

Issuer: **National Regulatory Authority in Natural Gas Sector**

Type of the document: **Decision**

Number/date of the document: **1354/November 2, 2004**

Published in Monitorul Oficial no. **1165/December 9, 2004**

DECISION
regarding the approval of the
Regulation for natural gas supply of captive customers directly connected to the
National Transport System and/or to the upstream pipes and of the eligible
consumers

According to provisions of art. 8 letter i) of the Gas Law no. 531/2004, as well as of instructions of art. 10 para. (4) and (5) of Law no. 351/2004,

The President of National Regulatory Authority in Natural Gas Sector issues the present decision.

Art. 1. – The Regulation for natural gas supply of the captive customers directly connected to the National Transport System (SNT) and/or to the upstream pipes and of the eligible consumers foreseen in the annex which is part of present decision, is approved.

Art. 2. Responsible compartments within National Regulatory Authority in Natural Gas Sector, captive customers directly connected to the National Transport System (SNT) and/or to the upstream pipes, eligible consumers, distribution operators, transport system operator will accomplish the provisions set up by the present decision.

Art. 3. – The present decision shall be published in Monitorul Oficial of Romania, Part I.

President of National Regulatory Authority
in Natural Gas Sector

Dan Pantilie

Bucharest, November 2, 2004

No. 1,354

**REGULATION
FOR NATURAL GAS SUPPLY OF THE CAPTIVE CUSTOMERS
DIRECTLY CONNECTED TO THE NATIONAL TRANSPORT
SYSTEM AND/OR TO THE UPSTREAM PIPES AND OF THE
ELIGIBLE CONSUMERS**

**CHAPTER I
Purpose. Application field**

Art. 1 Present *regulation* sets up commercial and technical rules and requirements in order to ensure safety terms for functioning of the utilization facilities, belonging to captive consumers directly connected to the National Transport System (SNT) and/or to the upstream pipelines and to the eligible consumers, named here bellow as *consumers*.

Art. 2 The *Regulation* is applicable to consumer, distribution operators, transport operators, producers and natural gas suppliers.

**CHAPTER II
Specific terms for designing, execution and exploitation
of the natural gas utilization facilities**

Art. 3 In order to execute the modification, rehabilitation, modernization, repairing and exploitation of the utilization facility, the *consumer* has the following obligations :

1. according to present regulations to have an access consent;
2. to observe the provisions of present regulations for the achievement of designing and execution works;
3. to ensure the execution of the works only in case the distributor, according to provisions of art. 4, endorses the technical projects, participates to the reception of works done and entering into operation;
4. to ensure the correct exploitation and maintenance of the natural gas utilization facilities, through one of the following ways :
 - a) with own personnel authorized by the ANRGN for the execution of natural gas utilization facilities, according to the present regulations;
 - b) with commercial companies authorized by the ANRGN for the execution of natural gas utilization facilities;
 - c) with the operator of the natural gas distribution.
5. to ensure checking and revision of the execution of natural gas utilization facilities, according to present regulations; checking and revision are done by commercial companies authorized by the ANRGN for the execution of natural gas utilization facilities or by the operator of the natural gas distribution;
6. to have a complete file for the natural gas utilization facility;

7. to provide the natural gas supplier with the following documents, at the expiration or any time during the natural gas supply contract implementation:
 - a) the final file of the natural gas utilization facility;
 - b) the record of periodical inspection works of the natural gas utilization facility, in terms of validity;
 - c) the record of periodical technical revision works of the natural gas utilization facility, in terms of validity
 - d) the documentary proofs from which it results the insurance of correct exploitation and maintenance of the natural gas utilization facility, in accordance with the provisions of Art. 3 line 4;
8. to ask the supplier to cut the natural gas supply any time when the safety functioning of the natural gas utilization facility could be affected

Art. 4 *Consumers* have the obligation to contract services for endorsing the technical execution projects of the natural gas utilization facility, their reception and putting into operation:

- a) with any natural gas distribution operator, when they are placed in a locality where there is no licensed distribution operator; in this case the services for endorsing the technical execution projects of the natural gas utilization facility, their reception and putting into operation will be contracted with the same natural gas distribution operator;
- b) with the licensed natural gas distribution operator within the service where these are located.

Art. 5 Natural gas suppliers have the following obligations:

- a) to supply natural gas in safety conditions; during the time of supply, they will ensure that the natural gas utilization facility meet the requirements for functioning according to present regulations, proved through documents stipulated at art. 3 point 7;
- b) to ask to cut the natural gas supply when:
 - consumer does not show the documents stipulated at art. 3 point 7;
 - consumer explicitly asks the cutting off as set up at art. 3 pct. 8; his application for cutting off will be notified, function of the case, to the distribution operator/ transport operator/ producer;
- c) to insert into the natural gas supply and purchase-sell contracts clauses of the kind of those foreseen at letter a) and b) of the present article ;
- d) to state within purchase-sell/supply contracts, the way the consumer requests an intervention to the Regulating-Measuring Station and/or/ to the natural gas utilization facility and the responsibility for each type of intervention.

Art. 6 Natural gas distributors have the following obligations :

- a) to make the tariffs public for the following services:
 - endorsement of the technical projects for execution of natural gas utilization facilities;
 - technical reception, entering into operation of the natural gas utilization facilities;
 - checking and revision of the natural gas utilization facilities;

- b) to apply to *consumers* for the services foreseen at art. 6 letter a) the same tariffs as for the captive consumers connected to natural gas distribution systems;
- c) to do not refuse, on a reasonable basis, the request of the consumers for providing the services foreseen at art. 6 letter a);
- d) to cut off the natural gas supply, at the request of the supplier, within the terms of art. 5 letter b).

Art. 7 Producer and transport operator have the obligation to cut off the natural gas supply to the consumer, at the supplier's request, within the terms of art. 5 letter b).

CHAPTER III

Final provisions

Art. 8 Stipulations of present *regulation* are applied accordingly to the actual legislation in force for the gas sector.

Art. 9 (1) Violation of provisions of present *regulation* brings the contravention responsibility within the legal terms.

(2) Establishment, finding and sanctioning the contraventions are done according to the provisions of Gas Law no. 351/2004 and to Regulation for ascertaining, notifying and sanctioning the violation of regulations' provisions issued for the natural gas sector.

Art. 10 (1) Within the period of 30 days after entering in force of present *regulation*, ANRGN will consequently modify the framework contracts for natural gas supply to captive consumers.

(2) In line with the period foreseen at para. (1), the suppliers will include within the purchase-sell contracts for the eligible consumers, the clauses foreseen at art. 5 of present *regulation*.