

THE PARLIAMENT OF ROMANIA

DEPUTIES CHAMBER

SENAT

LAW

for approving the Government Ordinance no. 60/2000 concerning regulation of the activities in natural gas sector

The Parliament of Romania adopts the present law.

Art. I – Government Ordinance no. 60 on January 30, 2000, concerning the regulation of activities in natural gas sector, issued according to art. 1 letter C point 3 in Law no. 206/1999 regarding the habilitation of the Government to issue ordinances and published in Monitorul Oficial of Romania, Part I,, no. 46 on January 31, 2000, with the following amendments:

1. Article 1 shall content:

“Scope

Art. 1. – (1) The scope of the present ordinance is to establish the legal framework necessary to develop specific activities for natural gas sector, on competition and transparency terms, taking care to ensure:

- a) safety, continuity and natural gas supply balance for the consumers;
- b) economic efficiency, in general, and energetic efficiency, in special;
- c) environment protection and consumers safety.

(2) The energetic policy of the state in natural gas sector must ensure the compliance with the demands of natural gas for all the consumer categories, on the terms of increasing of the energetic efficiency and by organizing an appropriate institutional framework.”

2. At article 2 paragraph (1), letters c) and j) and paragraph (2) shall have the following content:

“c) assurance of the necessary conditions for continuing the liberalization of natural gas market and the nondiscriminatory access of the third parties at natural gas transport and distribution systems;

.....
j) appliance of the measures regarding environmental protection;

.....
(2) The objectives mentioned at para. (1) are performed by the National Authority for Regulation in Natural Gas Sector (ANRGN) and/or by economic agents that act in natural gas sector, in compliance with their statute, competences and attributions, established by legal documents.”

3. After article 2, chapter I¹ and chapter I² come, having the following content:

CHAPTER I¹
Policy in natural gas sector

Art. 2¹. – (1) The state policy in natural gas sector consists of establishing the objectives in natural gas sector and the best ways to fulfill them, on the terms of assuring a long lasting development.

(2) The policy in natural gas sector is elaborated according to the governing program, approved by the Parliament, the Ministry of Industry and Resources, by consulting the government bodies which have attributions in the domain and the civil society, for a medium period, taking into consideration the possible development for long terms, taking into account, in special:

- a) ensuring the safety for natural gas supplying;
- b) prognosis for the natural gas resources demand, taking into consideration the national economy development;
- c) prognosis for natural gas imports and exports;
- d) elaboration of investment programs in natural gas sector;
- e) ensuring of environmental protection;
- f) natural gas tariffs and prices transparency;
- g) the increasing of natural gas use;
- h) development and ensuring natural gas storage capacities;
- i) the directions of research and development specific for natural gas sector, as well as the implementation of the advanced technologies in the sector;
- j) development of international cooperation;
- k) proposals for specific regulations for natural gas sector.

(3) The Government, Ministry of Industry and Resources, the other specialty bodies of central public administration that take measures for accomplishing the objectives in the program foreseen at para. (2) and examine, annual or whenever necessary, the stage of its fulfilling.

CHAPTER I²
Definition of some terms

4. Article 3 shall have the following content:

“Definition of some terms

Art. 3. – By the meaning of the present ordinance, the following terms are defined as it follows:

- a) *National Authority for Regulation in Natural Gas Sector*, herein after called *ANRGN* – autonomous public institution, legal person, that issues, applies and monitors the compulsory regulation system at national level, necessary for organization and working of natural gas market on efficiency, competition, transparency and consumers and environmental protection terms.
- b) *natural gas* – free gas from methane gas deposits, gas dissolved into oil, that from the well head associated to oil deposits, as well as gas resulted from liquid hydrocarbons extraction or separation;

- c) *natural gas sector* – all the activities performed by the economic agents for natural gas production, transport, transit, storage, distribution, supply and utilization, as well as the installation, utilities and equipment used for accomplishing these activities;
- d) *transport and/or distribution system access* – the right of a producer, supplier and/or consumer to use the system, paying the tariffs and fulfilling the obligations for its use;
- e) *system utilization* – effective link-up to the system and/or provision of gas transport and distribution services in such amounts as were contracted;
- f) *transport and distribution grid* – interconnected pipelines system, including due installation and equipment for carrying natural gas under high pressure, according to the specific standards;
- g) *transport and/or distribution system* - interconnected natural gas transport and/or distribution grids including due installation and equipment;
- h) *interconnected system* – all systems physically linked to one another
- i) *natural gas final consumer* – natural or legal person, Romanian or foreign, that purchases natural gas for its own consumption;
- j) *eligible consumer* - natural or legal person, Romanian or foreign, that is freely allowed to purchase natural gas from any producer and/or supplier and that has access to the system on the terms mentioned in the present ordinance;
- k) *captive consumer* - natural or legal person, Romanian or foreign, that is obliged, due to the configuration of the distribution system, to contract natural gas with a specific producer or distributor, who owns a supplying license;
- l) *customer* – an individual or a legal entity with which a natural gas supply deal is developed
- m) *supplier* - legal person, Romanian or foreign, licensed to sell natural gas;
- n) *operator* – legal person enforced and/or licensed to perform exploitation, dispatching, maintenance, verification, repairing and commerce operation for the transport systems and/or storage and/or distribution in natural gas sector;
- o) *system operator* – legal person authorized and/or licensed to operate the capacity of natural gas national transport system for maintaining the safety of functional parameters of the system;
- p) *commercial operator* - legal Romanian person licensed to perform brokerage services, to receive the nominal and competitive offers from natural gas suppliers, as well as the requests from natural gas consumers, to monitor, from the demand/offer point of view, the natural gas flow and to deliver this information to the operators in natural gas sector, for its future selling;
- q) *authorization* – permission granted to a legal person, Romanian or foreign, to build, put into operation and/or to operate or modify a natural gas production, storage, transport and distribution installation;
- r) *license* - permission granted to a legal person, Romanian or foreign, to perform commercial activities and/or services connected to one or more of the functions of natural gas supplying, storage, transport, transit and distribution;
- s) *dispatching* – correlation and permanent and operative balance, at the levels of grids and systems, production resources, import etc., with the consumptions, at the parameters resulted from the delivery obligations, including taking the

- measures for limiting the effects in exceptional situations, as very low temperatures, natural calamities, serious damages etc., by using specific methods;
- ş) *public service in natural gas sector* – obligations that consist in the activity organized and/or authorized by the state for fulfill the public interest requests in natural gas sector;
 - t) *safety zone* – field surface extended on the both sides of the projection, on horizontal plan of the pipelines and installation, having a settled distance for each objective, according to the safety requests of this;
 - u) *protection zone* - field surface extended on the both sides of the projection, on horizontal plan of the pipelines and installation, having a distance that ensures the technical integrity for their work;
 - v) *liquefied petroleum gas (GPL)* – a hydrocarbons blend containing more than 90% vol. acyclic no saturated hydrocarbons, other than ethylene and propylene or one of its isolated isomers;
 - x) *compressed natural gas for vehicles (GNCV)* – natural gas stocked in cylinders by compressing to 200-250 Bars, for the purpose of using as fuel for vehicles with thermal engines;
 - y) *liquefied natural gas (GNL)* – natural gas that, after some specific processes, is brought to liquid and stocked in special recipients.”

5. The title of chapter II shall have the following content:

“CHAPTER II
General provisions regarding natural gas production, transport, transit,
distribution, storage and supplying”

6. Article 4 shall have the following content:

“Natural gas producer

Art. 4. – Natural gas producer is the legal Romanian or foreign person, authorized and/or licensee, in compliance with the terms of the present ordinance, that has as object of activity natural gas production, for the purpose of its commercialization.”

7. Articles 5-7 are abolished.

8. The title of chapter III is abolished.

9. Article 9 shall have the following content:

“Natural gas transporter

Art. 9 – Natural gas transporter is the legal Romanian or foreign person, authorized and/or transport licensee, in compliance with the terms of the present ordinance, that has as specific natural gas transport.”

10. At article 10, paragraph (1) shall have the following content:

“Art. 10. – (1) Natural gas national transport system, herein after called *S.N.T.*, is the natural gas transport system under high-pressure regime, over 6 Bars, made up of trunk pipelines, as well as of all the installation, equipment and due facilities, that ensure the taking over of natural gas extracted from operation perimeters or of that from the import and its transport for to be delivered to the distributors, direct consumers, export and/or storage.”

11. At article 11, the introduction and letters a), d), f), g) and j) shall have the following content:

“Transporter’s obligations

Art. 11. – The S.N.T. operator has the obligation to ensure:

a) operation and maintenance of S.N.T. on safety, efficiency and environmental protection terms and to contribute, according to the conventions concluded with the competent authorities, at its rehabilitation and development;

.....
d) elaboration and applying the optimal regimes for transport and delivery for natural gas quantities notified by the producers, suppliers, storage operators and/or consumers, for a certain period;

.....
f) elaboration and updating the technical conventions for operating on border zone, in the event that the supplier is an exporter or a beneficiary of natural gas transit on Romanian territory;

g) the confidentiality of commercial information obtained from third parties in natural gas selling- purchasing process;

.....
j) elaboration of perspective plans regarding S.N.T. for natural gas in accordance with the actual stage and the future development of natural gas consumption; for this purpose, the interested parties in natural gas transport shall offer the necessary data.”

12. Article 12 shall have the following content:

“Transporter’s rights

Art. 12. – The SNT operator has mainly the following rights:

- a) to collect nondiscriminatory tariffs according to the performed services;
- b) to collect the equivalent value of natural gas sold as a result of transit activities;
- c) to refuse the access of third parties to SNT on the terms foreseen at art. 27;
- d) to interrupt or to limit natural gas transport when transport system safety and integrity are in danger and to take measures for limiting the dysfunctions on internal market;
- e) to interrupt the operation of installation only for the necessary period, for maintenance and repair works, as well as other situation foresee by law, with previous notification to the dispatchers from the affected systems and, if necessary, to the consumers;
- f) to elaborate technical norms specific to own activity;”

13. The title of chapter IV is abolished.

14. Article 13 shall have the following content:

“Art. 13. – Natural gas transit consists of transport through SNT and/or through trunk pipelines over Romanian territory, with or without transfer, of natural gas that comes from another state and destined to a third state”

15. Article 14 shall have the following content:

Art. 14. – Natural gas transit is performed on legal and commercial basis, observing the legislation in force and international agreements at which Romania is part.”

16. Article 15 shall have the following content:

“Art. 15. – The transit contracts shall be negotiated by SNT operator, according to the frame contract issued by ANRGN, with the corresponding entities from the involved states.”

17. Article 16 shall have the following content:

“Art. 16. – Natural gas transit activity through the existing pipelines is ensured by the SNT operator, which can perform including developing activities for transit capacities.”

18. The title of chapter V is abolished.

19. Article 17 shall have the following content:

“Natural gas distribution

Art. 17. – (1) *Natural gas distribution activity* consists of feeding a system of more final consumers in an area, connected by some distribution pipelines under pressure regime of no more than 6 Bars. The separation of distribution systems by those of transport and those of the consumers is performed at the output from the regulation-measurement- taking over point of the transporter and, respectively at the output from the installation for pressure regulation and flow measurement at the consumers.

(2) Natural gas distribution activity is a public service if national interest.”

20. Article 18 shall have the following content:

“Natural gas distributor

Art. 18. – *Natural gas distributor* is the legal person, Romanian or foreign, authorized and/or licensed, according to the present ordinance, that has as main activity natural gas distribution, as well as its commercialization to the captive consumers, in a limited area.”

21. Article 19 shall have the following content:

“Distributor’s obligations

Art. 19. – Natural gas distributors have mainly the following obligations:

- a) to operate, maintain, repair and develop the distribution system, on safety, efficiency, and environmental protection terms.
- b) to offer the eligible consumers natural gas quantities, according to the provisions in the sale-purchasing contract concluded between the eligible consumers and the respective supplier;
- c) to use distribution systems on equal and no discriminatory terms;
- d) to deliver to the other operator in natural gas sector information for performing the conditions for safety and efficient function of natural gas supplying systems for all the consumers;
- e) to keep the confidentiality of the commercial information obtained during developing their activity;

- f) to set up and monitor the input/output gas evidence into/out own system;
- g) to ensure the suppliers' access to the eligible consumers on equal and nondiscriminatory terms, between the limits of distribution capacity;
- h) to avoid crossed subvention related to loading distribution capacity between captive consumers and the eligible ones and between captive consumers and the suppliers from outside the system;
- i) to ensure natural gas feeding for population on safety terms and at the nominal parameters."

22. At article 20, letter a) shall have the following content:

"a) to perform commercial operations related to selling and/or purchasing natural gas from internal or external market;"

23. After article 20 articles 20¹-20⁵ shall be introduced, having the following content:

"Art. 20¹. – Natural gas is stored for the purpose to harmonize season, daily and hourly consumption variations with supplying and transport capacities, as well as for operating and strategic purposes, according to the storage license.

Art. 20² – (1) Legal persons, Romanian or foreign, licensee for natural gas sector, may have access to the existing deposits, that is why the operator performs the storage service in compliance with a regulated tariff.

(2) Legal persons, Romanian or foreign may participate, alone or together with transport and/or storage operators, at the construction and operation for new deposits on the regulated terms and those of the storage license issued by ANRGN.

Art. 20³. – Natural gas storage licensee are obliged to ensure the access of the producers and/or suppliers to the storage capacities, on equal and nondiscriminatory terms, under the limits of the existing capacities and observing the technical, quality and safety conditions for the deposits, established by ANRGN.

Art. 20⁴. - Natural gas storage licensee are obliged to reserve a minimum storage capacity for the transporter, so this to be able to maintain at any moment the physical balance of the natural gas supplying general system, any time of the year and maintaining the minimum parameters for function of SNT, under the technical conditions established by ANRGN.

Art. 20⁵. – (1) *Natural gas supplying* is the activity by which an economic agent, licensee for supplying on the terms of the present ordinance, ensures the natural gas necessary for the interested customers.

(2) Natural gas selling is to be performed only according to a supplying contract concluded between the supplier and customer/client and must contain the clauses mentioned by ANRGN in the frame contracts established for consumers' categories.

(3) Natural gas that is not the object of the supplying contract foreseen at para. (2) cannot be sold by the final consumer.

(4) Within 90 days from the date of coming into force of the law for approving the ordinance, ANRGN elaborates the frame contracts for the captive consumers."

24. The title of chapter VII shall have the following content:

“CHAPTER VII
Access to natural gas transport and distribution systems”

25. Article 22 shall have the following content:

“Art. 22. - (1) *Access* to natural gas transport and the distribution systems for the suppliers can be accomplished on the basis of a written agreement, issued according to the legislation in force.

(2)) *Access* to natural gas transport and the distribution systems is performed under regulated regime.

(3) The available capacities shall be allocated in compliance with the conditions established by ANRGN.

(4) The transporter and/or distributor have the obligation to publish the tariffs and/or other conditions and obligations concerning the regulated access to the system.”

26. Article 23 shall have the following content:

“Art. 23. – (1) Final consumers that fulfill the eligibility conditions established by ANRGN have access to the natural gas transport and distribution systems and all the freedom to conclude sale-purchase contracts for natural gas with any licensed supplier.

(2) Suppliers shall conclude contracts with the carrier for reserving the transport capacity.”

27. Articles 24-26 are abolished.

28. Paragraph (3) of article 27 is abolished.

29. After article 27, chapter VII¹ shall be introduced, having the following content:

CHAPTER VII¹
General provisions regarding GPL, GNCV and GNL

Art. 27¹. – (1) GPL is stocked in mobile and fixed recipients, for to be transported on railway, waters or roads and/or distributed for:

- a) covering the consumption peaks in the existing distributions;
- b) replacing natural gas in a existing distribution grid where a repairing intervention is necessary involving natural gas supplying interruption;
- c) supplying of a new distribution, special built for to be fed with GPL.

(2) Technical and commercial rules regarding GPL producing, storage, transport, distribution and use shall be elaborated by ANRGN by consulting the interest economic agents, within 6 months from the date of coming into force of the law for approval of the present ordinance.

Art. 27². – (1) GNCV stocked in under pressure recipients at 200-250 Bars is delivered by supplying stations for vehicles fuel.

(2) The vehicles and/or feeding installation for GNCV producers shall elaborate technical rules regarding the feeding stations for vehicles and due protection and safety norms.

Art. 27³. – (1) GNL is stocked in fixed and mobile recipients, for the purpose of distribution for:

- a) covering the peak consumption
- b) maintaining the physical balance of SNT;
- c) consumers' natural gas supplying.

(2) Technical and commercial rules regarding GNL producing, storage, transport, distribution and use shall be elaborated by ANRGN by consulting the interested economic agents.”

30. Chapters VII and IX are abolished.

31. Article 48 shall have the following content:

“Art. 48. – (1) Works and installation for natural gas production, storage, transport, distribution and use are designed and performed by legal persons authorized by ANRGN, in compliance with the law.

(2) The certifications and approvals foreseen by para. (1) are issued by system operators where the consumers are connected and, in it is necessary, by the operators of the utilization installation, respectively by the enforced institutions.”

32. Article 49 is abolished.

33. Article 50 shall have the following content:

“Art. 50. – (1) Equipment, installation, devices, products and proceedings used in natural gas sector have to be technical certified.

(2) Technical certification is a previous stage for to obtain technical agreement and model approval certificate, issued in compliance with the enforced legislation.

(3) Within 90 days from coming into force of the law for approving the present ordinance, ANRGN elaborates rules regarding designing, performance and operation in natural gas sector, which shall be approved by and order of minister of industry and resources, as well as the methodology for issuing technical certifications.”

34. Article 51 shall have the following content:

“Prices and tariffs substantiation

Art. 51. – (1) Natural gas prices and tariffs system shall be so drafted to facilitate:

- a) coming closer of the value of alternative fuels and recovering natural gas transport, storage and distribution service costs;
- b) production, transport, storage and distribution capacities development and replacement of the obsolete ones;
- c) foreign investments and technological transfer;
- d) energy saving at final consumers;
- e) new resources discovery and natural gas reserves development;
- f) enhancing of natural gas quality and services performed at the consumers;
- g) diversification of natural gas feeding sources and increasing the supplying safety.

(2) Regulated prices and tariffs in natural gas sector, foreseen at art. 53 para. (2) and (3), have to recover production costs, as well as natural gas transport, storage and distribution service costs.”

35. Article 53 shall have the following content:

“Types of prices and tariffs

Art. 53. – (1) In natural gas sector, the following types of prices and tariffs are to be applied:

- a) negotiated, as a result of competition mechanisms of the market, between the suppliers and eligible consumers;
- b) regulated.

(2) The regulated prices are:

- a) supplying prices for the activities that arise from public service obligation;
- b) natural gas supplying prices for captive consumers

(3) Service tariffs are regulated for:

- a) natural monopoly activities, from which natural gas transport and storage prices are part;
- b) natural gas distribution activity;
- c) transit activity.

(4) Regulated tariffs for natural gas captive consumers are established by ANRGN.

(5) Eligible consumers have the right to negotiate directly sale-purchase contracts with licensed suppliers.”

36. At article 54 paragraph (2) is introduced, having the following content:

“(2) Integrated natural gas companies shall keep separated accounting for transport, transit, distribution, respectively storage activities, for avoiding discrimination and crossed subventions, as well as for encouraging competition. For the same purpose, those shall keep separate accounting, as for an independent company, in the event that they develop other activities than those in natural gas sector. Internal accounting shall include payment balance sheet and profit and loss account for each activity.”

37. At article 55, paragraph (1), paragraph (2) the introduction part and letter g) shall have the following content:

“The principles for substantiating proposals for regulated tariffs system

Art. 55. – (1) Proposals for regulated prices and tariffs in natural gas sector are elaborated by entities for transport, storage, distribution or, in the event, supply to captive consumers according to the criteria and methods for establishing regulated prices and tariffs in natural gas sector and, together with calculate substantiation, shall be communicate to ANRGN.

(2) The principles that base regulated prices and tariffs for natural gas are the following:

.....
g) tariffs cannot have a speculative character;”

38. Article 56 shall have the following content:

“Revision of regulated tariffs

Art. 56. – (1) Revision of regulated tariffs for natural gas is performed by ANRGN, according to the proposals substantiated and presented by the economic agents in natural gas sector.

(2) Regulated tariffs are published in Monitorul Oficial of Romania, Part. I, by ANRGN and come into force after 15 days starting from the date of their publishing.”

39. At article 57, paragraph (2) shall have the following content:

“(2) Commercial operation of production, transport, storage and distribution capacities, as well as natural gas supplying (selling-purchasing-intermediation) are performed by legal persons, Romanian or foreign, licensed by ANRGN in compliance with the present ordinance.”

40. Article 58 shall have the following content:

“Authorization and licensing regime

Art. 58. – (1) The authorization and licensing regime is foreseen in Regulation for granting authorizations and licenses in natural gas sector.

(2) Regulation foreseen at para. (1) shall be elaborated by ANRGN and adopted by Government decision.

(3) The economic agents in natural gas sector are obliged to request license and authorization granting within no more that 3 months from the date of coming into force of the Government decision for approving the regulation foreseen at para. (1).

(4) The petitioner must be legal person having its headquarters in Romania.

(5) The petitioner that does not own a stable headquarters could, on the terms of the law, to establish and maintain a secondary headquarters for the whole period of authorization and/or licensing.

(6) Petitioners which are under legal reorganization procedure or bankruptcy or those whose authorization or license has been withdrawn within 5 years previous the date of registration of the request may not get a license or authorization.

(7) The refusal for authorization or licensing, the lack of a justified answer and within the term and any other solution of ANRGN, considered by the petitioner illegal and prejudicial, could be attacked, under the law, at the administrative claim court.

(8) The licensee could transfer the authorization to another legal person, with ANRGN’s approval.

41. Articles 59 and 60 are abolished.

42. Article 61 shall have the following content:

“Authorization of the designing, performing, operation and maintenance staff in natural gas sector

Art. 61. – (1) Installation in natural gas sector shall be designed, performed, operated by authorized installers.

(2) Within 6 months starting from the date of coming into force of the law for approving the present ordinance, ANRGN shall elaborate the regulations regarding the authorization regime for the designing, performing and operating natural gas supplying systems installers.

(3) The regulations shall be approved by minister of industry and resources' order and shall be published in Monitorul Oficial of Romania, Part I."

43. Articles 62 and 63 are abolished.

44. The title of chapter XIII shall have the following content:

***"CHAPTER XIII
Granting and rights regime over somebody else's property "***

45. At article 64 paragraph (2) letters b) and c) shall have the following content:

"b) the obligation of the licensee to transport and/or distribute natural gas in a certain consumption area and to feed any captive consumer from that area, which fulfills the requests foreseen by the present ordinance;

c) the obligation of the licensee to observe the operative disposals of the dispatcher;"

46. Articles 65 and 66 are abolished.

47. Article 67 shall have the following content:

"Art. 67. – (1) The concession ends by withdrawal the authorization and/or license, as well as on the terms of Law no. 219/1998 regarding concessions regime.

(2) 3 years before the concession ends, the licensor shall establish the conditions on which the installation that had been the object of the concession contract shall be put in function again, after ending.

(3) Within maximum 3 months starting from the ending of administration or concession by giving up or withdrawal, the licensor shall establish the measures that have to be taken related to the installation that were object of the contract."

48. At article 69 paragraph (1), letter c) shall have the following content:

"c) violates the norms regarding environmental protection;"

49. Article 74 shall have the following content:

"Art. 74. – For avoiding jeopardizing the persons, goods or activities developed in the area of performing works for accomplishing, rehabilitation, technologying the capacities, as well as revision, maintenance or repairing works at the functioning capacity, the concessionaire has the right to obtain limitation or ending, as it is necessary and during the mentioned works, of the activities developed in the neighborhood by other persons. Limitation or ending shall be established by an agreement with the titular of the activity, and when he is missing, by court decision, with the adequate indemnity of the titular of the affected activity. For intervention in event of damages, accident or calamity no agreement nor court decision are necessary, but the concessionaire owns to the titular of the affected activity the adequate indemnity, established if necessary by court decision."

50. At article 76, paragraph (2) shall have the following content:

“(2) In the event of no fulfilling of the agreement foreseen at para. (1) between the concessionaire and the owner or in the situation foreseen at art. 70 lit. d), at concessionaire request the competent legal court shall decide, its decision being an executor title for the rights foreseen at para. (1).”

51. Article 79 and 80 are abolished.

52. Article 82 shall have the following content:

“Protection and safety zones

Art. 82. – For protection and normal function of capacities and their accessories in natural gas sector, ANRGN creates, by technical norms, protection and safety zones for them.”

53. Chapter XIV is abolished.

54. Article 87 shall have the following content:

“Contraventions

Art. 87. – (1) The following are contraventions, unless they have performed so to be infringement, in compliance with the law:

- a) performing of new works, modifications, extensions or revisions of natural gas equipment of any kind, by unauthorized legal or natural persons or by authorized legal persons, but without having the necessary approvals and certifications.
- b) developing, without having the authorization and/or license, of any activity that needs such a document, according to the provisions of the present ordinance and the regulations issued related to it;
- c) using some proceedings meant to influence free building of the prices on natural gas market;
- d) unjustified decrease of natural gas production capacity or supplying by the producers, as well as unjustified refusal for consumers feeding;
- e) performing and operating equipment and installation which do not observe the protection technical conditions and could jeopardize natural persons, property and/or environment;
- f) unjustified refusal for the access to the transport, distribution and storage grids for any internal or extern petitioner;
- g) natural gas reselling by a captive consumer;
- h) refusal for permitting the verifications and inspections foreseen by the regulations or asked, if necessary, by ANRGN, as well as its obstruction to fulfill its obligations;
- i) no showing the data and information asked by ANRGN and no fulfilling the measures imposed by this;
- j) not ensuring the minimum stock into natural gas underground storage and no reserving the minimum capacity for the transporter;
- k) overlapping the maximum limits concerning the pollution emissions;
- l) no giving the information, in compliance with art. 11 h) and art. 19. d);
- m) transmission of confidential data regarding commercial operations to third parties, by no observing the provisions of art. 11 g) and art. 19 e);

- n) unjustified delay for connecting new consumers or their feeding again after interruption;
- o) no observing the provisions of art. 21;
- p) no observing the regulations regarding the prices and tariffs;
- q) issuing the approvals and certifications concerning the access to the system without observing the legal provisions
- r) no observing the provisions of the agreements and certifications concerning the access to the transport, distribution and storage systems;
- s) no observing the provisions regarding natural gas supplying to the population on safety terms;
- t) no observing the indications of art. 19, h) regarding crossed substantiate;
- u) no observing the request concerning accounting, foreseen at art. 54;
- v) no observing the behavior rules foreseen at art. 89¹.

(2) For natural persons the penalty is 30,000,000 lei –60,000,000 lei, in the event of the contraventions foreseen at para. (1) a)-h), and the penalty is 10,000,000 lei-30,000,000 lei, in the event of contravention foreseen at para. (1) i)-v).

(3) For legal persons the penalty is 5% from the turnover of the offender, in the event of contraventions foreseen at para. (1).

(4) Inspectors, enforced for this purpose by ANRGN, shall establish and apply the penalties contraventions foreseen at para. (1).

(5) Disposals foreseen at para. (2) shall be completed with the provisions of Law no. 32/1968 regarding establishment and sanction of contraventions, excepting art. 25-27.”

55. Art. 88 shall have the following content

“Confiscations

Art. 88. – The works performed, obtained or which have served to the contraventions foreseen in the present ordinance, including the resulted amount of money deposited in banks, could be confiscated in compliance with Law no. 32/1968 regarding contraventions establishment and sanction.”

56. After article 89, article 89¹ comes, having the following content:

“Art. 89¹. – (1) The licensed operator for natural gas transport and distribution shall run his activity so that to be sure that neither he nor an associate of his, producer, supplier or consumer could obtain an unjustified commercial advantage, resulted from preferential or discriminatory agreements.

(2) The licensed operator for natural gas transport and distribution shall be sure that no piece of information concerning transport or distribution or something connected is revealed for commercial advantage of a third party or used for the purpose of a commercial activity run by the licensee or other associated entity.”

57. Paragraph (2) of article 92 is abolished

Art. II. – Government Ordinance no. 60/2000 regarding natural gas sector activities regulation, with subsequent modifications, including those brought by the

present law, shall be republished in Monitorul Oficial of Romania, Part I, giving texts new numbers.

This law was adopted by the Deputies Chamber in the June 28, 2001 meeting, observing the provisions of art. 74para. (2) in Romanian Constitution.

**PRESIDENT OF DEPUTIES CHAMBER
VALER DORNEANU**

This law was adopted by the Senat in the June 28, 2001 meeting, observing the provisions of art. 74para. (2) in Romanian Constitution.

**PRESIDENT OF THE SENAT
NICOLE VACAROIU**

Bucharest, July 18, 2001
No. 463.

Translated by Doina Badea (ANRGN)
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