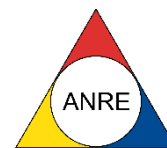


# PROSUMER'S GUIDE WHICH SELLS ELECTRICITY AT REGULATED PRICE



**ROMANIAN ENERGY REGULATORY AUTHORITY**

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# 1. The status of prosumer and how to certify this quality

The prosumers, as defined by Law no. 220/2008 are the electricity consumers (Law no. 123/2012 puts the equal sign between consumers and final customers in Article 3 (13) of the aforementioned Law) physical or legal persons which are simultaneously fulfilling, the following conditions:

- they own<sup>1</sup> electricity generation installations or plants for the production of electricity and heat in cogeneration<sup>2</sup>
- in the case of legal persons, their specific activity is not the production of electricity, respectively, there must be no CAEN code related to the electricity generation as it is defined in the main activity, and the authorized physical persons do not have to carry out activities related to the electricity generation. In the case of physical persons it is indicated that the installed power of the existing producing capacity or that which is going to be installed, will not exceed the power approved for the consumption on the connection approval, because there is a risk of being considered as having an economic activity and it is getting access to a state aid.
- they consume, store and sell electricity generated from renewable energy sources produced in their buildings, including a block of flats, a residential area, a shared service facility, commercial or industrial or in the same closed distribution system, provided that, in the case of autonomous non-household consumers of renewable energy sources, these activities do not constitute their primary commercial or professional activity (Article 2, paragraph x1 of Law no. 220/2008).



1 – in essence, any legally entitled consumer which owns with any title (eg purchase contract, inheritance certificate, donation agreement, rental agreement, commodity contract, leasing contract, etc.), the power plant may become prosumer

2 - an installation for the production of electricity and heat in cogeneration is that installation in which electricity and heat are simultaneously generated, and heat is used for heating the living quarters, such as domestic hot water or, for the legal entities, in technological processes

# The certification of the quality of prosumer

The prosumer which owns a unit of production of electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point shall address to the distribution operator, of whose grid it is connected to, for the certification of the quality of prosumer (Article 2 paragraph (1) of ANRE Order no. 226/2018).

The distribution operator issues the connection certificate for the consumption and production point, respectively, filled in under the heading "Other terms/conditions", with the quality of prosumer (Article 2 paragraph (6) of ANRE Order no. 226/2018).

The certification of the quality of prosumer is necessary *in view of the following*:

- *the inventory of such electricity generation installations must be known by the distributor in order to ensure an efficient management of the electricity grid;*
- *the amount of electricity from renewable energy sources produced in installations owned by prosumers, it is included in the share of renewable electricity produced by Romania and it must be measured and accounted in this regard;*
- *based on the connection certificate completed with the quality of prosumer, the contract for sales of electricity may be concluded so that the prosumer can sell the electricity.*

- ***Note: Do not fall under the category of prosumers, the consumers which have electricity generation installations from renewable energy sources where the connection point for the supply of the electricity produced and delivered into the grid is different from the connection point for the consumption of electricity from the grid are not considered as prosumers due to non-compliance with the definition provided by the Law no. 220/2008.***

## 2. What are the facilities which benefit the prosumers?

The prosumers owning installations for the production of electricity from renewable energy sources<sup>3</sup> with an installed capacity up to 27 kW on the consumption point can benefit from the following facilities:

- The prosumers can sell the electricity produced and delivered into the electricity grid, to the electricity suppliers with whom they have concluded electricity supply contracts, after certifying<sup>4</sup> the quality of the prosumer. (Article 14 (6) of Law no. 220/2008). The electricity trading activity for the prosumers which are physical persons it is possible without the registration and authorization of their operation (Article 14 (63) of Law no. 220/2008);
- The electricity suppliers are obliged, upon prosumer's request, with whom they have concluded electricity supply contracts, to purchase the electricity produced and delivered into the electricity grid. For this purpose, the supplier is obliged to submit to the prosumer, within 10 days of the request, a sell-purchase contract of the electricity, according to the frame contract approved by ANRE's President Order no. 227 / 2018;
- The prosumers which own production units of electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point benefit the financial regulation service from the electricity supplier with whom they have concluded electricity supply contracts. This service means a settlement between the value of delivered electricity and the value of electricity consumed from the grid;
- The prosumers which are physical persons are exempted from the annual and quarterly green certificates purchase obligation for the electricity produced and used for their own final consumption, other than the technological consumption of the power plant (Article 14 (66) of Law no. 220/2008);
- The prosumers which are physical persons are exempted/free from all tax liabilities related to the amount of electricity produced and used for self-consumption or sold to the suppliers (Article 14 (67) of Law no. 220/2008);

<sup>3</sup> - renewable sources of energy are non-fossil energy sources, namely: wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydraulic energy, biomass, waste gas, also called storage gas, and sludge fermentation wastewater treatment and biogas

<sup>4</sup> - the way of certification of the prosumers in order to benefit from the possibility to sell the produced electricity was established by ANRE regulations

### 3. The price received for the produced electricity

The price for the electricity produced from the E-SRE supplied to the electricity grid by the prosumers is equal to:

#### The negotiated price

- The negotiated price for the electricity produced from renewable energy sources by public authorities prosumers which own production units of electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point, the capacities being partially or totally financed, from structural funds, in projects that are not "income-generating" within the meaning of Art. 55 of the Regulation (EC) No. 1083/2006 of the Council, of 11 July 2006, laying down the general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) no. 1260/1990.

#### The weighted average price recorded in DAM

- The weighted average price<sup>5</sup> recorded in the Day-Ahead Market (DAM) in the previous year. (Article 14 (62) of Law 220/2008). This price is published by the Operator of the Electricity and Natural Gas Market OPCOM S.A on its own website on the first working day of January, of each year (Article 3(3) of ANRE's President Order 226/2018), in the case of electricity produced from E-RES supplied to the electricity grid by prosumers which own production units of electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point;

<sup>5</sup> - the weighted average price in DAM for 2018 is 223.24 lei / MWh. The information is available in the Annual Report Synthesis regarding the results of the Centralized Markets Operated by OPCOM for 2018, available on the OPCOM website.

## 4. How should proceed the prosumers, in order to sell the electricity?

How should proceed the prosumers which own electricity generating units from renewable energy sources with an installed power of up to 27 kW per consumption point, in order to sell the electricity produced and delivered to the electricity grid?



The prosumer certified in this respect, sells the electricity produced strictly to the electricity supplier with whom he has already concluded a supply contract for the electricity he consume from the electricity grid.

In the case of a new consumption point and/or of production, the sell - purchase contract for the electricity produced by the prosumer, certified in this respect, may be signed on the same date as the electricity supply contract is signed.

In order to be able to sell the electricity produced and delivered into the electricity grid, it is necessary that the prosumer, based on the connection certificate completed with the quality of prosumer, to conclude a sale-purchase contract of the produced electricity with the electricity power supplier with whom, as final consumer has concluded/concludes a contract for the supply of electricity (for the electricity consumed from the electricity grid) (Article 3 paragraph (1) of ANRE's President Order No. 226/2018).

The frame contract for sale - purchase of the electricity produced in renewable power plants with an installed capacity up to 27 kW per consumption point and delivered to the electricity grid owned by prosumers is approved by ANRE Order (Order of ANRE's President No. 227/2018).

The sale-purchase contract may have a validity period at most equal to the lifetime of the electricity supply contract.

The electricity suppliers which have the obligation to purchase the electricity produced in electric units belonging to the prosumers and delivered into the electricity grid from the date of entry into force of the contract for sale-purchase of electricity (Article 3 (3) of ANRE's President Order No. 226/2018), (Article 14 (62) of Law no. 220/2008).

# 5. What happens when changing the electricity supplier?

In order to change the electricity supplier, the final customer is obliged to notify the electricity supplier about the termination of the supply contract at least 21 days before, in compliance with the contractual conditions.

- Once with the termination of the electricity supply contract concluded by the prosumer, as final customer, with the electricity supplier, the sale-purchase contract of the electricity produced by the prosumer, cease as well.
- Changing the electricity supplier by the final customer it is done in compliance with the provisions of the Electricity Supplier Switching Procedure (Order of ANRE's President No. 105/2014). The prosumer has the possibility to conclude a new electricity sell-purchase contract with a new electricity supplier, once the electricity supply contract is concluded or after that date, with the mention that the sale-purchase contract may have a validity period at most equal with the duration of the electricity supply contract.



## 6. Termination of the sale-purchase contract for electricity

When does cease the sale-purchase contract for electricity produced by the prosumer concluded with the electricity supplier?

The sale-purchase contract for electricity produced by the prosumer concluded with the electricity supplier ceases in any of the following situations:

Upon expiration of its period of validity;

Upon termination of the electricity supply contract concluded by the prosumer as final customer with the electricity supplier;

Through mutual agreement of the parties;

Through unilateral denunciation by the prosumer, with a written notification to the supplier with at least 21 days in advance, in compliance with the contractual terms;

In case of dissolution, liquidation, bankruptcy, withdrawal of the license of one of the contracting parties.

## 7. How the electricity sold and consumed is billed ?



In the sale - purchase contract are set the monthly quantities of electricity produced in the power plant belonging to the prosumer estimated to be delivered to the electricity grid. The electricity bill includes the actual quantity delivered in the respective contractual month.

Invoicing the electricity consumed from the grid, as a final customer and of the electricity supplied to the grid, as a prosumer, it is done monthly (calendar month).

In the electricity bill, the prosumers which hold units for producing electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point, benefit from the electricity suppliers with whom they have concluded contracts for the supply of electricity of regularization service (the algebraic amount) between the amount of electricity supplied by the prosumer into the grid (with the minus sign) and the value of the electricity consumed from the grid (with the plus sign) (Article 5 paragraph (1) of ANRE's President Order no. 226/2018).

The value of the delivered electricity it is separately highlighted in the electricity bills with the minus sign and it is calculated as the product of the electricity produced and supplied by the prosumer in the electricity grid and the weighted average price recorded in the Day-Ahead Market in the previous year. (Article 5 paragraph (2) of ANRE's President Order 226/2018).

# Invoicing the sold and consumed electricity

## Example: A possible extract from the invoice of a future prosumer (physical person):

Electricity delivered to the grid as a result of reading the meter (meter indexes): 180 kWh

Electricity consumed in the grid resulting from reading the same meter at the same dates: 380 kWh

The following distinct positions should appear on the invoice, at least:

1. The value of the energy delivered into the grid (the price is for electricity produced and supplied into the grid in 2019):

- 0,2232 lei/kWh	180 kWh	-40,18 lei
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2. The value of VAT (only for legal persons) -7,63 lei

3. The value of the consumed energy (the price is for illustration only)

0,5143 lei/kWh	380 kWh	195,43 lei
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4. The value of VAT (only for legal persons) 37,13 lei

**Subtotal (-rd1 – rd. 2 + rd. 3 + rd. 4): 184,75 lei**

The regularization is based on the values measured by the meter for measuring the electricity delivered in the electrical grids/consumed from the electrical grids and, where appropriate, the electricity measuring meters located in the prosumer's installations (Article 5 of ANRE's President Order No. 226/2018).

If the total amount of bill payment is negative (the amount of electricity produced and delivered into the electricity grid is higher than the amount of electricity consumed from the electricity grid), then the electricity supplier proceeds as follows:

- reports<sup>6</sup> the amount, if it is at most 100 lei until the next electricity bill is issued;
- pays the prosumer the entire amount, if it is higher than 100 lei, within 15 days from the date of issue of the invoice;

In the case of the prosumer which is legal person, the way of returning these amounts may be agreed with the supplier also in a different way than it is indicated at point b) of the previous paragraph (Article 5 paragraph (6) of the ANRE's President Order 226/2018).

6 - the report in this case means the transfer of the amount resulting from the regularization process in the next invoice to be issued to the client, if this amount is less than 100 lei.

## 8. Do the prosumers which own electricity generation renewable sources units with ANRE credentials benefit from green certificates?

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The prosumers which owns units of production of electricity from renewable energy sources with an installed capacity up to 27 kW per consumption point, accredited to benefit from the Green Certificate Promotion System may opt for the sale of the electricity produced in the respective plants at the legally established price.

During the period of validity of the electricity sale-purchase contract, the accreditation of the power plant for the application of the Green Certificates Promotion System is suspended (Article 7 paragraph (1) of the ANRE's President Order No. 226/2018).

If the prosumer requests the termination of the sale-purchase contract for the produced energy concluded with the supplier, ANRE may issue a decision to terminate the suspension, which shall enter into force on the date set by ANRE in its content. Thus, after the termination of the suspension the prosumer continues to benefit from the Green Certificate Promotion System (Article 16 paragraph (4) of the Regulation approved by ANRE's President Order No. 179/2018).

The prosumers are not entitled to receive green certificates for the electricity produced and delivered into the electricity grid and/or to the consumers during the accreditation suspension period for the application of the Green Certificates Promotion System of power plants (Article 16 (6) of the Regulation approved by ANRE's President Order No. 179/2018).

## 9. How to connect a prosumer to the public electricity utility grid?

How to connect to the public utility grid a prosumer which owns electricity generation units from renewable energy sources with an installed capacity up to 27 kW per consumption point?



In order to be able to sell the produced electricity surplus, the connection system of the power plant belonging to the prosumer must allow, both the own power supply from the electricity grid and the supply of the produced electricity into the electricity grid through the same connection to the grid.

The measurement of the electricity is done either with smart meters or with meters that allow at least the remote reading, integrable into intelligent metering systems, in compliance with the provisions of the Electricity Measurement Code in force, so as to ensure the establishment, based on the measured values, of the electricity that has been delivered into the distribution operator's electricity grid, from the energy produced in the power plant from renewable energy sources (Article 19 of the Technical Standard approved by ANRE's President Order No. 228/2018).

In the case where the prosumer owns a unit of production of electricity from renewable energy sources which has also included energy storage systems, will be mounted additionally, as the case may be, at least one meter on the storage system (intelligent or with remote reading), in order to accurately measure the energy from renewable sources delivered into the grid (Article 20 of the Technical Norm approved by ANRE's President Order No. 228/2018).

The consumers connected to the power distribution grid which want to install their own power plants to produce electricity from renewable energy sources may make investments from their own funds or, in the case of photovoltaic power plants, may submit the necessary documentation to access the financing through the "*Program for installing the photovoltaic panels for electricity production, in order to cover the consumption need and the surplus delivery into the national grid*" (AFM Program) issued by the Environmental Fund Administration.

## The costs of purchase, installation, sealing the meters for measuring electricity

The costs of purchasing, installing, sealing the meters for measuring electricity, including the communication system associated with these meters, are supported as follows:

- for the meter mounted at the delimitation point - by the distribution operator to whose network the electrical installation is connected (Regulation approved by ANRE's President Order no. 59/2013);
- for the meter of measuring the electricity produced by the power plant - by the prosumer, in the case of legal persons (Order of ANRE's President No. 226/2018, art.1, paragraph (4), letter a) for physical persons, see below;
- for the other meters for measuring electricity necessary for the determination of the electricity benefiting from the price stipulated by the law, if the power plant's electrical system contains a storage system for electricity produced from renewable sources that can be supplied with electricity, from the electricity grid – by the prosumer (ANRE's President Order No. 226/2018, art.1, paragraph (4), letter b), (ii));
- for the meter of measuring the electricity produced by the power plant - by the Environmental Fund Administration - for physical persons accessing the AFM Program, with the exception of the costs involved by its sealing that are borne by the applicant (ANRE's President Order no 226/2018, Art. .1, alin (4), letter b), (i));
- for the meter of measuring the electricity produced by the power plant, in the case of physical persons not accessing the AFM Program - by the distribution system operator to which grid the power plant is connected (ANRE's President Order No. 226/2018, Art.1, paragraph 4 ), (c), (ii)).
- in the case of the physical persons which do not access the AFM Program, it is not necessary to install the meter for measuring the electricity produced from renewable sources under the following situations (ANRE's President Order No. 226/2018, art.1, paragraph 5, letter a) (b):
  - the electrical scheme of the power plant does not contain a power storage system;
  - the electrical power scheme of the power plant referred to in paragraph (1) contains a storage system for electricity produced from renewable sources which can not be supplied with electricity from the electrical grid.



## 10. The simplified scheme of steps to be followed by the user to become a prosumer – for new users

### A. New users situation<sup>7</sup>

- a) the preliminary documentation and information stage. The user may require, through a request addressed to the grid operator, information related to the conditions and possibilities of connecting to the grid of a place of consumption and/or production, providing its characteristic data. The grid operator is obliged to transmit the general information specified in art. 10 paragraph (2) of the ANRE's President Order no. 59/2013, as amended and completed;
- b) submission of the connection request and of the related documentation for obtaining the technical connection approval. The request for connection shall include at least the information specified in art. 13 of the ANRE's President Order no. 59/2013, as subsequently amended and completed, and the documentation attached to the connection request includes, according to the user category, the documents specified in art. 14 paragraph (1) of ANRE's President Order no. 59/2013, as amended and completed;
- c) the grid operator establishes the connection to the grid solution and issues the technical connection approval, as a connection offer;
- d) the conclusion of the connection contract between the grid operator and the user;
- e) the grid operator performs, under the terms and conditions set out in the connection contract, the works on connection to the electricity grid and the commissioning of the connection system:
  - designing the connection system;
  - obtaining the building permit for the connection facility;
  - construction and commissioning of the connection system;
  - carrying out the required reinforcement work in upstream installations, where appropriate;
  - powering the installation for the use of samples, if the case;
  - verification of compliance with the requirements of the secondary legislation on the status of the prosumer.

<sup>7</sup> - for the prosumers requiring non-active power injection in public electricity utility grids, the technical way of achieving this mode of operation shall be established with the grid operator, being specified in the connection certificate the quality of prosumer without a grid injection. In this case it is not necessary to fulfill the steps specified in points (h), (i) and (j)

## 10. The simplified scheme of steps to be followed by the user to become a prosumer – for new users

- f) the issuance by the grid operator of the connection certificate of the place of consumption and production, with the indication that the quality of the consumer is certified;
- g) powering the installation for the use of samples (Article 9 of the Regulation approved by ANRE's President Order No. 59/2013);
- h) the request to the electricity supplier with which the prosumer has concluded the contract for the supply of electricity, of selling the electricity produced having the (certified) quality of prosumer;
- i) the transmission by the electricity supplier of the sale-purchase draft contract, issued under the frame contract approved by the ANRE's President Order no. 227/2018, signed, within 10 days from the request (art.4 paragraph (1) of the Order no 227/2018 of the President of the ANRE);
- j) the conclusion of the sale-purchase contract between the prosumer and the electricity supplier (the prosumer has the obligation to return the signed purchase agreement to the supplier within 10 days of receipt, or to communicate in writing within the same term the cases for which he/she does not sign/return the contract - art.4 paragraph (2) ) of ANRE's President Order No. 227/2018).



## 10. The simplified scheme of steps to be followed by the user to become a prosumer – for existing users

### B. In the case of existing users

1. In the case of existing users, owners of installations for the production of electricity, including cogeneration, with an installed capacity up to 27 kW on the consumption point connected to the grid<sup>8</sup>:
  - a) the submission of the application and of the related documentation for updating the technical connection approval/the certificate of connection, as the case may be, including the certification of the quality of prosumer, to the distribution system operator to which the place of consumption point and/or production is connected;
  - b) the distribution operator verifies the fulfillment of the requirements of the secondary legislation on the prosumer status;
  - c) the issuance by the distribution operator of the certificate of connection of the consumption point and/or production, with the indication that the quality of the prosumer is certified;
  - d) the request to the electricity supplier with which the prosumer has concluded the contract for the supply of electricity, for selling the electricity produced in the (certified) quality of prosumer;
  - e) the transmission by the electricity supplier of the draft sale-purchase contract;
  - f) the conclusion of the sale-purchase contract between the prosumer and the electricity supplier.
2. In the case of existing users, which are to connect plants for the production of electricity to the installation of the use of the consumption point, with discharge into the grid of the operator's grid of the surplus of the electricity produced (under certain regimes of user operating)<sup>9</sup> :
  - a) the preliminary stage for documentation and information. The user may require, through a request addressed to the grid operator, information on the conditions and possibilities of performing the connection to the grid of a consumption point and/or production, showing the characteristic data of the grid is obliged to transmit the general information specified in art. 10 paragraph (2) of the ANRE's President Order no. 59/2013, as amended and completed;

<sup>8</sup> - for prosumers operating without active power injection in public electricity grids, the network operator specifies in the certificate of connection the quality of the prosumer without injection into the grid. In this case, it is not necessary to fulfill the steps specified in points (e) and (f).

<sup>9</sup> -for the prosumers requiring non-active power injection in public electricity utility grids, the technical way of achieving this mode of operation shall be established with the grid operator, specifying in the connection certificate the quality of prosumer without network injection. In this case, it is not necessary to fulfill the steps specified in points e), f) and g).

## 10. The simplified scheme of steps to be followed by the user to become a prosumer – for existing users

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b) the submission of the application and of the related documentation for updating the technical connection approval or for updating the connection certificate, as the case may be, including for the certification of the quality of prosumer, to the grid's distribution system operator to which the consumer and the electricity generating installations are connected;

c) the grid operator performs under the terms and conditions set out in the connection contract the works on connection to the electricity grid and commissioning the connection system:

- the design of the connection system, if the case;
- obtaining the building permit for the connection system, if the case;
- the construction and commissioning of the connection system, if the case;
- performing the required curing work in upstream installations from the connection point, if the case;
- powering the installation for the use of samples, if the case;
- verifying the compliance with the requirements of the secondary legislation on the status of the prosumer.

d) the release by the distribution operator of the certificate of connection of the consumption point and/or production, as the case may be, with the indication that the quality of the prosumer is certified;

e) the request addressed to the electricity supplier with which the prosumer has concluded the contract for the supply of electricity, commercialization of the electricity produced in the (certified) quality of prosumer;

f) the transmission by the electricity supplier of the sale-purchase draft contract;

g) the conclusion of the sale-purchase contract between the prosumer and the electricity supplier.

# 11. Specific applicable law



- (1) Law no. 220/2008 establishing the system for the promotion of energy production from renewable energy sources, republished, as subsequently amended and completed;
- (2) Order of ANRE's President no. 226/2018 approving the rules for commercialization of electricity produced in power plants from renewable sources with an installed capacity up to 27 kW belonging to prosumers;
- (3) Order of ANRE's President no. 227/2018 approving the sale -purchase framework contract for electricity produced by prosumers which own power plants producing electricity from renewable sources with installed capacity up to 27 kW on the consumption point and for modifying certain regulations in the electricity sector;
- (4) Order of ANRE's President no. 179/2018 approving the Regulation for amending, suspending, discontinuing and withdrawing the accreditation granted to the electricity generating plants from renewable energy sources, as well as establishing the rights and obligations of the accredited electricity producers;
- (5) Order of ANRE's President no. 228/2018 approving the technical Norm "Technical conditions for connection to the public electricity grids for the prosumers with an active power injection into the grid";
- (6) Order of ANRE's President no. 59/2013 approving the Regulation regarding the connection of the users to the public electricity grids, with the subsequent modifications and completions;
- (7) Order of the President of AFM no. 1.287/2018 approving the Financing Guide of the Program for the installation of photovoltaic panels systems for the production of electricity, in order to cover the consumption needs and the delivery of the surplus in the national grid (AFM Program).

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Periodically, the Guide will be reviewed and, in this respect, we ask the market participants to submit comments, observations, proposals to improve its content.