

OFFICIAL GAZETTE OF ROMANIA

Part I

LAWS, DECREES, DECISIONS AND OTHER ACTS

Friday, 2 August 2024

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ACTS OF SPECIALIZED BODIES OF THE CENTRAL PUBLIC ADMINISTRATION

MINISTRY OF TRANSPORT AND INFRASTRUCTURE

ORDER

approving the Regulations on individual approval, issuing identity cards and certifying the authenticity of road vehicles, as well as issuing the technical certificate for self-propelled machinery and slow vehicles – RNTR 7

Having regard to the Report of the Directorate for Road Transport No 4.613 of 7/02/2024, submitting for approval the Order of the Minister for Transport and Infrastructure for the approval of the Regulations on the individual approval, issuance of identity card and certification of authenticity of road vehicles – RNTR 7;

Pursuant to the provisions Article 17(4) of Government Ordinance No 78/2000 on the approval, issuance of the vehicle identity card and certification of the authenticity of road vehicles for placing on the market, making available on the market, registration or registration in Romania, as well as market surveillance for them, approved with amendments and additions by Law No 230/2003, as subsequently amended and supplemented, as well as to the provisions of Article 9(4) of Government Decision No 370/2021 on the organisation and functioning of the Ministry of Transport and Infrastructure, as subsequently amended and supplemented;

the Minister for Transport and Infrastructure issues the following order:

Article 1. - The Regulations on individual approval, issuing identity cards and certifying the authenticity of road vehicles, as well as issuing the technical certificate for self-propelled machinery and slow vehicles – RNTR 7, set out in the Annex^{*}), which forms an integral part of this Order, are hereby approved.

Article 2. - The Autonomous Administration Authority ‘Romanian Automotive Registry’ shall implement the provision of this Order.

Article 3. - On the date of entry into force of this Order, the Order of the Minister for Transport, Construction and Tourism No 2.132/2005 for the approval of the Regulations on the individual approval, issuance of identity card and certification of authenticity of road vehicles – RNTR 7, published in the Official Gazette of Romania, Part I, No 1.160 of 21 December 2005, as subsequently amended and supplemented, is repealed.

Article 4. - This Order shall be published in the Official Gazette of Romania, Part I.

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This Order was adopted in accordance with the notification procedure laid down in Government Decision No 1.016/2004 on measures for the organisation and exchange of information in the field of technical standards and regulations and rules on information society services between Romania and the Member States of the European Union, as well as with the European Commission, as amended and supplemented.

Minister for Transport and Infrastructure,
Ionuț-Cristian Săvoiu,
State Secretary

Bucharest, 22 July 2024.

No 2.386.

^{*} The Annex shall be published in the Official Gazette of Romania, Part I. No 758 bis, which can be acquired from the Centre for Public Relations at the address șos. Panduri nr. 1, bloc P33, parter, sectorul 5, Bucharest.

ACTS OF THE NATIONAL ENERGY REGULATORY AUTHORITY

NATIONAL ENERGY REGULATORY AUTHORITY

ORDER

approving the Methodology on the allocation of electricity grid capacity for the connection of electricity generation facilities and amending and supplementing certain orders of the President of the National Energy Regulatory Authority for the connection of users to the public interest electricity grid

Having regard to Article 3(18) and Article 25(2²) and (13) and Article 63 of Law No 123/2012 on electricity and natural gas, as amended, and Article 40 of the Regulation on the supply of electricity to final customers, approved by Order No 5/2023 of the President of the National Energy Regulatory Authority, as amended and supplemented,

pursuant to the provisions of Article 5(1)(c) and Article 9(1)(h) and (q) of Government Emergency Order No 33/2007 on the organisation and functioning of the National Energy Regulatory Authority, approved with amendments by Law No 160/2012, as amended and supplemented,

the President of the National Energy Regulatory Authority issues this Order.

Article 1 . The Methodology on the allocation of electricity grid capacity for the connection of electricity generation facilities, as set out in Annex 1 to this Order, is hereby approved.

Article 2 . The Regulation on the connection of users to public interest electricity grid, approved by Order No 59/2013 of the President of the National Energy Regulatory Authority, published in the Official Gazette of Romania, Part I, Nos 517 and 517 bis of 19 August 2013, as amended, is hereby amended and supplemented as follows:

1) In Article 13, a new point j¹) is inserted after point j), reading as follows:

'j¹) capacity allocation contract, for generation/demand facilities and generation facilities with installed power generation capacity equal to or greater than 5 MW;.'

2) Article 14(1)(g) shall be amended to read as follows:

'g) the title deed or any other document attesting the right to use the land, premises and/or building constituting the demand facility and/or generation facility for which connection is requested, in copy, valid until at least the end of the year required for the final commissioning of the user facility. In the case of premises not owned by the user, the owner's written consent is required for the construction of electrical installations and/or energy capacities;.'

3) In Article 26, paragraph 3 shall be amended to read as follows:

'3. For cases where the technical opinion for connection to the electricity grids is issued on the basis of a solution study, the deadline for sending it to the applicant shall be no more than 10 calendar days calculated either from the date of submission by the grid operator of the approved solution study in accordance with Article 18(4), where a single connection solution has been established by the study, or from the date of the user's written communication of the option for one of the solutions in accordance with Article 18(5). At the same time as the solution study, the grid operator shall inform the user of the amount of the financial guarantee which he is required to establish in favour of the grid operator under the

conditions laid down in Article 31(1), as the case may be, for the connection solution(s) provided for in the study.'

4) In Article 26, after paragraph 3, a new paragraph 3¹ is inserted, reading as follows:

'3¹. The issuance of the technical connection advice for generation/demand facilities and generation facilities with installed power generation capacity equal to or greater than 5 MW shall be subject to the fulfilment of all obligations relating to the payment of allocated capacity in accordance with the provisions of the capacity allocation contract.'

5) In Article 26, paragraph 5 shall be amended to read as follows:

'5. The transmission of the technical opinion for connection to the applicant shall be subject to payment by the applicant of the tariff for issuing or updating the technical opinion for connection and the provision of the financial guarantee in favour of the grid operator, in accordance with the conditions laid down in Article 31(1).'

6) In Article 28 paragraph 1, point I) is amended to read as follows:

'I) specific requirements and conditions for the provision of system services to the transport and system operator or distribution system operators;.'

7) Article 31 shall be amended to read as follows:

'Article 31. 1. For the purpose of issuing the technical opinion for connection to the public interest electricity grid of a generation/demand facility and new generation facility, including those fitted with storage facilities, or for the approval of a power gain, leading to a total approved discharge power of more than 1 MW at the respective generation/demand facility and generation facility, the grid operator shall, under the terms of this Regulation, require the user to provide financial guarantee in his favour.

2. Where a technical notice is issued for connection to the public interest electricity grid of a new demand facility or for the approval of a power gain resulting in a total approved power consumption of more than 1 MW at the demand facility concerned, the grid operator shall, under the terms of this Regulation, require the user to provide a financial guarantee in his

favour under the terms of this Regulation if works are needed to reinforce the electricity grid upstream of the connection point in order to create the technical conditions necessary for connection.

3. The amount of the guarantee referred to in paragraphs 1 and 2 shall be 5 % of the amount of the connection tariff.

4. Under the conditions laid down in paragraphs 1 and 2, the amount and form of the financial guarantee shall be entered in the technical opinion for connection and the connection agreement.

5. The user referred to in paragraph 1 shall be required to provide the financial guarantee before issuing the technical opinion for connection, and the user referred to in paragraph 2 shall be required to provide the financial guarantee within the time limit laid down in the connection agreement.

6. The grid operator shall enforce the financial guarantee provided by the user, in accordance with the terms of the connection agreement, in cases when the respective user fails to fulfil any of the following obligations under the connection agreement:

a) obligations relating to the conditions and time limits for payment of the connection tariff;

b) obligations relating to the establishment of the user installation and the handover to the grid operator of the user installation file;

c) obligations relating to compliance with the stages of development of the demand and/or generation facility and the evolution over time of approved power consumption and/or discharge;

d) if the building permit for the structure at the demand and/or generation facility to be connected to the electricity grid is not transmitted to the grid operator within the time limits laid down in the connection agreement.

7. In addition to the situations referred to in paragraph 6, the grid operator shall enforce the financial guarantee lodged by the user if the user does not request in writing to the grid operator the conclusion of the connection agreement, accompanied by the documentation referred to in Article 36, 30 calendar days before the expiry of the deadline referred to in Article 33(1)(b) or if the user does not sign the connection agreement proposed by the grid operator by the expiry of the period referred to in Article 33(1)(b).

8. The financial guarantee provided by the user shall be terminated/returned to the user on the occurrence of one of the following situations:

a) when the user installation is finally switched on, ensuring in the electricity grid upstream of the connection point all the technical conditions necessary for connection, unless the guarantee has been enforced in accordance with paragraph 6;

b) on termination of the connection agreement, with the exception of termination and/or in the situations referred to in paragraph 6.

9. The amounts received as a result of the enforcement of the financial guarantees constitute income from financial contributions of the grid

operator, which may be used only to finance or co-finance works to reinforce the public interest electricity grids necessary for the connection of users.

10. The reinforcement works financed in accordance with paragraph 9 must be included in the grid operator's investment plan, approved in advance by the competent authority.

8) In Article 33, paragraph 1, point (d) shall be amended to read as follows:

'c) upon termination of the connection agreement to which it is attached.'

9) In Article 33(1), a new point (h) is inserted after point (g), reading as follows:

'h) at the request of the holder.'

10) In article 33, a new paragraph 3 is inserted after paragraph 2, reading as follows:

'(3) in the situation referred to in paragraph 1 point (h):

a) the connection agreement, if concluded, shall automatically terminate on the date on which the technical opinion for connection ceases to be valid;

b) the financial guarantee provided by the user are enforced;

c) approved connection capacity becomes available for connection to other users.'

11) In Article 34, paragraph 1 shall be amended to read as follows:

'Article 34. 1. Upon receipt of the connection offer, expressed in the technical opinion for connection, the user may request in writing to the grid operator the conclusion of the connection agreement at least 30 calendar days before the end of the validity of the technical opinion for connection. The request will necessarily be signed by the user or the user's agent.'

12) In Article 36(1), point b) is repealed.

13) In article 36, two new paragraphs, 7 and 8, are introduced after paragraph 6, reading as follows:

'7. The time limits referred to in paragraphs 5 and 5¹ may be extended once for maximum 12 months, with the written consent of the grid operator and the information of the National Energy Regulatory Authority, provided that:

a) the user shall provide an additional financial guarantee in favour of the grid operator of 5 % of the amount of the connection tariff and shall submit it to the grid operator within maximum 5 working days from the date of receipt of its written consent;

b) the supporting documents submitted to the grid operator confirm that the reasons for the delay are beyond the user's control;

c) no later than 10 working days after the user has submitted the supporting documents, the grid operator is required to notify in writing the user of the consent or refusal of the extension;

d) if the grid operator fails to communicate its response in writing to the user in accordance with point (c), the time limits referred to in paragraphs 5 and 5¹ shall automatically be extended by a period equal to the delay in the communication of the response, but not more than 12 months.

8 . The additional financial guarantee provided by the user in accordance with paragraph 7 shall be enforced, i.e. shall be terminated/returned under the same conditions as those laid down for the financial guarantee lodged in accordance with Article 31.'

14) In Article 44, paragraph 2⁵ shall be amended to read as follows:

'2⁵. It is the responsibility of the grid operator to purchase the electricity measurement group or the measuring and protection unit and to install it.'

15) In Article 47(5), after point b), a new point c) is inserted, reading as follows:

'(c) of demand and/or generation facilities for which valid technical opinions for connection exist, issued prior to the one issued for the user installation for which the application for energisation has been submitted for the test period.'

16) In article 47, paragraphs 6-7³ shall be amended to read as follows:

'6. If the calculations restored by the grid operator in accordance with paragraph 5 show that the demand and/or generation facility may be energised without carrying out the reinforcement works provided for in the technical opinion for connection, the grid operator shall energize the user installation for the test period.

7. If, following the recalculations for the operating modes in accordance with paragraph 5, it results that the demand and/or generation facility cannot be energised because the technical conditions for the approved power consumption/discharge are not met, the grid operator shall remake the operating mode calculations taking into account only the provisions of paragraph 5 points a) and b).

7¹. In the event that the recalculations made by the grid operator in accordance with paragraph 7 show that the demand and/or generation facility may be energised without carrying out the reinforcement works provided for in the technical opinion for connection, the grid operator shall energize the user installation under the conditions of compliance with paragraph 7² for the duration of the tests.

7². If, following the energisation of the user installation in the situation referred to in paragraph 7¹, a user in the situation referred to in paragraph 5(c) shall request the energisation of its own use installation for the performance of tests and from the recalculations of the operating modes of the power grid it results that it is necessary to carry out certain reinforcement works in the category referred to in Article 42(1)(b), as provided for in the technical opinion for connection issued to the user in the situation referred to in paragraph 7¹, then the user installation of the latter shall be operated at a limited power or shall be disconnected, as appropriate, until such time as the reinforcement works are carried out.

7³. In the event that the recalculations carried out by the grid operator in accordance with paragraph 7 show that the demand and/or generation facility cannot be energised without the completion of the reinforcement works, the grid operator shall inform the user of the state of completion of the necessary

reinforcement works and the planned deadline for energising, within maximum 20 working days from the date of submission of the request for energisation, accompanied by the documents referred to in Article 48. In the situation referred to in paragraph 7², the grid operator shall inform the user already energised of the power that can be consumed and/or discharged until the required reinforcement works have been carried out, the stage and the planned deadline for their completion, within 20 working days from the date of submission of the request for energisation by the user whose use installation is in the situation referred to in paragraph 5(c), accompanied by the documents referred to in Article 48.'

17) In Article 47, after paragraph 7³, five new paragraphs are inserted, paragraphs 7⁴-7⁸, which read as follows:

'7⁴. In the situation referred to in paragraph 7³, the grid operator shall have the obligation to recalculate the value of the connection tariff component representing the user's share in the financing of the reinforcement of the electricity grid in order to create the technical conditions necessary for the connection of demand and generation facilities/generation facilities, taking into account only the reinforcement works resulting from the power discharge approved by the calculations carried out in accordance with paragraph 7 or 7², where applicable.

7⁵. The user shall be obliged to pay the grid operator the recalculated value referred to in paragraph 7⁴ or is entitled to receive from the grid operator the difference between the amounts paid up to the date of recalculation and the amount resulting from the recalculation referred to in paragraph 7⁴, where applicable, in accordance with the terms of the connection agreement.

7⁶. The recalculated value of the connection tariff component representing the user's share in the financing of the reinforcement works shall be regulated between the parties by means of addenda to the connection agreement, laying down the time limits and arrangements for the payment of differences by the user or for their return by the operator.

7⁷. Works to reinforce the electricity grid in order to create the technical conditions necessary for connection referred to in paragraph 7³ may not be additional to those provided for in the technical opinion for connection.

7⁸. The grid operator shall be required to complete the reinforcement works by the deadlines set in accordance with paragraph 7³, where applicable. If those deadlines are exceeded, the grid operator shall be required to pay the user a penalty of 0.01% per day of delay applied to the value of the reinforcement works until they are put into operation.'

18) In Article 55(1), letter j) is amended to read as follows:

'j) specific requirements and conditions for the provision of system services to the transmission system operator or distribution system operators;".

19) After Article 64, a new Article 64¹ is inserted,

which shall read as follows:

'Article 64¹. 1. After the conclusion of the contract for the supply of electricity for a demand/demand and generation facility with/without storage facilities, the user may, by means of a request to the grid operator, request certification of the status of active customer, specifying the activities he wishes to carry out in that capacity.

2. The request referred to in paragraph 1 shall be accompanied, where appropriate, by documents proving the technical capability of user installations to participate in flexibility or energy efficiency programmes.

3. For users who have applied for certification of active customer status in accordance with paragraph 1, the grid operator shall complete the section "Other specifications/conditions" of the connection certificate as certified active customer for participation in flexibility or energy efficiency programmes, i.e. an active customer certified for electricity generation, applicable to the person owning and operating the demand/demand and production facility, without specifying the identification data of that person.

4. The connection certificate in accordance with paragraph 3 shall be completed free of charge. The grid operator shall transmit to the user the completed connection certificate within maximum 5 working days from the date of submission of the application and, where applicable, of the complete documentation referred to in paragraph 2.'

20) Article 69 shall be repealed.**21) In article 70, a new paragraph 6 is inserted after paragraph 5, reading as follows:**

6. Grid operators are required to submit data relating to the connection process to the competent authority by the 25th of the current month for the previous month, in accordance with the template published on the website www.anre.ro. The competent authority shall regularly publish on its website a report drawn up on the basis of information communicated by grid operators.'

22) In Annex 1, the definition of financial guarantee is amended to read as follows:

'financial guarantee - amounts of money and/or financial instruments issued to the grid operator as beneficiary, intended to guarantee the obligations of the user; the financial guarantee shall be provided in one of the following forms: bank letter of guarantee, deposit with agreed maturity or direct payment to the grid operator.'

23) Annex 5 is amended and replaced by Annex 2, which forms an integral part of this Order.**24) Annex 6 is amended and replaced by Annex 3, which forms an integral part of this Order.**

Article 3 . Order No 74/2014 of the President of the National Energy Regulatory Authority approving the framework content of technical connection opinions, published in Official Gazette of Romania Part I No 603 of 13 August 2014, as amended and supplemented, is hereby amended as follows:

1) Annex 1 is amended as follows:**a) In point 2, letter d) is amended to read as follows:**

'd) works to be carried out to reinforce the electricity grid owned by the grid operator, upstream of the connection point, in order to create the technical conditions necessary for the connection of the user, broken down according to the following categories:

- i) reinforcement works due to the need to ensure the technical conditions for power consumption approved exclusively for the demand facility in question
- ii) reinforcement work to create the technical conditions necessary for connecting more than one demand/demand and generation facility;'

b) In point 8, paragraph 1 is amended to read as follows:

'8..... 1. In the situation referred to in Article 31 of the Regulation, the user shall provide a financial guarantee in favour of the grid operator in the amount ofRON, representing 5% of the value of the connection tariff, with the following form(s):

2. Annex 2 is amended as follows:**a) In point 3, letter d) is amended to read as follows:**

'd) works to be carried out to reinforce the electricity grid owned by the grid operator, upstream of the connection point, in order to create the technical conditions necessary for the connection of the user, broken down according to the following categories:

- i) reinforcement works due to the need to ensure the technical conditions for the discharge of power approved exclusively for the generation/demand and generation facility concerned;
- ii) reinforcement works to create the technical conditions necessary for connecting more than one generation/demand and generation facilities;'

b) In point 10, paragraphs 1 and 3 are amended to read as follows:

'10. 1. The financial guarantee provided by the user in favour of the grid operator, in accordance with Article 31 of the Regulation, is in the amount ofRON, representing 5% of the value of the connection tariff, and has the following form(s):

3. In addition to the situations referred to in paragraph 2, the grid operator shall enforce the financial guarantee provided by the user if the user does not request in writing to the grid operator the conclusion of the connection agreement, accompanied by the documentation referred to in Article 36 of the Regulation, 30 calendar days before the end of the validity of the technical connection opinion, if the user does not sign the connection agreement proposed by the grid operator by the end of the period of validity of the technical connection opinion or if the user requests the termination of the validity of the technical connection opinion.'

Article 4. - Order No 105/2022 of the President of the National Energy Regulatory Authority approving

framework contracts for connection to public interest electricity grids, published in Official Gazette of Romania Part I No 781 of 5 August 2022, as amended and supplemented, is hereby amended as follows:

1. Annex 1 is amended and supplemented as follows:

a) In point 6.1, letters c) and i) are amended to read as follows:

'c) original documents proving that the user has provided the financial guarantee to the operator, as provided for in the technical opinion for connection¹⁶⁾;

i) building permit for the structure at the demand and/or generation facility, including the user installation, which is obtained by the user, or, in the case of existing constructions, the deed of ownership or respectively the lease; the building permit for the structure at the demand and/or generation facility, including the user installation, shall be sent to the grid operator by the date of conclusion by the operator of the contract for the execution of the connection facility; in the case of a generation/demand and generation facility, the user shall submit to the grid operator the building permit for the structure, including the user installation, by the date of conclusion of the contract for the execution of the connection installation, but not more than 12 months from the date of conclusion of this contract and 18 months from the date of issuance of the technical opinion for connection; the time limits may be extended under the conditions laid down in the Regulation;.'

b) In point 9, letter n) is amended to read as follows:

'n) remaking the calculations of the operating modes, within 20 working days from the date of submission by the user of the application for energising the user installation for the test period, accompanied by the appropriate documentation required by the Regulation, provided that the user's request for the user installation to be energised for the test period was submitted prior to the completion of the general reinforcement works provided for in the technical opinion for connection; remaking the calculations for the operating modes shall be carried out in accordance with the provisions of the Regulation;.'

c) In point 10, a new letter d) is inserted after letter d¹⁾, which reads as follows:

'd¹⁾ maintenance of the financial guarantee provided to the operator in accordance with the provisions of the Regulation, throughout the duration of the connection agreement, until the installation is finally energised;.'

d) Point 13.6 is amended to read as follows:

'13.6. 1. The operator shall enforce the financial guarantee provided by the user in situations where the user fails to fulfil any of the obligations relating to¹⁶⁾:

a) the conditions and time limits for payment of the connection tariff referred to in point 11.1;

b) the establishment of the user installation and the delivery to the operator of the user installation file, in

accordance with point 10 letters e) and k);

c) compliance with the development stages of the demand and/or generation facility and the evolution over time of the power approved for consumption and/or discharge referred to in point 10 letter e) and, in the case of a generation/demand and generation facility, submission of the documents referred to in point 10 letter l);

d) if the building permit for the structure at the demand and/or generation facility to be connected to the electricity grid is not transmitted to the grid operator within the time limits laid down in the connection agreement.

2. In addition to the situations referred to in paragraph 1, the operator shall enforce the financial guarantee provided by the user if the user requests the termination of the validity of the technical opinion for connection.'

e) In point 13.7, letters a) and b) are amended to read as follows:

'a) when the user installation is finally energised, with all the technical conditions necessary for the connection being ensured in the electricity grid upstream of the connection point, unless the guarantee is enforced in accordance with point 13.6;

b) on termination of the connection agreement, with the exception of termination and/or in the situations referred to in point 13.6.'

f) In point 13.7, letter c) is repealed.

g) In point 17.1 (1), a new letter g) is inserted after letter f), reading as follows:

'g) if the user requests the termination of the validity of the technical opinion for connection.'

h) Footnote 5) is amended to read as follows:

¹⁵⁾ It shall be provided only in the event of connection of a new demand facility or approval of a power gain leading to a total approved power consumption of more than 1 MW at that the respective demand facility, if reinforcement works are required to create the technical conditions necessary for connection and provided that the obligation to provide the financial guarantee is specified in the technical opinion for connection. The amount of the percentage applied to the connection tariff for the calculation of the financial guarantee shall be equal to 5%.'

2) Annex 2 is amended and supplemented as follows:

a) In point 6.1, letters c) and j) are amended to read as follows:

'c) original documents proving that the user has provided the financial guarantee to the operator, as provided for in the technical opinion for connection¹⁴⁾;

j) building permit for the structure at the demand and/or generation facility, including the user installation or, in the case of existing buildings, the title deed or the lease agreement, in copy; the building permit for the structure at the demand and/or generation facility, including the user installation, shall be obtained by the user; the user shall be required to prove that he has obtained the building permit for the structure at the demand facility or the demand and generation facility

no later than 12 months after the date of signature of the connection agreement and 18 months from the date of issue of the technical opinion for connection; the time limits may be extended under the conditions laid down in the Regulation;‘.

b) In point 9, letter m) is amended to read as follows:

‘m) remaking the calculations of the operating modes, within 20 working days from the date of submission by the user of the application for energising the user installation for the test period, accompanied by the appropriate documentation required by the Regulation, provided that the user’s request for the user installation to be energised for the test period was submitted before the general reinforcement works provided for in the technical opinion for connection have been carried out; remaking the calculations for the operating modes shall be carried out in accordance with the provisions of the Regulation;’.

c) In point 10, a new letter d) is inserted after letter d¹), which reads as follows:

‘d¹) maintenance of the financial guarantee provided to the operator in accordance with the provisions of the Regulation, throughout the duration of the connection agreement, until the installation is finally energised¹⁴⁾.

d) Point 13.5 is amended to read as follows:

‘13.5. 1) The operator shall enforce the financial guarantee provided by the user in situations where the user fails to fulfil any of the obligations relating to¹⁴⁾:

a) the conditions and time limits for payment of the connection tariff referred to in point 11.1;

b) the establishment of the user installation and the delivery to the operator of the user installation file, in accordance with point 10 letters e) and m);

c) compliance with the development stages of the demand and/or generation facility and the evolution over time of the power approved for consumption and/or discharge referred to in point 10 letter e) and, in the case of a generation/demand and generation facility, submission of the documents referred to in point 10 letter o);

d) if the building permit for the structure at the demand and/or generation facility to be connected to the electricity grid is not transmitted to the grid operator within the time limits laid down in the connection agreement.

2) In addition to the situations referred to in paragraph 1, the operator shall enforce the financial guarantee provided by the user if the user requests the termination of the validity of the technical opinion for connection.’

e) Point 13.6 is amended to read as follows:

‘1 3.6) The financial guarantee provided by the user is terminated/returned to the user.¹⁴⁾

a) when the user installation is finally energised, ensuring in the electrical grid upstream of the connection point all the technical conditions necessary for connection, unless the guarantee is enforced in accordance with point 13.5;

b) on termination of the connection agreement, with the exception of termination and/or in the situations referred to in point 13.5.’

f) In point 17.1(1), a new letter g) is inserted after letter f), reading as follows:

‘g) if the user requests the termination of the validity of the technical opinion for connection.’

g) Footnote 4) is amended to read as follows:

¹⁴⁾ It shall be provided only in the event of connection of a new demand facility or approval of a power gain leading to a total approved power consumption of more than 1 MW at that the respective demand facility, if reinforcement works are required to create the technical conditions necessary for connection and provided that the obligation to provide the financial guarantee is specified in the technical opinion for connection. The amount of the percentage applied to the connection tariff for the calculation of the financial guarantee shall be equal to 5%.’

Article 5 . The provisions of Article 2(7) shall also apply to applications for connection of users for which no technical opinions for connection have been issued by the date of entry into force of this Order.

Article 6 . Economic operators in the electricity sector shall comply with the provisions of this Order and the organisational entities of the National Energy Regulatory Authority shall monitor compliance with the provisions of this Order.

Article 7. 1. This Order shall be published in the Official Gazette of Romania, Part I, and shall enter into force on the date of its publication.

2 . By way of exception to the provisions of paragraph 1, the methodology referred to in Article 1 shall apply from 1 January 2026.

3.From the date referred to in paragraph 2, when connecting generation/demand and generation facilities, with the installed capacity of power generating installations equal to or exceeding 5 MW, which do not have a valid technical opinion for connection on the date of application of the methodology, the provisions of Article 17(1) – (1⁷), Article 42(1)(b), Article 43(3)(e), (4¹), (4²), (5¹) – (5⁶) and Article 47(5) to (7⁸) of the Regulation on the connection of users to public interest electricity grids, approved by Order No 59/2013 of the President of the National Energy Regulatory Authority, as amended and supplemented by this Order, shall no longer apply.

4 . The grid operator shall be required to reimburse users for the costs incurred in issuing the technical opinion for connection and for carrying out the solution study, where applicable, if on the date referred to in paragraph 2, those users have submitted connection requests for which no technical opinions for connection have been issued.

President of the National Energy Regulatory Authority
George-Sergiu NICULESCU

Bucharest, 30 July 2024.
 No 53.

ANNEX No 1

Methodology on the allocation of electricity grid capacity for the connection of electricity generation sites

CHAPTER I
General provisions

Article 1. This methodology sets out the rules for the auctioning of electricity grid capacity for:

a) connection of new power-generating sites with installed power generation facilities equal to or exceeding 5 MW;

b) granting an exhaust power increment at an existing generation/consumption and generation site of additional electricity generation/storage facilities with installed capacity greater than or equal to 5 MW;

c) connection to an existing demand facility of power-generating/storage facilities with an installed capacity equal to or greater than 5 MW.

Article 2. 1. This methodology shall be applied in relations between the transmission system operator, distribution system operators and electricity system users requesting capacity allocation in order to connect electricity generation sites to the public interest grids.

2. Throughout this methodology, the term 'place of electricity generation' means, where applicable, 'place of consumption and generation with/without storage' and respectively 'individual storage facility'.

3. The places of electricity production referred to in paragraph 1 may be with/without storage facilities.

CHAPTER II
Definitions and abbreviations

Article 3. 1. The terms used in this methodology are those defined in the following legislative acts:

a) Law No 123/2012 on electricity and natural gas, with subsequent amendments and completions

b) Order No 59/2013 of the President of the National Energy Regulatory Authority approving the Regulation on the connection of users to public interest electricity grids, as amended.

2. For the purposes of this methodology, the following terms have the following meaning:

a) *allocation* – the process by which grid capacity is assigned to an auction participant in response to an allocation request;

b) *allocation application* – the request of an auction participant to be allocated an amount of available electricity grid capacity, expressed in MW, for a given year of the allocation period requested by the user for commissioning;

c) *auction* – the mechanism by which electricity grid capacity is allocated to auction participants for connection;

d) *additional work on the development of the electricity grid* – works necessary to create the

technical conditions necessary for connecting several generation/consumption and generation sites other than those provided for in grid operators' development plans financed by own funds and/or non-repayable funds;

e) *allocation period* – period of 10 years, starting from the second year following the year of the auction;

f) *tendered price* – the highest price that an auction participant is willing to pay for 1 MW of available grid capacity;

g) *auction start price* – price calculated as the ratio of the total estimated value of additional works of development of the electricity grid and total available grid capacity including additional works to develop electricity grids in one year of the allocation period, expressed in MW.

Article 4. The following abbreviations are used in this methodology:

a) *TSO* - transmission system operator;

b) *DSO* - distribution system operator;

c) *MT* - medium voltage,

d) *Year N* – the year in which the auctions take place for the allocation period;

e) *RET* - Romanian electricity transmission grid;

f) *RED* - Romanian electricity distribution grid;

g) *ANRE* - National Energy Regulatory Authority.

CHAPTER III
Conduct of the electricity grid capacity allocation process

SECTION 1

Determination of available grid capacity and registration of auction participants

Article 5. 1. The auctions shall be carried out with a view to allocating the available capacity in RET and RED at the voltage level of 110 kV and MT for the connection of power generating sites with installed power generation facilities equal to or exceeding 5 MW for which allocation requests have been submitted.

2. The auctions shall be carried out on the grid areas determined by the TSOs in accordance with the provisions of the Procedure for determining the capacity available on the electricity grids for the connection of new electricity generation facilities, approved by Order No 137/2021 of the President of the National Energy Regulatory Authority, as amended.

3. TSOs shall develop and operate the auction platform for the allocation of available electricity grid capacity and organise the work for the allocation of

capacity to the electricity grid in accordance with the provisions of this methodology.

4. Auctions shall be organised annually for the allocation period starting with the second year following the year of the auction.

Article 6. 1. The available capacity on the RET, which does not include additional power grid development works, shall be determined for each grid area.

2. The capacity available in RED, which does not include additional power grid development works, shall be determined separately for each DSO concession/activity area, for each grid area, at the level of 110 kV and at MT.

3. The mandatory criteria for calculating the available capacity referred to in paragraphs 1 and 2, as well as the rules on the publication of available capacity, are laid down in the Procedure for determining the capacity available in the electricity grids for connecting new electricity generation facilities, approved by Order No 137/2021 of the President of the National Energy Regulatory Authority, as amended, taking into account the following:

a) technical connection opinions and connection agreements concluded without reinforcement works;

b) contracts for the connection of production/consumption and production sites which provide for consolidation work carried out;

c) the places of consumption and production put into service.

4. All DSOs shall be required to provide TSOs, within the deadlines set out in the procedure laid down in paragraph 3, with the data and information relating to the 110 kV and MT RED, up to the MT bar of the substations, necessary for the TSO to fulfil the responsibility for determining the available capacity in the RED at the voltage level of 110 kV and MT.

Article 7. By 15 January of the year N, TSOs shall publish on their website the available electricity grid capacities established in accordance with Article 6(1) and (2), starting from Year N + 2, for each year of the allocation period and for each of the grid areas determined in accordance with Article 5(2).

Article 8. 1. in the period from 16 January to 28 or 29 February, as applicable, of Year N, electricity grid users shall apply for capacity allocation for a given year of the allocation period and a specific area to which the connection is sought.

2. Applications for capacity allocation shall be addressed to:

a) TSOs, for generating sites with installed capacities greater than 50 MW;

b) DSOs, for generating sites with installed power up to and including 50 MW.

3. The year requested for the allocation of capacity corresponds to the year of the commissioning of the facilities at the site of production.

Article 9. 1. The application for capacity allocation shall contain at least the following documents and information:

a) identification data of the place of production;

b) user identification data, i.e. name and address of the company's establishment, legal representative of the company, contact person(s), contact details, bank account with explicit indication of IBAN, bank, branch;

c) the date of energisation of the facilities at the site of production;

d) the total installed capacity of the on-site installations;

e) capacity requested for allocation for connection;

f) the grid area where allocation is requested;

g) the geographical area where the production site will be located, with coordinates in stereo 70;

h) the certificate issued by the Trade Register no later than 30 days before the date of submission of the application.

2. By signing the request referred to in paragraph 1 by the user, the user is responsible for the correctness of all the information provided and confirms that it has accepted and will comply with the provisions of this methodology.

3. The application for capacity allocation shall constitute an application for registration at the auction and the auction platform.

4. The TSO shall establish the framework format of the capacity allocation request and publish it on its website.

Article 10. 1. Within 5 working days of the date of submission of the request, grid operators shall verify the information and documents provided with the submitted application for allocation of capacity.

2. If the grid operator finds that the information and documentation submitted is incomplete with regard to the requirements laid down in Article 9, it shall notify the applicant in writing, within the time limit referred to in paragraph 1, of the need for completion, indicating the information to be completed and the documents to be attached, completed or restored, as appropriate, providing all the information necessary for this purpose, including the deadline for closing the application for capacity allocation in accordance with paragraph 5.

3. The documentation shall be considered complete after its restoration in accordance with paragraph 2.

4. Within 2 working days from the date of registration of the request for capacity allocation and the complete documentation, the grid operator shall confirm to the user, by e-mail, the auction registration and the fact that the necessary data will be uploaded to the capacity allocation platform.

5. If, within maximum 5 working days from the date of the request for completion of the documentation in accordance with paragraph 2, but no later than the deadline of the period referred to in Article 8(1), it has not been submitted by the user, the user's request for capacity allocation shall be closed.

Article 11. 1. Between 1 and 10 March of Year N, DSOs shall submit to the TSOs capacity allocation applications with full documentation submitted by users in accordance with Article 8(2)(b).

2. By 15 March, TSOs shall complete the list of requests for capacity allocation with full documentation received from DSOs in accordance with paragraph 1, including those submitted by users to TSOs, and upload to the capacity allocation platform, for each of the electricity grid areas determined in accordance with Article 5(2), the capacity requested for allocation by each user, expressed in MW, in each year of the allocation period corresponding to the year of the commissioning of the generating site.

Article 12. 1. During the period from 16 March to 15 June of the Year N, the TSO shall carry out a comprehensive solution study, determining the additional electricity grid development works necessary to ensure capacity in relation to the allocation requests referred to in Article 11(2), for each of the electricity grid areas and for each year of the allocation period.

2. The global solution study shall take into account all power plants for which technical connection opinions have been issued during the validity term, including the general reinforcement works on the associated power grid, carried out or to be carried out in accordance with the provisions of the technical connection opinions.

3. In the case of grid capacities created by general reinforcement works paid by a user put into operation, who is entitled to receive compensation in accordance with Article 43(3)(e) of the Regulation on the connection of users to public interest electricity grids, approved by Order No 59/2013 of the President of the National Energy Regulatory Authority, as subsequently amended and supplemented, the available capacity and the related value shall be taken into account when carrying out the global solution study. The compensation due shall be paid to the user by the TSO or DSO, as applicable, from the amounts resulting from the auctions.

4. For each of the additional power grid development works referred to in paragraph 1, the results of the global solution study shall show the total estimated value, duration and year of commissioning for each grid area and for each year of the allocation period.

5. The total estimated value of the additional development works excludes the economically efficient value of the works, determined in accordance with the provisions of the regulations in force, to be borne by the TSO and/or DSO, as applicable.

6. The TSO shall publish by 15 June of Year N, for each of the electricity grid areas and for each year of the allocation period:

a) the results of the global solution study referred to in paragraph 2;

b) the available grid capacity established in accordance with Article 6(1) and (2);

c) available grid capacity from additional development works with N and N-1 grid elements in operation on each grid area;

d) the capacity requested by users for allocation for connection, individually and in total;

e) the total estimated value of the additional development works per year of the allocation period and per grid area;

f) the starting price of the auction for each of the auction sessions;

g) dates of the auction sessions linked to the years of the allocation period, in chronological order.

SECTION 2

Organisation of invitations to tender and submission of tenders

Article 13. 1. As from 1 July of Year N, TSOs shall organise daily auction sessions taking place on successive working days, one on each working day, for the allocation of available grid capacity each year of the allocation period, in chronological order.

2. TSOs shall publish on their website, at least 2 working days before 1 July of Year N, the list of participants in the auction corresponding to users' requests for capacity allocation for each year of the allocation period, in chronological order.

3. Auctions shall take place for each year of the allocation period.

4. The starting price of the tender shall be determined by reporting the total estimated value of the additional development works, established in accordance with Article 12(4), expressed in RON excluding VAT, to the total available capacity of the electricity grids including additional development works, expressed in MW.

5. Users who have received confirmation from the grid operator of the registration of the request for capacity allocation in accordance with Article 10(4) shall be required to lodge a tender security.

6. The amount of the tender security shall be determined by multiplying the capacity requested by a user, expressed in MW, by 1% of the value of the auction starting price calculated in accordance with paragraph 4 for the relevant auction session.

7. The user shall provide proof that the tender security has been lodged and shall notify it to the TSO no later than 24 hours before the date of the tendering session in which he or she participates, determined in accordance with Article 12(6)(g).

8. TSOs shall make the access data to the auction platform available to the user at least 24 hours before the auction day, provided that the user complies with the condition set out in paragraph 7.

9. The tender security shall be returned by the TSOs to users whose bids have been declared unsuccessful no later than 2 working days after the closing of the auction.

10. The tender security shall be returned by the TSO to the successful user no later than 2 working days after the date of receipt by the TSO of the allocation contract signed by the user.

Article 14. 1. The auction platform developed by TSOs for the allocation of available electricity grid capacity shall be used to submit bids to the auctions organised by TSOs for this purpose.

2. The user registered as an auction participant who has received the access data to the auction platform in accordance with Article 13(8) shall electronically complete the offer and transmit it in accordance with the instructions for the use of the platform drawn up by the TSO, on the day published as the date of the auction session and within the time limit set.

3. Submitted tenders are subject to an automatic validation process that verifies compliance with the rules for the conduct of the tender procedure. The platform automatically creates an electronic message, communicated to the tenderer, confirming the validation/invalidation of their tender.

4. The auctioned price is the maximum price, expressed in RON excluding VAT, which the user is willing to pay for the allocation of 1 MW grid capacity available to connect the production site. The auctioned price must be equal to or higher than the starting price of the auction calculated in accordance with Article 13(4).

5. Submitted bids shall be binding for the participants in the auction.

6. During the auction slot, the user may modify his bid whenever it deems it necessary or may waive participation in the auction by withdrawing the bid.

7. After the end of the auction slot, each auction participant shall be informed through the auction platform of the validation or invalidation of the bid.

SECTION 3

Allocation of available capacity of the electricity grid

Article 15. 1. At each tendering session, after the auction has been closed, the successful tenders shall be ranked downwards on the basis of the auctioned prices, which shall be equal to or higher than the starting price. The best bid is the highest tendered tender.

2. In the case of two or more tenders with the same price tendered, they shall be ordered taking into account the time-stamp, the bid submitted earlier being taken into account first.

Article 16. 1. If in any year of an allocation period the amount of capacity relating to applications for allocation is equal to or less than the capacity available for connection, determined in accordance with Article 7, then all applications for capacity allocation shall be accepted.

2. In the case referred to in paragraph 1, the session of the auction for the allocation of available capacity shall no longer take place.

3. Capacity available for unallocated connection shall be taken into account for allocation for the following year.

Article 17. 1. If the amount of capacity in the allocation requests is higher than the capacity available for connection in the year for which the allocation is requested and which does not include capacity stemming from additional development works,

but less than the capacity available for connection in the year for which the allocation is requested and which includes capacity stemming from additional development works, the auction shall be conducted and all bids shall be accepted in full in terms of the auctioned capacity.

2. For successful tenders, users shall pay the starting price of the auction.

3. Unallocated capacity available for connection shall be taken into account for allocation for the following year at the auction starting price for the current year.

4. The auction starting price for the following year shall be recalculated and take into account the value of the unallocated capacity in the current year.

Article 18. 1. If the amount of capacity relating to the allocation requests is greater than the capacity available for connection in the year for which the allocation is requested, which includes capacity stemming from additional development works, the auction shall be conducted and all bids, in full in terms of capacity auctioned, shall be accepted until the capacity available for connection has been filled, taking into account the provisions of Article 15.

2. For each winning bid, the user pays the tendered price.

3. The first tender that has been rejected shall be the one with the highest price among the unsuccessful tenders. In this case, if capacity is available, the tenderer may choose:

a) to secure the capacity required for connection with commissioning in the year following the one he originally opted for, by concluding the allocation contract and paying the price tendered by him;

b) not to secure the capacity required for connection in accordance with point a) and to participate in the auction session for the allocation of available capacity in the year following the one originally chosen;

c) to renounce to the capacity allocation.

4. In the cases referred to in paragraph 3, the capacity available for unoccupied connection shall be taken into account for allocation in the following year of the allocation period.

5. By way of exception to paragraph 4, the capacity available for unoccupied connection shall not be taken into account for the purpose of allocation in the following year of the allocation period if the user whose tender is rejected opts to secure the capacity necessary for connection with phased entry into operation of the user installation, in the year for which the current auction is carried out and in the following year, by concluding the allocation contract and paying the auctioned price.

6. Users shall have the possibility, no later than 2 hours after the end of the current auction session, to express their option directly on the auction platform, in accordance with the provisions of paragraph 3 or 5, as appropriate.

7. The auction starting price for the following year shall be recalculated and take into account the value

of the unallocated capacity in the current year.

Article 19. 1. If the amount of capacity in the allocation requests is higher than the capacity available for connection in the year for which the allocation is requested, which does not include capacity stemming from additional development works, the auction shall be conducted taking into account the value of the additional development works in the first year of the allocation period following the current auction in which they are planned.

2. For the determination of the starting price of the auction, the value of the additional development works to be completed in the first year following the year of the current auction session and the available capacities shall be taken into account, starting from the year of the current auction until and including the first year in which further development work is foreseen.

3. In the situation referred to in paragraph 1, all tenders shall be conducted and accepted, in full in terms of capacity auctioned, until the capacity available for connection is filled in the year relating to the current auction, taking into account the provisions of Article 15.

4. For each winning bid, the user pays the tendered price.

5. The first tender that has been rejected shall be the one with the highest price among the unsuccessful tenders. In this case, if capacity is available, the tenderer may choose one of the options provided for in Article 18(3) or (5), as appropriate.

6. Users shall have the possibility, no later than 2 hours after the end of the current auction session, to express their option directly on the auction platform, in accordance with the provisions of paragraph 5.

7. The starting price of the auction for the session(s) related to the auction(s) in the year(s) following the year(s) of the current auction session up to and including the one in which the additional development works referred to in paragraph 1 are foreseen shall be determined by reporting the remaining value of the additional development works after the allocation of available capacity in the year(s) preceding the auction to the capacity available for allocation in that year(s).

8. The auction starting price for the following year shall be recalculated and take into account the value of the unallocated capacity in the current year.

Article 20. TSOs shall publish on its website the results of the auction for the allocation of available capacity for connection, for each auction session for each year of the allocation period, no later than three hours after the end of the auction and the choice of users in accordance with Article 18(3) and (5) and Article 19(5).

SECTION 4

Conclusion of contracts for the allocation of available capacity and settlement

Article 21. 1. No later than 5 working days after the

auction, the TSO shall prepare the available capacity allocation contracts and submit them signed:

a) to the DSO, for situations where the production site connects to the DSO's electricity grids;

b) to the user, for situations where the generating site connects to the electricity grids of the TSO.

2. In the situation referred to in paragraph 1(a), the DSO shall sign the contracts received and, within 5 working days of receipt, send them to the users who are parties to the contract.

3. The user shall send to the TSO and, in the case referred to in paragraph 1(a), to the DSO a copy of the signed and dated available capacity allocation contract no later than 5 working days after its receipt.

4. The available capacity allocation contract shall be deemed to have been concluded on the date of signature by the user specified in the contract.

5. Failure by the user to send the signed allocation contracts, accompanied by proof of the lodging of the financial guarantee for the payment of the allocated capacity in accordance with Article 22(6), within the time limit referred to in paragraph 3, shall entail enforcement of the tendering security and loss of allocated capacity.

Article 22. 1. The available capacity allocation contract shall include at least the mandatory clauses set out in the Annex that forms an integral part of this methodology.

2. The available capacity allocation contract shall set out the capacity allocated to the user and the payment value for that capacity, determined by multiplying the allocated capacity by the auctioned price.

3. Users in the situation referred to in Article 17 shall conclude capacity allocation contracts with the auctioned price equal to the starting price of the auction.

4. The deadline for payment in full of the amounts referred to in paragraph 2 shall be a maximum of 4 months from the date of conclusion of the allocation contract.

5. The amounts referred to in paragraph 2 shall be paid in instalments. The first instalment shall be at least 20% of the amount of capacity allocated and shall be paid no later than 30 days after the date of conclusion of the contract.

6. The user is required to lodge a financial guarantee for the payment of the capacity allocated through the tender, equal to 1% of the value of the contract. The guarantee shall be lodged before the conclusion of the capacity allocation contract and shall be lodged with the TSO by the user within the time limit laid down in Article 21(3).

7. If the user fails to prove payment of the amounts for capacity allocated by auction within the deadlines laid down in the contract, in compliance with paragraphs 4 and 5, he shall lose the allocated capacity and the financial guarantee referred to in paragraph 6.

8. TSOs shall collect from users the amounts for allocated capacity and transfer them to the system

operators responsible for carrying out the corresponding additional development work after retaining and deducting the apportionment to cover the TSO's costs of carrying out the comprehensive solution study.

Article 23. Users in the situation referred to in Article 16 shall conclude allocation contracts with a zero auctioned price.

Chapter IV TRANSITIONAL AND FINAL PROVISIONS

Article 24. 1. Grid operators shall be required to carry out the additional development necessary for the connection of users, for which the amounts referred to in Article 22(2) are collected, in compliance with the deadlines for their commissioning for each year of the allocation period, as established and published for each tendering session.

2. The amounts collected from users under capacity allocation contracts shall be used by the grid operators exclusively for carrying out electricity grid development works aimed at increasing the capacity necessary for the connection of new electricity generation capacity, with the exception of the amount intended to cover the costs of the comprehensive solution study carried out by the TSOs.

3. The value of the global solution study shall be allocated pro rata with the capacity allocated to each

participant by auction compared to the total capacity allocated in one year during the allocation period. The resulting amount shall be added to the value of the allocation contract.

4. The remaining unspent amounts for the additional development work shall be allocated between the system operators in accordance with the provisions of a procedure, developed jointly by TSOs and DSOs within 3 months of the date of approval of this methodology, and shall be used by TSOs and DSOs exclusively for carrying out grid development works to connect users.

Article 25. 1. Works on the electricity grids upstream of the connection point of the production site in the category referred to in Article 42(1) (a) of the Regulation referred to in Article 3(1) (b) shall not be subject to this methodology and shall be established by the technical opinion on the connection of the production site concerned issued by the grid operator.

2. The costs of the works referred to in paragraph 1 shall be borne exclusively by the user, in accordance with the provisions of the Regulation referred to in Article 3(1)(b).

Article 26. By 1 July 2025, TSOs are required to develop and publish on their website a procedure for the implementation of the provisions of this methodology as well as the guidelines for the use of the auction platform for the allocation of available electricity grid capacity.

ANNEX to methodology

MANDATORY CLAUSES in contracts for the allocation of available capacity

CHAPTER I Contracting Parties

A. Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A., established in the municipality, county/sector, Str..... No....., telephone, fax, e-mail, registered with the Trade Register Office under number, CUI, account number with the Bank, represented by , acting as transmission system operator, hereinafter: TSO

B. The company....., established in the municipality, county/sector, Str..... No....., telephone , fax, e-mail, registered at the Trade Register Office under number....., CUI, account number opened with the Bank, represented by, with the role of, acting as a distribution system operator, hereinafter DSO and

C. The company, established in the municipality, county/sector, address, telephone....., fax, e-mail....., registered with the Trade Register Office under number....., CUI, account number.....opened with the bank, represented by, with the role of, as the winner of the capacity allocation tender dated, required for connection to the electricity network of public interest, hereinafter referred to as user.

available capacity of MW, won by the user at the tender session organised by the TSO on....., required to connect the generation/demand and generation site with power-

CHAPTER II

Object of the contract

Article 1. The contract concerns the allocation of

generating facilities with installed capacity of MW, located in the grid area, at voltage level of kV, belonging to the grid operator

Article 2 . The auctioned price is RON/MW (excluding VAT).

Article 3 . The value of this contract is RON (excluding VAT).

Article 4 1. The additional electricity grid development work necessary to ensure the allocated capacity referred to in Article 1 shall be:

2. The grid operator(s) responsible for carrying out the additional electricity grid development works referred to in paragraph 1 is/are:

a)

^

b)

3. The deadline for the commissioning of the additional power grid development works referred to in paragraph 1 is.....

CHAPTER III Duration of the contract

Article 5 1. The contract shall enter into force on the date of signature by the parties and shall take effect no later than the date of commissioning of the additional electricity grid development works referred to in Article 4(1) necessary to ensure the capacity of the allocated electricity grid referred to in Article 1, or until the date of final energisation of the generation/consumption and generation site, whichever is the later.

2. The final energisation of the generation/consumption and generation site is

Chapter IV Rights and obligations of the parties

SECTION 1

Rights and obligations of TSOs

Article 6 . TSOs shall have, in particular, the following rights:

a) to collect from the user, in full, the amount representing the value referred to in Article 3, under the conditions laid down in Article 13;

b) to notify the user of the loss of capacity earned and the automatic termination of the contract in the event of failure to comply with the conditions laid down in Article 13 and exceeding the time limit laid down in Article 5(2) by more than 5 years;

c) to enforce the financial guarantee provided by the user.

Article 7 . TSOs shall, in particular, have the following obligations:

a) to carry out, where appropriate, the additional works to develop the electricity grid referred to in Article 4(1);

b) to comply with the deadline for the commissioning of the additional electricity grid

development works referred to in Article 4(3);

c) to pay the user who has paid the costs of additional electricity grid development works, in the event that the deadline referred to in Article 4(3) is exceeded, a penalty of 0.01% per day of delay applied to the amount paid in full by the user for the allocated capacity, until the entry into operation of the additional electricity grid development works referred to in Article 4(1) and the provision of the necessary capacity allocated through the auction;

d) to pay to the DSO the corresponding amounts for carrying out the additional works to develop the electricity grid, within a maximum of 5 working days from the date on which they were received from the user;

e) to release the financial guarantee provided by the user for the payment of the allocated capacity within 2 working days from the date of receipt from the user of the full value of this contract.

SECTION 2 ***Rights and obligations of DSOs***

Article 8 . DSOs are primarily entitled to receive from the TSOs the corresponding amounts for carrying out additional electricity grid development works.

Article 9 . DSOs mainly have the following obligations:

a) to carry out, where appropriate, the additional works to develop the electricity grid referred to in Article 4(1);

b) to comply with the deadline for the commissioning of the additional electricity grid development works referred to in Article 4(3);

c) to pay to the user who has paid the costs of additional works to develop the electricity grid, if the deadline referred to in Article 4(3) is exceeded, penalties of 0.01% per day of delay applied to the amount paid in full by the user for the allocated capacity, until the entry into operation of the additional electricity grid development works referred to in Article 4(1) and the provision of the necessary capacity allocated through the auction.

SECTION 3 ***User's rights and obligations***

Article 10 . The user shall have, in particular, the right to benefit from the additional works for the development of the electricity grid referred to in Article 4(1) within the time limit laid down in Article 4(3).

Article 11 . The user shall mainly have the following obligations:

a) to pay the TSO in full the amount representing the value referred to in Article 3, under the conditions laid down in Article 13;

b) comply with the deadline for the final energisation of the facility for use at the production/consumption and production site referred to in Article 5(2);

c) provide proof that the financial security for the

payment of the capacity allocated to the auction has been lodged;

d) pay to the TSO and/or the DSO, as the case may be, a penalty of 0.01% per day of delay applied to the value of this contract, in the event that the deadline referred to in Article 5(2) is exceeded, until the generation/consumption and generation site is finally energised, provided that the additional electricity grid development works referred to in Article 4(1) have been put into operation by the deadline laid down in Article 4(3);

CHAPTER V Terms and methods of payment

Article 12 . The user shall pay the TSO the amount referred to in Article 3 in at least 2 instalments, in accordance with the schedule for the staggered payment rates set out in the Annex to this contract.

Article 13 1. The first instalment shall be at least 20% of the value referred to in Article 3 and shall be paid by the user within a maximum of 30 days from the date of conclusion of the contract.

2. The payment by the user of the last instalment may not exceed 4 months from the date of conclusion of the contract.

Article 14 . The TSO shall transfer to DSOs the amounts paid by the user in accordance with Article 13, within a maximum of 5 working days from the date of their receipt.

Article 15 If the deadline referred to in Article 4(3) is exceeded, the TSO and/or DSO, as the case may be, shall pay the user a penalty of 0.01% per day of delay applied to the amount fully paid by the user in accordance with Article 13, until the entry into operation of the additional electricity grid development works referred to in Article 4(1) and the provision of the necessary capacity allocated through the auction, provided that the production/consumption and generation site meets the conditions for energising on the date referred to in Article 5(2). The penalties shall apply from the first day of the year following that referred to in Article 4(3).

Article 16 1. if the deadline referred to in Article 5(2) is exceeded, the user shall pay the TSO and/or DSO, as applicable, penalties of 0.01% per day of delay applied to the value of this contract, until the generation/consumption and generation site is finally energised, provided that the additional electricity grid development works referred to in Article 4(1) have been put into operation by the deadline laid down in Article 4(3). The penalties shall apply from the first day of the year following that referred to in Article 5(2).

2. If the deadline referred to in Article 5(2) is exceeded, the user to whom capacity has been allocated without the allocation being conditional upon additional electricity grid development works shall be required to pay to the TSO and/or the DSO, as the case may be, a penalty of 0.01% per day of delay applied to a value calculated by the TSO by multiplying the capacity allocated to the user, as referred to in

Article 1, by the average amount of one MW allocated during the allocation period. The penalties shall apply from the first day of the year following that referred to in Article 5(2).

3. The average value of one MW allocated during the allocation period referred to in paragraph 2 shall be determined by TSOs by reporting the value of all additional development works taken into account in all auction sessions of the allocation period to the total allocated capacity during the allocation period.

4. If the user exceeds the period referred to in Article 5(2) by more than 5 years, the contract shall be terminated by operation of law, the user loses the allocated capacity and the amounts already paid under the contract shall not be returned.

Article 17 1. All payments shall be made by bank transfer.

2. The parties may agree other legitimate and valid means of payment, in compliance with the contractual provisions.

CHAPTER VI Termination of contract

Article 18 1. The contract shall be terminated in the following cases:

a) on expiry of the duration of the contract, as determined in accordance with Article 5(1);

b) by automatic termination in the event of failure by the user to comply with the obligation laid down in Article 11(a) and under the conditions of Article 16(4);

c) in the event of force majeure or unforeseeable circumstances extending for more than 60 days, in accordance with the law, by mutual agreement;

d) at the request of the user.

2. In the situation referred to in paragraph 1(d), the financial guarantee provided by the user shall be enforced and the amounts already paid under the contract shall not be returned.

CHAPTER VII Assignment

Article 19 1. The parties shall have the right to assign all or part of this contract, may transfer by assignment in whole or in part the rights and obligations assumed under the contract.

2. The assignment shall take place with the agreement of the parties.

CHAPTER VIII Force majeure and unforeseeable circumstances

Article 20 1. In cases of force majeure or unforeseeable circumstances, in accordance with Article 1.351(2) and (3) of the Civil Code, the parties shall be exempted from liability for failure to fulfil their obligations under this contract throughout the period during which it is acting.

2. If force majeure/unforeseeable circumstances act for more than 60 days, each party will have the

right to terminate the contract from the other party, in accordance with the law.

CHAPTER IX

Other clauses

Article 21 1. The language governing the contract is Romanian.

2. The contract will be interpreted in accordance with Romanian laws.

Article 22 1. Any communication between the parties relating to the performance of this contract shall be deemed to be valid if it is sent to the other party in writing at the address of correspondence or fax number or to the email address specified in this contract, provided that there is an acknowledgement of receipt.

2. If service is sent by e-mail or fax, it shall be deemed to have been received by the addressee on the first working day following that on which it was sent.

3. Oral communications/notifications shall not be taken into account by either party if they are not documented in one of the ways set out above.

Article 23 1. The user shall be required to notify the TSO and the DSO, where applicable, of any changes made during the performance of the contract, of:

- a) persons having the right to represent the user;
- b) the name of the user;
- c) the registered office of the user and all important changes to its functioning, including those concerning the opening of insolvency proceedings.

2. The notification period shall be no more than 3 working days from the date on which the change occurred.

Article 24 1. The contract may be supplemented by specific provisions as agreed by the parties, provided that they are not contrary to the mandatory terms and regulations in force.

2. When processing personal data in connection with this contract, each party undertakes to comply with the applicable legislation on the protection of personal data.

Article 25 . All amendments to the contract shall be effected only by means of an addendum signed by the parties.

Article 26 . The user expressly states that he/she has become acquainted with and assumes all the terms of the contract.

Article 27 . For non-performance, in whole or in part, of the obligations laid down in this contract, the parties shall be liable in accordance with the legal provisions in force.

This contract was concluded today,[†]), in 3 (three) copies, both originals, of which one to the user, one to the TSO and one to the DSO.

[†] The date of conclusion of the contract shall be the last of the dates of signature of the contract by the legal representatives of the parties.

The legal representative of the TSO, the legal representative of the user, the legal representative of the DSO,

Date of signature:

Date of signature:

Date of signature:

ANNEX No 2

(Annex 5 to the Regulation approved by Order No 59/2013)

SPECIFIC RULES concerning the connection of generating sites with a voltage of 110 kV or more

1. The connection solution for a production site shall be determined by solution study.

2.1. Where the connection solution in the solution study provides for the connection of more than one production site in a common solution to the 110 kV power grid or higher by the construction of a transformer/connecting stations, the delimitation points shall be established downstream of the lower voltage bar within the power station.

2.2. The substation/connecting station that is part of the common solution for connecting several different production sites referred to in point 2.1 shall be sized for the discharge of the total power resulting from the summation of the approved exhaust power for each production site. The cost of setting up the substation/connection station forming part of the joint connection solution shall be divided in proportion to the approved evacuation powers of the individual production sites.

2.3. The grid operator shall issue technical approval of the connection for each production site for its approved discharge power according to the connection solution established by the solution study.

2.4. In order to carry out the connection, each user shall, after conclusion between the holders of technical approvals for the connection of a substation financing contract, which shall also determine the method of

financing in the event that one of the users fails to comply with its obligations, shall conclude the connection agreement with the grid operator and pay the corresponding connection tariff to the latter.

2.5. The works for the substation and the electrical lines connecting it to the grid shall constitute reinforcement works in accordance with Article 42(1) letters (a) or (b) of the Regulation, as applicable.

3. The user/group who has borne the cost of the substation forming part of the joint connection solution under the conditions laid down in point 2.5 shall receive cash compensation from the other users connecting downstream of the lower voltage bar of the substation, in accordance with Article 43(3) letter (e) of the Regulation.

4.1. Points 2.1 to 3 shall also apply to cases in which connection applications were registered before the date of entry into force of the Regulation, unless technical connection permits have been issued.

4.2. The transmission system operator shall provide the service of electricity transmission to users connected to the low-voltage bars of the power station.

4.3. The substation and the grid connection lines shall be the property of the grid operator.

ANNEX No 3

(Annex 6 to the Regulation approved by Order No 59/2013)

SPECIFIC RULES

for occasional connection to the electricity distribution grid of a facility belonging to law enforcement and judicial authorities

1. The occasional connection of a judicial and law enforcement facility takes place on the basis of a request for connection directly to the distribution system operator on the basis of a request for connection to the distribution system operator.

2. Distribution system operators and judicial and law enforcement authorities shall designate persons responsible for the exchange of information in order to carry out, within the time limit requested, the connection of the facilities referred to in point 1, which they shall make available to the other party, specifying identification data and communication routes.

3. The connection request shall be submitted in

electronic form to the email address(s) provided by the distribution system operator, in accordance with point 2.

4. The connection request shall contain at least the following information:

- a) the point/area where grid connection is requested;
- b) maximum power absorbed;
- c) requested date for connection and energisation;
- d) estimating the time needed to supply electricity to that installation; that period may be indefinite and may last until the request of the user for disconnection, in which case it shall be expressly specified in the connection request;

e) the applicant's declaration of honour confirming that the installation complies with the technical rules in force;

f) other data that the applicant considers necessary for connection.

5. The installation referred to in point 1 shall be energised by the distribution system operator within the time limit requested by the user and in the presence of a representative of the latter. When the installation is energised, the representatives of the user and of the distribution system operator shall draw up a report.

6. The disconnection of the installation referred to in point 1 shall be carried out by the distribution system operator at the request of the user, transmitted through the agreed communication routes, and in the

presence of the latter, and shall be recorded in a record.

7. Within 30 days of the date on which the installation is energised, recorded in the report referred to in point 5, the distribution system operator shall issue the technical connection opinion on the basis of the fiche setting out the connection solution attached to the notice and shall conclude the connection agreement with the user.

8. The charge for issuing the technical connection notice and the connection charge laid down in the technical connection notice issued by the distribution system operator shall be paid by the applicant within the period laid down in the connection agreement, but not more than 30 days after its conclusion.

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PUBLISHER: PARLIAMENT OF ROMANIA - CHAMBER OF DEPUTIES



"Monitorul Oficial" R.A., Str. Parcului nr. 65, sectorul 1, Bucharest; 012329
Tax Identification Number RO427282, IBAN: RO55RNCB008200671100001 BCR
and IBAN: RO12TREZ7005069XXX000531 DTCPMB (allocated only to budgetary
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The Official Gazette of Romania, Part I, No 758/2.VIII.2024 contains 16 pages. Price: 8 RON ISSN 1453—4495