with the household customer.

(8) In case of termination, prior to 31 December included, of the contract for the supply of natural gas on a regulated bases, the classification does not change.

#### ARTICLE 21

(1) The supply of natural gas on the last resort basis represents the temporary supply activity carried out by the supplier designated FUI by ANRE in accordance with the applicable regulations.

(2) FUI has the obligation to supply natural gas to:

a) end users who were left without a natural gas supplier, its supply license being withdrawn by ANRE in the course of business;

b) end users who do not have a supply of natural gas from any other source.

(3) FUI does not have the obligation to supply natural gas to end users that on the take-over moment have the natural gas supply suspended for non-payment until the full payment of the liabilities.

(4) Information on the conditions for natural gas supply on the last resort basis, and taking over an end user in one of the situations referred to in paragraph (2) by FUI are made under the applicable regulations approved by ANRE.

(5) The supply of natural gas on the last resort basis is provided by FUI to the beneficiary end user, considering the framework contract for the supply of natural gas on the regulated market.

(6) The prices / criteria and rules for setting the regulated prices for which the emergency supply is made are approved by ANRE.

## SECTION 3

### Supply of natural gas on the competitive market

#### ARTICLE 22

(1) On the competitive market, the natural gas supply is made on a competitive basis, under the supply contract concluded between the supplier and the end user, for the supply price and under the commercial terms negotiated between them or determined by standard offers.

(2) Natural gas supply on a competitive market represents the business of selling natural gas to end users who have exercised their eligibility right, performed by the supplier under the license issued by ANRE.

(3) The end user may terminate the contract for supply of natural gas on a competitive basis with any of the holders of natural gas supply license issued by ANRE.

(4) To conclude a contract for the supply of natural gas on the competitive basis, the end user can accept a standard offer published by a natural gas supplier or may ask for an offer regarding the commercial conditions and the supply price to negotiate with it, if appropriate, or may use specific procedures of public tendering / procurement to select the provider.

(5) The end user may terminate the contract for supply of natural gas on a competitive basis in the following ways:

a) with included regulated services, in which case the holder of the contracts for the supply of these services is the supplier, and the supply price for natural gas includes the tariffs regulated by ANRE, corresponding to the services provided for the end user;

b) without regulated services included, only for the contracted amount of gas, in which case the holder of the contracts for the supply of these services is the end user, and the supply price does not include the tariffs regulated by ANRE for these services.

(6) The contract for the provision of a regulated service is concluded with the holder of the operating license under the framework contract approved by ANRE, and for the tariff regulated by ANRE.

#### ARTICLE 23

Where the agreements for the supply of the regulated services are held by the supplier, it ensures the connection between the end user and the holders of the operating licenses.

#### ARTICLE 24

(1) If the contract with pipeline / system operator to which the place of use is connected to is concluded by the end user, the operator concludes a multipartite convention with the end user and the supplier / suppliers performing simultaneously the supply of natural gas for that place of use, assumed through signature by all parties, through which:

a) the end user, the operator and the supplier / suppliers establish means of communication and mutual information relating to the provision and supply with natural gas of the place of use;

b) the operator agrees to discontinue / restrict the technical parameters, when technically possible / resume the natural gas supply for the place of use, at the request of the supplier, under the terms stipulated in the contract for supply of natural gas concluded by the supplier with the end user, as well as in other cases under the laws in force where the supplier is entitled to require the operator to discontinue / restrict the technical parameters / resume the gas supply for the place of use of the end user;

c) the operator undertakes to inform the supplier / suppliers of the discontinuation / restriction of the technical parameters / resume the supply of natural gas to the place of use of the customer, under the terms stipulated in the contract concluded by the operator with the end user, as well as in other situations provided by the law in force, in which the operator has the right to discontinue / restrict the technical parameters / resume the supply of natural gas at the place of use of the end user.

(2) The multipartite convention referred to in paragraph (1) shall contain at least the identification details of the parties, the identification data of the place of use, the number and date of the contracts concluded by the end user related to the place of use and their period of validity, the communication and mutual information means agreed by the parties, and the procedural steps related to the discontinuance / restriction of the technical parameters / resume of natural gas supply and supply the place of use.

(3) The liability for damages caused by the discontinuance / restriction of the technical parameters in the supply of natural gas is of the end user, if the supplier's application was in accordance with the contract for supply of natural gas and the legal provisions in force, respectively of the supplier, if it requested the operator unduly to discontinue / restrict the technical parameters in supplying natural gas at the place of use.

(4) If the contract with the pipeline / system operator which is connected place of use is concluded by the end user with high consumption which ensures its natural gas needs at that place of use simultaneously from multiple suppliers, the multipartite convention referred to in paragraph (1) will contain, in addition to the information set out in paragraph (2), the method of allocating the quantities supplied by each supplier, within the period provided for in Article 14 paragraph (2).

(5) The multipartite convention referred to in paragraph (1) shall be appendix for both the natural gas supply contract concluded between the end user and the supplier, and the contract between the end user and pipeline / system operator to which the place of use is connected to.

## CHAPTER IV

### Place of use code

#### SECTION 1

##### Mode of codification of the place of use

#### ARTICLE 25

(1) Each operator is required to complete by 30 June 2017 a coding system at national level of all places of use in the area of its operation license, which allocates each place of use an identification code, called CLC.

(2) In order to distinguish the identification codes assigned by an operator from the identification codes of the places of use in the license area of other operators, ANRE shall establish and publish on its own website, within 60 working days from the date of entry into force of this Regulation, a list which specifies the identification codes of each operator, consisting of letter type characters; the list will be updated by ANRE whenever necessary.

(3) CLC contains alphanumeric type characters and is structured on two fields as follows:

- a) a first field consisting of letter type characters, representing the identification code of the operator established and published by ANRE, referred to in paragraph (2);
  - b) a field consisting of letter and / or numbers type characters that represent the unique code for the place of use.
- (4) The modality of codification of the place of use must meet the following criteria:
- a) the used code is unique to the level of the area of the operating license;
  - b) the used code allows clear identification of the place of use.
- (5) CLC remains valid for the existence of the place of use and does not change in the situation of changing the natural gas supplier or the end user who has ownership or use of the space object of that place of use.
- (6) The operator provides communications of CLC both at the request of both the end user, and the current supplier that place of use.
- (7) As of 1 January 2018, the suppliers are required to record the CLC on the natural gas bill.

## SECTION 2

### Modality of accessing the consumption data

#### ARTICLE 26

- (1) Each operator must enter CLC in its database with information regarding the places of use in its own area of operating license.
- (2) Based on data identifying the end user / supplier and the CLC / address of the place of use, the operator must ensure access for free, in a safe and confidential manner, for the consumption data recorded at least for the last 36 calendar months or for period since the concluding of the first contract for the supply of natural gas for that place of use, if the latter is smaller, as follows:
- a) the end user has access only to the data on its own place / places of use;
  - b) the supplier has access only to data on the place / places of use for which it has a contract / contracts for the supply of natural gas in force, concluded with the end user;
  - c) any other gas supplier, different from the current one, or an energy service supplier has access only if it has the written consent of the end user through which the latter delegates the supplier the right of access to the data on the personal place / places of use.
- (3) In addition to data regarding the previous consumption provided in paragraph (2), the operator is required to provide the end user, who has a smart meter installed at the place of use, consumption data broken down by period of use per day, week, month, and year. These data are available to the end user via a web application or the meter interface for a period of at least 24 previous months, or for the period since the start of the contract for supply of natural gas, or the date of installation of the smart meter, if the latter are less than 24 months.

#### ARTICLE 27

- (1) As of 1 January 2018, by introducing CLC, the consumption data provided for in Article 26 paragraph (2) and (3) relating to that place of use, as well as any other information on it contained on the database of the operator, as required by law, will be accessible through a secure web application whose link will be posted on the operator's website; the web application must allow the transfer of such data through a standard electronic format, Excel type, or automated processable XML type.
- (2) The access to the information in the database through the web application referred to in paragraph (1) shall be granted at the request of the end user, as provided in Article 26 paragraph (2) sub-paragraph a).
- (3) Access to the information in the database through the web application referred to in paragraph (1) shall be granted at the request of the provider, as provided in Article 26 paragraph (2) sub-paragraph b), and is withdrawn upon termination of the contract for supply of natural gas concluded with the end user for that place of use; if at a place of use, the end customer changes the supplier, along with operating the change of supplier in the database, the information related to that place of use can no longer be accessed by the old supplier.
- (4) The access to the information in the database for a place / places of use through the web application referred to in paragraph (1) shall be granted at the request of any other natural gas supplier, different from the current one, or an energy service provider, in the terms referred to in Article 26 paragraph (2) sub-paragraph c), only after it presents the end user's explicit written agreement, indicating its identification data, the identification data of the authorized supplier, and CLC; In this case, the duration for which the supplier has access to the information in the database is 5 working days.
- (5) Pending the implementation of the web application referred to in paragraph (1), the consumption data provided for in Article 26 paragraphs (2) and (3) shall be made available to the applicants by the operator no later than 5 working days from the date of application, through a standard electronic format, Excel type, or automated processable XML type.

## CHAPTER V

### Billing

## SECTION 1

### General principles regarding the billing

#### ARTICLE 28

- Depending on how the natural gas supply contract is concluded, the end user receives:
- a) bills issued by the supplier, where the supply contract is concluded with the regulated services included, and the supply price stipulated in the contract includes both the price of natural gas supplied and the tariffs for transmission / distribution, if any, at the place of use of the end user;
  - b) separate bills, if the supply contract is concluded without the regulated services included, and the supply price stipulated in the contract includes only the price of the natural gas supplied or the bills issued by the supplier of natural gas supplied and bills issued by the operator / operators for the transmission / distribution, if any, at the place of use, according to the contracts concluded with the end user for the supply of these services.

#### ARTICLE 29

- (1) Billing the natural gas supplied at the end user's place of use is made by the supplier based on the consumption of natural gas in units of energy, for the billing period, and the supply price stipulated in the contract, valid in the billing period.

(2) The supplier issues the bill for each place of use of the end user or, by mutual consent, for more places of use thereof, indicating separately the consumption of natural gas billed, and the payment amount for each place of use.

#### ARTICLE 30

(1) For supplying on a regulated base, the value of the natural gas supplied at the place of use of the end user shall be determined by the supplier by multiplying the consumption of natural gas, expressed in units of energy, for the billing period, with the regulated price, for the classification of the household customer, valid during the billing period.

(2) When modifying the regulated price during a billing period, the calculation of the value of natural gas supplied at the place of use of the end user shall be determined by the supplier based on daily average consumption of natural gas, expressed in units of energy, multiplied by the number of days corresponding to each interval and by applying the regulated price of natural gas for the respective interval.

(3) In case of changing the classification, the supplier will proceed:

a) to billing the consumption of natural gas, starting with the classification change, for the regulated price for the category in which the household customer was placed in;

b) in recalculating the value of the natural gas supplied, given the natural gas consumption until the date of modifying the classification and the regulated price for the category in which the household customer was classified in; the regularization will be highlighted separately on the first invoice after changing the classification of the household customer, the payment / recovery of the amounts from reconciliation being made within the term provided in the contract, with the appropriate engagement of contractual liability, as stipulated in the contract for supply of natural gas.

(4) Notwithstanding the provisions of paragraph (3) sub-paragraph b), the supplier does not recalculate the value of natural gas supplied if it did not have approved for the respective period a regulated price for the category in which the household customer was placed in.

(5) If the household customer has installed at the place of use a metering equipment with prepayment system, the value of natural gas supplied is calculated by applying the regulated price of natural gas in force at the time of tipping up a new credit card.

#### ARTICLE 31

(1) Where at the same place of use, there are two types of end users, the natural gas being used for both for household and non-household consumption is necessary to modify the installation of use, to separate and measure distinctly, by means of metering equipment for tax settlement, of the consumption specific for each type of client.

(2) If that is not possible from a technical standpoint, to separate the installations for use, the end users and the suppliers at the place of use conclude a joint convention on the allocation of the quantities supplied, which provides the method of determining the share of household consumption, non-household respectively, of the total consumption of natural gas.

### SECTION 2

#### Billing period

#### ARTICLE 32

(1) The bill for natural gas supplied at the place of use of the end user is issued by the supplier for each billing period established by the contract for the supply of natural gas.

(2) On the regulated market, the billing period is monthly.

(3) On the competitive market, the billing period is agreed by the parties through the contract for the supply of natural gas on a competitive bases by following the next principles:

a) for the household customers it may not exceed three months;

b) for the non-household customers it may not exceed six months.

(4) The supplier is bound to provide the end user upon conclusion of the contract for the supply of natural gas on the competitive basis, the opportunity to opt for a monthly billing period; where more options for the billing period are made available to the end user, the supplier is required to inform it adequately about the possible fluctuation of the costs according to billing period chosen.

(5) Any modification of the billing period agreed by the parties for the supply of natural gas on a competitive basis is by addendum thereto.

### SECTION 3

#### The manner of determining the natural gas consumption for a billing period

#### ARTICLE 33

Setting natural gas consumption in units of energy, representing the amount of energy supplied for the period billing is made by multiplying the quantity of natural gas, expressed in cubic meters, corresponding to the billing period, with the gross calorific value thereof, for the period billing in accordance with the rules of measurement approved by ANRE.

#### ARTICLE 34

The amount of natural gas supplied to the end user is measured by the metering equipment by pipeline / system operator to which the place of use is connected to, in accordance with metering regulations approved by ANRE; if there is a malfunction of the metering equipment, the amount of natural gas supplied at the place of use is recalculated according to the legislation in force.

#### ARTICLE 35

(1) To determine the quantity of natural gas supplied to the end user to issue the bill based on actual consumption, the pipeline / system operator to which place of use of the final customer is connected to is bound to perform the reading of the index of the metering equipment at determined intervals by the following the below principles:

a) the reading interval of the index of the metering equipment established by the operator in order to determine the quantity of natural gas supplied to a household customer, should not exceed three months;

b) the reading interval of the index of the metering equipment established by the operator in order to determine the quantity of natural gas supplied to a non-household customer, should not exceed six months.

(2) The amount of natural gas, expressed in cubic meters, corresponding to the interval between two consecutive readings of the operator is determined by the difference between the newly read index at the end of the reading interval and the old index read at the end of the previous reading interval.

#### ARTICLE 36

(1) For the billing period in which the operator will perform the reading of the index of the metering equipment, the billing is made based on actual consumption of natural gas, as determined by the operator and taken over by the supplier.

(2) If the reading interval by the operator of the index of the metering equipment is greater than the billing period, provided in the contract for the supply of natural gas, the billing in the period between two consecutive readings of the operator is made, where appropriate:

a) based on actual consumption of natural gas, determined by self-reading of the index of the metering equipment by the end user and its transmission in the time interval and under the conditions communicated by the supplier;

b) based on an estimated consumption of natural gas, provided in a consumption convention agreed by the end user with the supplier upon conclusion of the contract for the supply of natural gas, which is being taken only when the end user does not send the self-read index in the time interval and under the conditions communicated by the supplier.

(3) For situation referred to in paragraph (2), the supplier is required to conduct an adjustment for the period between two consecutive readings, in the first bill issued after the reading of the index of the metering equipment by the operator, if it finds that at the end of the read interval there are differences between the actual consumption of the end user and its billed consumption, in the interval between the readings of the operator.

#### ARTICLE 37

(1) For situation referred to in Article 36 paragraph (2) sub-paragraph a), for transmission of the index of the metering equipment determined by self-reading, the supplier is required to inform the end user through the bill, at least the following information:

a) the time interval it can send self-read index, which may not be less than 5 calendar days;

b) the dedicated and free phone line, recording both the self-read index transmission date and the message content; additionally, it can provide the end user with other means of transmitting the index, such as, but not limited to, electronic means.

(2) For situation referred to in Article 36 paragraph (2) sub-paragraph b), the estimated consumption set out in the consumption convention can be set based on the previous year's consumption history, or based on the monthly amounts determined based on the annual consumption profile; the convention consumption can be changed at any time during the contract at the initiative of the end user, where it considers that the estimated values do not correspond to the actual consumption, provided that the new values are notified to the supplier at least 30 calendar days before the start of the respective billing period.

#### SECTION 4

##### Information in the bill

#### ARTICLE 38

(1) The supplier is bound to issue bills containing information that is correct, transparent, clear, complete, legible, and easy to understand, providing end users the possibility to adjust their own consumption and to compare the commercial conditions for natural gas supply.

(2) In the bill and / or the enclosed documents are included the following types of information:

a) priority information that provides the end user all the necessary elements to understand how the gas consumption is billed in units of energy, and how much he needs to pay for this consumption;

b) additional information not related to billing, but that may be useful for the end user during the contract for the supply of natural gas;

c) billing information that provides periodically the end user with a comprehensive perspective on the effective consumption and the actual cost with the natural gas, so as to be able to adjust their own consumption.

#### ARTICLE 39

(1) The supplier must include in the bill issued to the end user at the place of use, on the first or at least second page of the bill, at least the following priority information:

a) identification and contact details of the supplier;

b) identification data for the end user, the address of the place of use and the billing address, if it is different from the address of the place of use;

c) the customer code given by the supplier;

d) Place of use code assigned by the operator - CLC, within the period provided for in Article 25 paragraph (7);

e) the number and date of the bill;

f) start and end of the billing period;

g) payment due date;

h) name of the billed products / services, where appropriate, and the measurement units thereof;

i) the unit price for natural gas supply, expressed in lei / MWh or submultiple of lei / kWh, and the unit price / tariffs / fees applied for each product / service that is billed separately in addition to natural gas supply, not including in the unit price for it, if any;;

j) the type of unit price for natural gas supply (fixed / variable);

k) components included in the unit price for natural gas supply, indicating those that are regulated or a reference to where one may find a detailed description of thereof;

l) payment amount for each product / service billed;

m) the time and manner / manners in which the customer can transmit the index of the metering equipment determined by self-reading, if the end user at the reading interval by the operator is greater than the billing period;

n) the index of the metering equipment used at the beginning and end of the billing period for determining the quantity of natural gas, expressed in cubic meters; if the end user for whom the reading interval of the operator is greater than the billing period will be indicated the way the index was determined, respectively read by the operator / self-reading by the end user / estimate based on the consumption convention;

o) the amount of natural gas, expressed in cubic meters, corresponding to the billing period;

p) the value of the gross calorific power for the billing period;

q) the amount of energy expressed in MWh/kWh, representing the billed natural gas consumption;

r) method for the conversion of the quantity of natural gas, expressed in cubic meters, in the amount of energy, expressed in MWh/kWh;

s) information on natural gas excise;  
§) VAT amount;  
t) total payment amount (VAT included);  
‡) modalities to pay the bill;  
u) contact data of the customer service's center provided by the supplier;  
v) phone number provided by the operator for emergency notification regarding safe operation of the installations of the customer or of the operator.

(2) If the end user does not pay a bill on due date, the subsequent bill / bills must include information on the previous flow unpaid at the time of issuing the bill and the meaning of each payment obligations contained in the bill.

#### ARTICLE 40

(1) The supplier must provide the end users, through the bill and / or documents attached thereto, at least the following additional information:

a) information on the right end user to change the supplier free of charge, while observing the contractual conditions, according to the procedure approved by ANRE, stating that the "list of undertakers, license holders for natural gas supply" is published on the website of ANRE;

b) Information on the transmission of complaints of the end users, as well as on the options they have if they are not satisfied with the way the complaint was handled by the supplier, according to the framework procedure on the obligation of the supplier to resolve end user's complaints, procedure approved by ANRE;

c) information on the measures which the supplier is entitled to take under the concluded contract for the supply of natural gas, if the end user does not pay the bill until due date;

d) information on the right of the end user to benefit from a minimum level of quality of the supply activity and the services related to the supply of natural gas, whose inobservance binds the supplier of that activity / service, to pay a penalty / compensation to the affected end user, under the performance standards approved by ANRE;

e) any other information provided for by the legislation in force which the supplier is bound to provide to the end user through the bill and / or its accompanying documents.

(2) In addition to the information set out in paragraph (1), the supplier will provide the household customers through the bill and / or the documents attached thereto, information on the types of facilities provided by the supplier to the vulnerable customers, or a reference to where they can be found.

#### ARTICLE 41

(1) The supplier must provide the end users through the bill and / or the documents attached thereto at least the following information on billing:

a) the current price and the actual consumption of natural gas;

b) comparisons between the current consumption of the end user and the consumption corresponding same period of the previous year, to the extent that such information is available, preferably in a graphic form;

c) information on the concept of energy efficiency, respectively the contact details of institutions in the field of energy, from where the end users can get information on the available measures to improve energy efficiency, reference profiles on individual consumption, and other technical specifications of the energy devices that can help to reduce consumption.

(2) The billing information referred to in paragraph (1) shall be transmitted the end user by the supplier at least once every 6 months.

(3) Notwithstanding the provisions of paragraph (2), the billing information referred to in paragraph (1) shall be transmitted to the end user by the supplier, at least quarterly, at the request of the end user or if the end users have opted for the electronic invoice.

#### ARTICLE 42

If the index reading interval of the metering equipment read by the operator is greater than the billing period, the supplier will include in the bill on which it performs the adjustment for the period between two readings, in addition to the information set out in Article 39-41, the following information:

a) a clear indication that this is a regulatory bill;

b) the period for which the regularization is made;

c) the index of the metering equipment determined by the operator through reading at the beginning and end of the period for which the regularization is made;

d) the amount of natural gas, expressed in cubic meters, actually consumed during the period for which the regularization is made;

e) the average gross calorific power value for the period for which the regularization is made, is calculated as the arithmetic mean of the gross calorific values for each day of the regulatory period;

f) the amount of energy expressed in MWh / kWh, representing the actual consumption of natural gas over the period for which the regularization is made;

g) the amount of energy expressed in MWh / kWh, which represents the billed consumption of natural gas in the interval between the operator's readings;

h) the debit / credit balance at the end of the period for which the regularization is made, calculated based on the difference between the actual consumption and the consumption billed in the interval between the readings of the operator, or the amount the end user has to pay the supplier, or the amount owed by the supplier to the end user as a result of the regularization, as appropriate.

#### SECTION a 5-a

##### Bill issuance

#### ARTICLE 43

(1) The supplier issues the bill representing the natural gas consumption at the place of use of the end user after each billing period determined under the contract for the supply of natural gas.

(2) Notwithstanding paragraph (1), through the contract for supply of natural gas, the parties may agree on a different periodicity of issuing the bill; the supplier may bill in advance before the billing period ends only at the written request of the end user, which must include the period for requesting the advance billing, or as stipulated by the contract for the supply of natural gas on the competitive basis.

#### SECTION a 6-a

##### Sending the bills and the documents attached thereto

#### ARTICLE 44

(1) The supplier shall provide the end user with two modalities of transmitting the bill and documents attached thereto, respectively in print and in electronic format, and the end user has the possibility to opt for either one.

(2) The bill issued by the supplier is sent to the end user in the manner established through the contract for the supply of natural gas; the supplier ensures the change of the manner of transmitting the bill at any time, at the request of the end user, submitted in writing or electronically, without the need to sign an addendum to the contract.

(3) The use of the electronic bill is subject to the express acceptance by the end user.

(4) The Supplier shall send the bill to the place of use of the end user, unless the end user has designated another address for correspondence or chose an electronic manner of sending the bill.

(5) The supplier is responsible for delivering the bills to the end users, for free and timely, so that payment thereof can be made by the due date.

#### SECTION a 7-a Payment of the bill

#### ARTICLE 45

(1) The payment for the gas consumption is made by the end user based on the bill issued by the supplier, observing the due date for payment specified in the contract for supply of natural gas.

(2) If the invoice due date is a holiday, the term shall be deemed fulfilled the next working day.

(3) Notwithstanding the provisions of paragraph (1), if the metering equipment is with prepayment system, the payment of the value of natural gas consumption is made with anticipation. The supplier sets a minimum and a maximum threshold for each top up of the card, representing the minimum, respectively, the maximum amount of natural gas, prepaid by top up of the card.

#### ARTICLE 46

(1) The payment for the supply of natural gas is made by the legal instruments of payment, cash or cashless, according to legal provisions in force.

(2) The supplier is required to provide the end user with at least two ways to pay the bill, of which at least one without charges for payment of the related amounts, that would not create undue discrimination between customers.

(3) The supplier is required to provide the household customer at least one modality to pay the bill in cash, easily accessible and without extra charge.

(4) The payment modalities provided by the supplier are specified in the contract for supply of natural gas and in the bill issued to the end user.

#### ARTICLE 47

(1) For supplying on the regulated market, the payment obligation shall be deemed fulfilled at the date of payment by the end user, unless the payment is made by bank transfer, in which case the obligation shall be deemed fulfilled after the supplier's account received the amount object of the payment.

(2) For supplying in the competitive market, the payment obligation is deemed fulfilled under the specific criteria established by the contract for the supply of natural gas on a competitive basis, unless the payment is made by bank transfer, in which case the obligation in question is deemed to be fulfilled on the date the account of the supplier received the amount object of the payment.

#### ARTICLE 48

(1) For failure to pay by the end user, by the due date stipulated in the contract for the supply of natural gas of the bill representing the consumption of natural gas, the supplier has the right to apply penalty interest for late payments, under the terms and conditions of the contract for supply of natural gas, and successively take the following measures:

a) transmission, free of charge, of a notice to the end user, if they will stop the supply at the place of use, within the term and by the means of communication agreed by the parties in the contract for supply of natural gas; the notice of discontinuance in gas supply for non-payment of the bill must have a minimum period of 15 calendar days for household customers, respectively at least 3 days for non-household customers;

b) discontinuance of the supply of natural gas at the place of use of the end user, under the conditions specified in the contract for supply of natural gas, provided that measure referred to subparagraph a) is fulfilled;

c) transmission, free of charge, of a notice to the end user, in case they will terminate the contract for supply of natural gas, under the terms and conditions of this contract; the notice of termination of the contract for supply of natural must have a minimum period of 15 calendar days;

d) termination of the contract for supply of natural gas.

(2) In addition to the measures referred to in paragraph (1), prior to the discontinuance, the supplier is entitled to, when possible from a technical standpoint, to restrict the supply of natural gas under the terms and conditions of the contract for supply of natural gas, with an advance notice of at least 3 days.

(3) At the request of the end user, the supplier may, where appropriate:

a) to provide an alternative means of payment for the end user facing difficulties in paying the bill in the manners stipulated in the contract for supply of natural gas;

b) to negotiate with it a plan for rescheduling the amounts due by the end user experiencing financial difficulties in paying the bill, in which case the period of rescheduled payments shall be determined by the supplier according to the amount of liabilities and the financial capacity of payment of the end user.

#### ARTICLE 49

For the end user which had the natural gas supply discontinued at the place of use for non-payment of the bill representing the consumption of natural gas, the supplier has the right to request the establishment of a financial guarantee as follows:

a) for the supply in the regulated market, this guarantee is governed by the legislation in force;

b) for the supply in the competitive market, the value and conditions in which this guarantee is constituted is stipulated in the contract for supply of natural gas, according to the agreement of the contracting parties.

#### SECTION 8 Final closure

#### ARTICLE 50

(1) Within 42 calendar days from the date of termination of the contract for gas supply, the supplier is required to transmit the end user the bill with the final closure.

(2) In case the final closure contains a positive balance, the end user is bound to pay for the bill referred to in paragraph (1) by the due date.

(3) In case the final closure contains a negative balance, the supplier is bound to return the end user the amount due within 5 calendar days from the date of bill referred to in paragraph (1).

#### CHAPTER VI

Discontinuation / Restriction / Resumption of provision and supply of natural gas at the place of use of the end user

#### ARTICLE 51

(1) Discontinuation / Restriction / resumption of natural gas supply at the place of use of the end user may be ordered by the supplier in the situations specified in the contract for supply of natural gas, as well as in other cases under the laws in force in that it has the right to require the operator the provision of the activity of discontinuation / restriction of technical parameters / resume of gas supply to the place of use of the end user.

(2) In order to discontinue / restrict / resume the natural gas supply to the place of use of the end user, the supplier is entitled to require the operator to provide the activity of discontinuation / restriction of technical parameters / resume of natural gas supply at the place of use of the end user in the following situations:

a) upon end user request;

b) the refusal of the end user to provide a financial guarantee in case finding, according to legal provisions in force, of actions meant to distort in any way the indications of the metering equipment, or to steal natural gas through bypassing the metering equipment;

c) for failure to pay by the end user the bill representing the natural gas consumption, in the time provided in the contract for supply of natural gas, and, where applicable, the related penalty interest for delayed payment; where the end user disputes the correctness of the value of the issued bill, the provider is not entitled to dispose the discontinuance / restriction of the natural gas supply to the end user until he communicates the result of the verification, with respect to the provisions of the performance standard for the supply of natural gas;

d) in other cases stipulated in the contract for supply of natural gas, as well as the legislation in force.

(3) The provision by the operator of the activity of discontinuance / restriction of technical parameters / resume of gas supply to the place of use of the end user is achieved, according to the legal provisions in force, based on a corresponding tariff charged by the operator which is paid:

a) by the end user, if the request for the operator to provide the activity belongs to the customer, being made directly or through the intermediary of the supplier, unless this request is connected to the safe operation of the installations of the end user or of the operator;

b) by the supplier where the request for the operator to provide the activity belongs to the supplier, unless the request is related to safe operation of the installations of the end user or of the operator.

(4) If the contract with the operator of the pipeline / system that supplies the place of use is concluded by the end user, the operator provides the activity of discontinuance / restriction of technical parameters / resume of gas supply at the place of use of the end user by request of the supplier in compliance with the multiparty convention under Article 24 paragraph (1).

#### ARTICLE 52

For the situation referred to in Article 51 paragraph (2) sub-paragraph a), in which the request belongs to the end user, is proceeded as follows:

a) not later than 1 business day of receiving, the supplier is required to transmit the operator the end user's request to discontinue / restrict the technical parameters in the gas supply to the place of use, accompanied by the proof of payment by the end user of the related tariff perceived by the operator; when the end user's request is not received by the supplier during its working program, it is considered received the next working day;

b) the operator is required to process the application received and to provide the activity of discontinuance / restriction of technical parameters in the gas supply at the place of use of the end user within a maximum of 24 hours of receipt of the request, or within the period requested by the end user if the latter is bigger;

c) within maximum 1 business day of receiving it, the supplier has the obligation to submit the operator the request of the end user to resume gas supply to the place of use, accompanied by proof of payment by the end user of the tariff perceived by the operator; if the request of the end user is not received by the supplier during its working program, it is considered received the next working day;

d) the operator is required to process the application received and to provide the activity to resume gas supply at the place of use of the end user within maximum 24 hours of receipt of the request or within the period requested by the end user if the latter is greater; the end user cannot require or receive penalties / compensation from the supplier / operator for not resuming of the provision / supply of natural gas to the place of use within 24 hours or the required deadline, where the end user does not allow access of the operator to his property.

#### ARTICLE 53

In situations referred to in Article 51 paragraph (2) sub-paragraphs b) and c) in which the request belongs to the provider, is proceeded as follows:

a) discontinuation / restriction of the gas supply to the place of use is made by a previous notice sent, free of charge, by the supplier to the end user, as determined by the natural gas supply contract. The notice shall contain information on the cause that can result in an discontinuation / restriction of the gas supply to the place of use, the date from which the supplier is entitled under the contract for supply of natural gas, require the operator to discontinue / restrict the technical parameters for natural gas supply at the place of use for inaction of the end user, the tariff for the resumption of gas supply at the place of use that the end user will have to pay for the resumption of supply, and the financial security that will have to be established, if necessary;

b) the supplier transmits the operator the request for discontinuance / restriction of the technical parameters in the supply of natural gas at the place of use of the end user, by taking into account the notice period for discontinuance / restriction of the supply established in the contract for supply of natural gas;

c) the operator is required to process the application received and to provide the activity of discontinuance / restriction of the technical parameters in the gas supply at the place of use of the end user within maximum 24 hours of receiving the request of the supplier or within the time required by the supplier, if the latter is longer;

d) the supplier pays the tariff charged by the operator for the provision of the activity of discontinuance / restriction of technical parameters in supplying natural gas at the place of use of the end user;

e) after the removal by the end user of the causes that led to discontinuation / restriction of the gas supply to the place of use, it sends the supplier the request to resume the supply accompanied by supporting documents and proof of payment of the tariff for the resumption of gas supply to the place of use, as well as proof of the financial guarantee, if applicable;

f) the supplier has the obligation to submit the operator the request to resume the supply of gas at the place of use, the day it received the request from the end user to resume the supply, request that respects the conditions in sub-paragraph e); if the end user request is not received by the supplier during its working program, it is considered received the next working day;

g) the operator is required to process the application received and to provide the activity of resuming the gas supply to the place of use of the end user within 24 hours of receiving the request; the end user cannot request or receive penalties / compensation from the supplier / operator for not retaking the provision / supply of natural gas at the place of use in 24 hours, if the operator was not allowed on his property.

#### ARTICLE 54

(1) Discontinuance / Restriction of technical parameters / Resumption of gas supply to the place of use of the end user may be ordered by the operator, by notifying the supplier, in the following cases:

a) at the direct request of the end user, including where the discontinuance is related to the safe operation of the installations of the end user or of the operator;

b) if the end user fails to comply with the contractual obligations, where the contract with the pipeline / system operator that supplies the place of use is concluded by the end user; In this case, the discontinuance of supply is made by the operator, in compliance with the multiparty convention referred to in Article 24 paragraph (1);

c) for the time required for execution of development, rehabilitation, repair, modernization, operation and maintenance works of the pipeline / system which supplies the place of use of the end user;

d) in other cases provided by the law in force, for example, but not limited to:

(i) if the end user does not comply with the limits of protection and safety of the installations owned by the operator placed on the property of the end user, as required by the law in force;

(ii) for the interventions by unauthorized persons on the regulating-metering installations on the border of the property, which endanger the safety of the supply of natural gas, according to the law in force;

(iii) for the intervention of unauthorized persons on an objective from the natural gas sector and / or on an installation of use, which endangers the safety of the supply with natural gas, as required by the law in force;

(iv) in case the installations of use / appliances burning gaseous fuels belonging to the end user do not meet the legal operating conditions, an explosion hazard exists and the safe operation is affected;

(v) the end user's failure to supply the documents proving the performance of the verifications or regular technical inspections of the installation for use, as required by the law in force;

(vi) if the operator is denied access in order to mount, dismount, seal, maintain, verify or read the index of the metering equipment to settle the value of the natural gas consumed, or in order to maintain, verify and rectify the faults occurred at the installations in its operation, when these are placed on the property of the end user;

(vii) if discovering, according to legal provisions in force, of actions meant to distort in any way the indications of metering equipment, or to steal natural gas through bypassing the metering equipment.

(2) Discontinuance / Restriction of technical parameters / resumption of natural gas supply to the place of use of the end user is achieved by the operator in compliance with the legislation in force.

#### CHAPTER VII

Quality of supply and quality of services related to the supply of natural gas to the end user

#### ARTICLE 55

(1) Regulating the quality of the supply activity and the services related to the supply of natural gas to end users can be achieved through the following methods:

a) minimum quality levels method. This method involves preparation by ANRE of the performance standards that establish the performance indicators corresponding to the type of activity / service provided. Through the performance indicator is determined the minimum level of quality of the activity performed / service provided, which is the benchmark in evaluating the level of performance;

b) performance publication method. This method involves preparation by the provider of the activity / respective service of a report describing the level of attainment of performance indicators for the provided activity / service. This report is published on its website and transmitted to ANRE, under the conditions provided in the performance standards approved by ANRE;

c) incentive schemes for the quality of the activity of supply and of the services related to the supply of natural gas. This method involves, for the regulated activities, the possibility of also introducing in the pricing methodologies the regulated tariffs of an adjustment item, determined by the level of attainment of one or more performance indicators.

(2) Evaluation and monitoring of the quality of the supply activity, of the services related to the supply of gas and the degree of satisfaction of the end user is made according to the performance standards approved by ANRE.

#### ARTICLE 56

(1) The natural gas supplier is bound to ensure the end user the minimum quality level of the supply activity established through the performance standard approved by ANRE.

(2) For failure to comply with the minimum level of quality, the supplier is required to pay a penalty / compensation to the affected end user, in the amount and under the performance standard approved by ANRE.

(3) The supplier is entitled to recover from the operators the penalties / compensation paid to the end user where the causes that generated payment thereof are independent of the will of the supplier to act and is due to these operators.

(4) The supplier has the obligation to establish a communication system with its end users, which ensures the collection, recording, analyzing, establishing the measures, and resolution of their complaints relating to the supply of natural gas, by observing the rights and obligations of each party, in accordance with the framework procedure approved by ANRE.

(5) The provider must pursue the improvement of the quality of the supply activity in order to increase the level of satisfaction of the end users.

#### ARTICLE 57

(1) The operator is required to ensure the end user the minimum quality level of the service for the supply of natural gas established through the performance standard approved by ANRE.

(2) For failure to observe minimum level of quality, the operator is required to pay a penalty / compensation to the affected end user in the amount and under the conditions provided in the performance standard approved by ANRE.

(3) The operator should seek to improve the quality of the service associated with the supply of natural gas in order to increase the level of satisfaction of the end user.

(4) The operator is bound to supply the place of use of the end user with natural gas which meets the minimum quality requirements for natural gas contained in the rules for metering the quantities of natural gas traded in Romania approved by ANRE.

### CHAPTER VIII

The rights and obligations of contracting the parties in the natural gas supply contract

#### SECTION 1

Rights and obligations of the supplier of natural gas

#### ARTICLE 58

The natural gas supplier has mainly the following rights:

a) to collect from end user the price for the consumption of natural gas, under the terms and conditions provided in the contract for supply of natural gas concluded with it;

b) to collect from the end user price for consumption of natural gas supplied to the place of use on a last resort basis, according to ANRE;

c) to charge the end customer interest penalty for delayed payment of the bill representing the price of consumption of natural gas, under the terms and conditions stipulated in the contract for supply of natural gas;

d) to analyze the request of the end user and decide upon the opportunity to provide an alternative means of payment for the bill, where it is facing difficulties in paying in the manner stipulated in the contract for supply of natural gas, respectively to negotiate a plan for rescheduling payment of the amounts due by the end user experiencing financial difficulties in paying the bill;

e) to require the operator to provide the activity of discontinue / restriction of the technical parameters / resumption of natural gas supply, in order to discontinue / restrict / resume the natural gas supply at the place of use of the end user as provided in the contract for supply of natural gas, as well as in in other cases under the laws in force;

f) to collect from the end user the tariff charged by the operator for performing the activity of resuming the gas supply to the place of use, to resume gas supply which was discontinued / restricted for not paying the bill representing the natural gas consumption, in the time provided in the contract for supply of natural gas, and where applicable, the related penalty interest for delayed payment;

g) to require the end user to assume financial responsibilities to pay the imbalances that it generates on the natural gas market, in accordance with the regulations approved by ANRE;

h) to terminate the contract for supply of natural gas in the event of termination of the property right or use of the end user's place of use, in case of nonpayment by the end user of the bill representing the consumption of natural gas under the conditions stipulated in the contract for supply of natural gas as well as in other cases provided by law; termination from the initiative of the supplier is carried out by transmitting, free of charge, a notice with at least 15 calendar days;

i) any other rights provided by the [Law of energy and natural gas no. 123/2012](#), as amended and supplemented by this Regulation, by the [contracts or other regulations](#) applicable.

#### ARTICLE 59

The natural gas supplier has, mainly, the following obligations:

a) to ensure standard offers for at least the end users with low consumption of natural gas in its own portfolio;

b) to have an own website where to publish updated information on the commercial terms for the supply of natural gas, the prices / tariffs, where appropriate, and on the general conditions of access and use of services, in order to achieve the activity of informing the end users; in case standard offers for the supply of natural gas are being published, a direct link, having a suggestive name, to these offers standard will appear on the main page of their website, in a visible place.;

c) to carry out the activity of supply of natural gas based on contracts for supply of natural gas concluded with the end users, providing fair and transparent contract conditions / terms, by observing the minimum contract requirements to be included, according to ANRE regulations;

d) to make available to the end user who has installed at the place of use a metering equipment with card prepayment system and instructions for use and to top up the card with the credit requested by the end user, observing the conditions / clauses stipulated in the contract for supply of natural gas, as well as to provide an emergency credit, for the cases in which the amount of natural gas prepaid card was used; the supplier published at the points of top up of the card the minimum and maximum levels set for top up;

e) will ensure the taking over from the operator of the consumption data recorded by the metering equipment of the place / places of use covered by the contract for the supply of natural gas;

f) to bill the end user the value of consumption of natural gas, under the terms and conditions of the contract for the supply of natural gas concluded with it;

- g) to bill end user the value of consumption of natural gas supplied to the place of use on a last resort basis, in accordance with the regulations approved by ANRE;
- h) to submit, upon end user's request, a clear and easily understandable explanation of how the value of the bill is calculated, especially if it is not based on the actual consumption;
- i) to ensure the resumption of gas supply discontinued / restricted due to end user's failure to comply the payment obligations due under the terms and conditions provided in the contract for supply of natural gas, within 24 hours of receiving the request from the end user, provided the end user allows the access of the operator's representative to resume the gas supply at the place of use; the end user must annex to the request the proof of full payment of the equivalent of the billed natural gas consumption, including the penalty interest for the delayed payment under the contractual provisions, and of the tariff for the resumption of natural gas supply, as well as the proof of the financial guarantee, if appropriate;
- j) to notify the end user, properly and for free, of any intention to amend and / or supplement the contractual conditions / terms, as well as any increase in the price / tariff practiced, stating the reasons, conditions and extent of this increase, directly and timely, but not later than the end of the first normal billing period following the entry into force of the increase, in a transparent and easy to understand manner, and to inform the end user, at the moment of the notice, regarding the right to terminate the contract for free if they do not accept the new conditions;
- k) to notify the end user about any change to their identification data stipulated in the contract for supply of natural gas, within 30 calendar days of the change;
- l) to allow the end user the actual switch of the supplier, subject to the contractual conditions / terms, not later than 21 calendar days from the request, according to the specific procedure approved by ANRE; the switching process is free, being prohibited the levying of any taxes or charges related to its completion;
- m) to transmit the end user a final closure no later than 42 calendar days from the date of change of the supplier or the date of termination of the contract for supply of natural gas;
- n) to transmit the operator the requests received from the end user whose object is related to the its field of activity in accordance with the regulations approved by ANRE, if, for the place of use, the contract with the operator is signed by the supplier;
- o) to transmit, upon request of the end user, the information on the current and predicted cost of natural gas, timely and in an easily understandable format that allows it to compare different offers in alike / similar conditions;
- p) to transmit, at the request of the end user, within the 5 working days from filing the request, data on the consumption history for the place / places of use thereof, for a period up to 24 months preceding the request or for the period since the conclusion of the contract for the supply of natural gas, if the latter is smaller, without receiving any additional costs for the service, and using, on demand, optionally, the presentation format, provided in the annex which is an integral part of the current regulation; at customer's request, the transfer of data on the consumption history is made through a standard electronic format Excel type or automated processable XML type;
- q) to provide, at the request of the end user, information on the value of the bills issued for the place of use in the last 24 months or for the period since the conclusion of the contract for the supply of natural gas, if the latter is smaller, without receiving any additional costs for this service;
- r) to make available for an energy service supplier, based on the written request of the end user, the data on the consumption history, for its place of use, for the past 24 months or the period since the conclusion of the contract for natural gas supply if the latter is smaller, provided that such information is available;
- s) any other obligations provided for by the [Law of energy and natural gas no. 123/2012](#), as amended and supplemented by this regulation, by the contracts concluded, or by other applicable regulations.

## SECTION 2

### Rights and obligations of the end user of natural gas

#### ARTICLE 60

- (1) The end customer of natural gas has mainly the following rights:
  - a) to choose their supplier and to accept a standard offer published by it, or to request a quote on the trading conditions and price of supply for direct negotiation, where appropriate, or to resort to selecting the supplier through special procedures of public tendering / procurement;
  - b) to conclude with the selected supplier contract / contracts for the supply of natural gas observing the minimum contractual requirements, in accordance with the legal provisions in force;
  - c) to change the type of contract, by transition from natural gas supply on a regulated basis / under the last resort basis to the natural gas supply on a competitive basis;
  - d) to be made available, free of charge, in printed form or, if so requested, in electronic form, a copy of the contract for supply of natural gas prior to the conclusion or confirmation of its conclusion, including where the contract is concluded through intermediaries;
  - e) to be made available, upon conclusion of the contract for supply of natural gas, the contact details of the single point of contact of the supplier and of the regional / local information point closest to that place of use;
  - f) to opt for the necessary level of top up for the card, where is has installed at the place of use a metering equipment with card prepayment system;
  - g) to terminate, free of charge, the contract for supply of natural gas if they do not accept the changes and / or supplementations to the contractual conditions / terms, as well as increase of the price / tariff, notified by the supplier;
  - h) to require the supplier the discontinuance / restriction / resume of gas supply to the place of use, respectively the provision by the operator of the activity of discontinuance / restriction of the technical parameters / resume of gas supply in accordance with the legal provisions in force;
  - i) to file a complaint to his own supplier on the activity of supply of natural gas carried out by it at the place of use, and to benefit from a high standard of handling the complaints under the framework procedure approved by ANRE; if the end user is not satisfied with the outcome of the complaint, or if a possible dispute is not settled amicably, it has the opportunity to address the ANRE, to use other court procedures for handling complaints / disputes, as well as to address the competent court;
  - j) to receive the penalties / compensation borne by the supplier / operator for failure to comply with the minimum quality levels, in accordance with the provisions of the performance standards approved by ANRE;

k) to cancel the contract for supply of natural gas, observing the contractual conditions / terms, and to change the actual supplier, not later than 21 calendar days from the date of the request, according to the specific procedure approved by ANRE;

l) to receive the final closure from the supplier, not later than 42 calendar days from the date of changing the supplier or the date of termination of the contract for gas supply;

m) to require the supplier data on the consumption history for their own place / places of use, for a period up to 24 months preceding the request or for the period since the conclusion of the contract for supply of natural gas, if the latter is smaller ; the request of the end user must include its identification data, CLC / address of the place of use, the period for which information is sought, the option to use / not use the framework format for the data provided in the annex to this regulation, and the method chosen by the customer for transmitting the required data;

n) to require the supplier information on the bills issued in the last 24 months or for the period since the conclusion of the contract for the supply of natural gas, if the latter is smaller;

o) any other rights provided by the [Law of electricity and natural gas no. 123/2012](#), as amended and supplemented by this Regulation, by the concluded contracts, or by other regulations applicable.

(2) The end user of natural gas doesn't have the right:

a) to sell the contracted natural gas;

b) to return to the natural gas supply on a regulated basis in the event that it has exercised the eligibility right.

#### ARTICLE 61

The end user of natural gas has mainly the following obligations:

a) to notify the supplier about any change in the identification data provided in the contract for the supply of natural gas, within 30 calendar days of the change;

b) to pay the entire bill due representing the consumption of natural gas, under the terms and conditions stipulated in the contract for the supply of natural gas;

c) to pay the entire bill due representing the consumption of natural gas supplied under a last resort basis, in accordance with the regulations approved by ANRE;

d) to pay the interest penalty, as appropriate, required by the provider for the delay in payment of the bill representing the consumption of natural gas, under the terms and conditions stipulated in the contract for the supply of natural gas;

e) to pay the supplier the tariff charged by the operator for performing the activity of resuming the supply at the place of use and to provide a financial guarantee, if applicable, in order to resume the gas supply that was discontinued / restricted for not paying the bill representing the natural gas consumption in the time provided in the contract for the supply of natural gas and, where applicable, the related interest penalty for delayed payment;

f) to allow the access of the representative of the operator in order to provide the activity of discontinuance / restriction of technical parameters / resume of gas supply to the place of use, in accordance with the laws in force, or to mount, dismount, seal, maintain, verify, replace or read the index of the metering equipment, and to maintain, verify and rectify the faults occurred at installations operated by the operator when they are located on the property of the end user. The timeframe set by the operator for performing the activity shall be communicated to the end user in order to grant access. The representative of the operator is required to present the end user the work identification card and to communicate the reason for requesting access to the property of the end user;

g) do not damage the metering equipment, and the metrological seals and those of the operator, as well as all other installations operated by the operator, located on his property;

h) to refer immediately to the phone number provided by the operator, any deficiencies that are found in the functioning of the metering equipment and the installations that are operated by the operator, located on his property, in order to verify and address it, in order to ensure the safety parameters for the supply of natural gas;

i) to pay for the replacement services and metrological verification of the metering equipment, if these services were performed due to the fault of the end user or as a result of complaints made by the customer which proved to be unfounded;

j) to pay for the natural gas consumption recalculated for a previous period, when there is a malfunction of the metering equipment, in accordance with applicable law relating to natural gas metering;

k) to constitute in favor of the supplier, at its request, a financial guarantee for a period of use equivalent to up to one year, in case of finding, according to the legal provisions in force, of actions meant to distort in any way the indications of the metering equipment, or steal natural gas through bypassing the metering equipment;

l) to maintain and operate the industrial / non-industrial installation of use of natural gas, in accordance with the specific technical regulations approved by ANRE; modification of the installation of use shall be made only by undertakers authorized by ANRE;

m) to ensure carrying out the verifications and technical revisions of the installation for the use of natural gas, in accordance with the specific procedure approved by ANRE;

n) to ensure that troubleshooting of the operation of the installation for use only by undertakers authorized by ANRE according to the specific technical regulations approved by ANRE;

o) to use only appliances burning gaseous fuels that meet the requirements of the legislation in force, and to carry out the verification and repair, through undertakers authorized by the competent bodies, in accordance with the regulations in force;

p) to take financial responsibility for payment of the imbalances that it generates on the natural gas market, in accordance with regulations approved by ANRE;

q) any other obligations provided by the [Law of electricity and natural gas no. 123/2012](#), as amended and supplemented by this Regulation, by the contracts concluded or by other applicable regulations.

#### SECTION 3

Single point of contact

#### ARTICLE 62

(1) The supplier is bound to provide end users a single point of contact to obtain information on their rights and obligations, current legislation and the means of dispute resolution, in case of applications, complaints, petitions, notifications or appeals, including for taking / solving / redirect them to other entities responsible for their requests.

(2) The suppliers shall provide information to end users for free and in a non-discriminatory manner.

ARTICLE 63

(1) The single point of contact is the central point of information that coordinates regional / local information points, as appropriate, forming a network that provides unified information, which can be accessed through the following communication channels, destined for customer relations:

- a) by telephone, on a toll free number, or normal tariff number, available at least 8 hours on weekdays, able to record the number of calls and waiting times;
- b) by fax to a fax number to contact the supplier;
- c) by e-mail to an e-mail address to contact the supplier;
- d) through its own website through the online form to contact the supplier;
- e) by post.

(2) The regional / local information points must have specialized personnel and an adequate facility so that informing the end users is easily accessible, in accordance with the legal provisions in force.

(3) The supplier is bound to provide the end user, at the end of the contract for supply of natural gas, the contact details of the single contact point and the regional / local information point closest to that place of use.

ANNEX  
To the regulation

Framework format for presenting the data  
on the history of natural gas consumption

\*T\*

Crt. no.	Field name
1	Supplier
2	End user
3	Place of use address
4	Place of use code (CLC)
5	Meter series
6	Billing period _From
7	Billing period _Until
8	Regulation period _ From *)
9	Regulation period _Until *)
10	Old index
11	Way of determining the old index
12	New index
13	Way of determining the new index
14	Amount for the billing period (mc)
15	Gross calorific value
16	Billed consumption (MWh/KWh)

\*ST\*

NOTE:

\*) To be filled where the read interval of the operator of the index of the metering equipment is greater than the billing period.

Signature  
Supplier,  
(by proxy)

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