

NEWSLETTER
June 2012

Noi reglementari in domeniul energiei electrice
- Proiect Legea Energiei Electrice -

Considerand necesitatea transpunerii in legislatia nationala a actului normativ comunitar din cadrul Pachetului Legislativ 3 care reglementeaza piata interna de energie electrica, respectiv Directiva 2009/72/CE referitoare la normele comune pentru piata interna a energiei electrice si de abrogare a Directivei 2003/54/CE si a aplicarii Regulamentului nr. 714/2009 privind conditiile de acces la retea pentru schimburile transfrontaliere de energie electrica si de abrogare a Regulamentului (CE) nr. 1228/2003, Senatul Romaniei a aprobat la sfarsitul lunii mai proiectul privind legea energiei, prin care se stabileste cadrul de reglementare pentru desfasurarea activitatilor in sectorul energiei electrice si al energiei termice produse in cogenerare (denumit in continuare „Proiectul de lege”).

1) Renuntarea la tarifele reglementate pentru consumatorii finali

Proiectul de lege prevede renuntarea la tarifele reglementate pentru clientii finali, pana la data de 31 decembrie 2015. In acest sens, in perioada 2012-2015 va fi aplicat un calendar de eliminare treptata a preturilor reglementate.

In scopul reducerii impactului pretului energiei electrice la consumatorii finali ca urmare a instituirii masurilor de renuntare la tarife reglementate pentru clientii de energie electrica, prin Proiectul de lege se insituie in sarcina ANRE obligatia de a realiza rapoarte anuale privind impactul renuntarii la tarifele reglementate, si posibilitatea introducerii unor obligatii de serviciu public in sarcina participantilor la

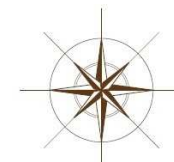
New Regulations in the Energy Field
- Energy Law Project -

Considering the necessity of implementing within the national legislation the community legislative deed of the Third Legislative Package which regulates the internal electricity market, respectively the Directive 2009/72/CE concerning common rules for the internal market in electricity and repealing Directive 2003/54/CE and of applying the Regulation no. 714/2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) no. 1228/2003, the Romanian Senate approved at the end of May, the energy law project through which is established the regulatory frame for carrying out the activities in the field of electricity and thermal energy produced in cogeneration (hereinafter referred to as “the Law Project”).

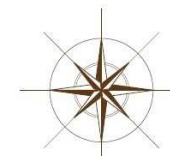
1) Elimination of the regulated prices for the final consumers

The Law Project provides the elimination of the regulated prices for final consumers, until the 31st of December 2015. In line with the above, within the period 2012-2015 it shall be applied a calendar on gradual elimination of the regulated prices.

In the aim of reducing the electricity price impact over the final consumers as a result of implementing the measures on elimination of the regulated prices for electricity customers, through the Law Project it is established on behalf of ANRE the obligation to draft annual reports on the regulated prices’ elimination impact, and the possibility of including new public service obligations on behalf of the market



<p><u>piata in vederea asigurarii suportabilitatii de catre consumatori a preturilor pentru energia electrica.</u></p> <p>Astfel, se preconizeaza ca principalale efecte ale renuntarii graduale la tarifele reglementate vor consta in inlesnirea cresterii concurentei pe piata de energie electrica dar si intr-o posibila crestere a obligatiilor participantilor la piata prin impunerea in sarcina acestora a unor obligatii de serviciu public.</p> <p>2) <u>Protectia consumatorilor de energie electrica</u></p> <p>In scopul punerii in aplicare a dispozitiilor Directivei 2009/72/CE, unul dintre obiectivele generale ale ANRE in sectorul energiei electrice, este de a asigura protectia consumatorului prin:</p> <ul style="list-style-type: none">▪ asigurarea unei piete concurentiale eficiente;▪ sprijinirea clientilor vulnerabili;▪ impunerea unor standarde de calitate a serviciului de furnizare a energiei electrice;▪ facilitarea accesului clientilor finali la datele proprii de consum necesare in procesul de schimbare a furnizorului de energie electrica;▪ informarea cat mai corecta si completa a consumatorilor. <p>Conform Proiectului de lege, in vederea tratarii eficiente a plangerilor si solutionarii extrajudiciare a litigiilor, <u>in cadrul ANRE va fi infiintata Comisia de solutionare a disputelor, avand atributia de a solutiona disputele pe piata angro si cu amanuntul, aparute intre participantii la piata de energie electrica.</u></p> <p>Mai mult, prin Proiectul de lege urmareste acordarea unei protectii suplimentare consumatorilor, astfel, se prevede:</p> <ul style="list-style-type: none">▪ posibilitatea clientilor finali care doresc sa isi schimbe	<p><u>participants in the aim of ensuring the electricity prices supportability by the consumers.</u></p> <p>In this sense, it is prospected that among the main effects of the gradual elimination of the regulated prices will be that of ensuring a easy grow of the competition on the electricity market but also, possible more burdening obligations for the electricity market participants, by imposing them public services obligations.</p> <p>2) <u>Electricity consumers protection</u></p> <p>In order to apply the provisions of Directive 2009/72/CE, one of ANRE's general aims in the electricity field is to ensure consumer's protection by:</p> <ul style="list-style-type: none">▪ providing an efficient competitive market;▪ supporting the vulnerable customers;▪ implementing certain quality standards for the electricity supplying service;▪ facilitating the final customers' access to their own consumption data necessary for changing the electricity supplier;▪ informing the consumers as accurate and complete as possible. <p>In conformity with the Law Project, in the aim of ensuring both the efficient analysis of the complaints and the extrajudicial settlement of litigations, <u>within ANRE shall be created the Commission for disputes settlement, which shall be responsible for solving the disputes arisen on the wholesale and en-detail market, between the participants at the electricity market.</u></p> <p>Moreover, through the Law Project it shall also be granted an additional protection to consumers, in this sense, are stipulated the following:</p> <ul style="list-style-type: none">▪ the possibility for the final customers who wish to change their
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furnizorul de a realiza aceasta schimbare in mod efectiv si cu usurinta – in acest sens, Proiectul de lege garanteaza posibilitatea schimbarii furnizorului de energie electrica in termen de trei saptamani, in baza unei proceduri transparente;

- dreptul clientilor finali de a incheia contracte cu mai multi furnizori in vederea acoperirii consumului de energie electrica – in acest sens, Proiectul de lege instituie posibilitatea clientilor finali de a incheia contracte cu mai multi furnizori, pentru un singur loc de consum; mentionam ca acest drept este acordat exclusiv clientilor noncasnici de mari dimensiuni.

3) Dispozitii finale

Noile reglementari in domeniul energiei electrice, astfel cum sunt prevazute in Proiectul de lege, vor intra in vigoare la data publicarii in Monitorul Oficial al Romaniei.

supplier to effectively and easy realize such change – in this sense, the Law Project guarantees the possibility of changing the electricity supplier within a three weeks term, on the basis of a transparent procedure;

- the final customers' right to conclude contracts with one or more energy suppliers in order to secure their electricity consumption – in this sense, the Law Project provides the possibility for the final customers to enter into contracts with several suppliers, for one consumption place; we shall mention that such right is exclusively granted to the large non-household customers.

3) Final provisions

The new legal provisions in the energy field, as they are provided by the Law Project, shall enter into force as from the date of their publishing within the Official Gazette of Romania.

*Yours sincerely,
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