

PERFORMANCE STANDARD FOR THE NATURAL GAS SUPPLY ACTIVITY*

CHAPTER 1 – General provisions

1.1 Scope

Art.1. This performance standard regulates the commercial quality criteria defined by the performance indicators in order to ensure the natural gas supply service to the consumers, as well as the reporting requirements for suppliers.

Art.2. This legislative act is issued in accordance with the provisions of art. 8 para. (1) letter n) and art. 73 letter c) in Gas Law no. 351/2004, subsequently amended and completed.

1.2. Applicability

Art.3. (1) This performance standard defines the suppliers' obligations in their relationships with the natural gas consumers, as well as with the National Regulatory Authority in Energy Sector (ANRE).

(2) This performance standard sets forth the levels of the performance indicators and natural gas supply targets, for the following activities:

- a) natural gas contracting;
- b) invoicing supplied natural gas
- c) settlement of consumers' notifications regarding supplied natural gas quality conditions;
- d) notification of consumers according to the requirements of this performance standard;
- e) settlement of claims against the supplier, worded with applicants/consumers regarding non-compliance of the performance standard;
- f) settlement of other claims and requests of applicants/consumers.

Art.4. Provisions of this legislative act will not apply in case of:

- a) consumers' refusal/rejection to allow the supplier's representative access to;
- b) force majeure.

1.3. Definitions and abbreviations

Art.5. For the purposes of this performance standard, the following terms are defined:

- (a) Warranted performance indicators – IPG – indicators determining the minimum performance levels for service provision by the supplier and for non-observance of which the supplier shall pay to the concerned applicant/consumer penalties, in the amount and conditions provided in this performance standard;
- (b) The annual performance indicators – IPA – indicators determining the annual performance levels in the natural gas supply service;
- (c) Applicant – natural person or legal entity filing an application form for conclusion of a natural gas regulated/negotiated supply agreement;

- (d) Supply interruption – measure to interrupt/suspend delivery of contracted natural gas amounts;
- (e) Consumer - natural person or legal entity buying natural gas for its own consumption;
- (f) Natural gas regulated supply agreement – commercial agreement concluded based on the gas regulated supply master agreement for captive consumers;
- (g) Natural gas negotiated supply agreement – commercial agreement concluded by negotiation between the natural gas consumer and supply licence titleholder.
- (h) Supplier – supply licence titleholder, selling gas, based on a supply agreement;

CHAPTER 2 – Service quality

2.1. Warranted performance indicators

2.1.1 IPG1 Natural gas contracting

Art. 6. (1) Supplier shall respond the request addressed by any applicant/consumer, which topic is the conclusion/amendment of a natural gas regulated/negotiated supply agreement.

(2) In case the Supplier does not communicate in writing to the applicant/consumer, in 15 days from request record/registration, its approval and the draft of the natural gas regulated/negotiated supply agreement, the notification for transmittal of necessary documents/information for conclusion/amendment of the agreement or the refusal/rejection regarding conclusion/amendment of the natural gas regulated/negotiated supply agreement, the supplier shall pay to the applicant/consumer the penalties set forth in Annex no. 1.

(3) In case of exceeding the 15 day term, the supplier shall pay the penalties provided in Annex no. 1 for each additional day failing to fulfill its obligation set forth in para. (2), including the day it fulfills its obligation.

(4) Penalties provided in para. (3) will be charged for maximum 15 days.

2.1.2 IPG2 Settlement of consumers' invoice requests

Art. 7. (1) The Supplier shall respond to the notifications addressed in writing by the consumers regarding invoices, explaining them the invoice content and in case the consumers' request proves to be founded, it will proceed to the re-calculation of invoices.

(2) In case the supplier does not check the accuracy of the issued invoice and does not communicate the inspection results in writing, in 15 days from the request receipt, as well as, if applicable, the settlement methods and term, the supplier shall pay to the consumer the penalties provided in Annex no. 1.

(3) In case of exceeding the 15 day term, the supplier shall pay the penalties provided in Annex no. 1 for each additional day failing to fulfill its obligation under this article, including for the day it fulfills its obligation.

(4) In case the consumer's request proves to be grounded and the consumption re-calculation is necessary as an effect of the metering device break, the supplier shall proceed to the re-calculation of the natural gas consumption, complying with the applicable legal provisions.

2.1.3 IPG3 Supplied natural gas quality

Art. 8. (1) Supplier shall respond the notifications of any consumer, regarding supplied natural gas quality.

(2) Supplier shall provide natural gas complying with the natural gas minimum quality conditions provided in the Technical agreement for operating the commercial delivery/overtaking points.

(3) In case the supplier does not analyze the received notification and does not communicate in writing its result to the consumer, including the transmittal, if the case, of the latest chromatographic analysis bulletin, determined in accordance with the applicable legal provisions, the supplier shall pay the penalties provided in Annex no. 1.

(4) In case of exceeding the 15 day term, the supplier shall pay the penalties provided in Annex no. 1 for each additional day failing to fulfill its obligation under this article, including for the day it fulfills its obligation.

(5) In case, pursuant to the received notification it is found that the supplied natural gas superior calorific power, determined according to the provisions of the Regulation for measuring of natural gas amounts sold on the en-gross market, is different from the invoiced natural gas, the supplier shall proceed to the re-calculation of the natural gas consumption, according to the applicable legal provisions.

(6) Consumers' claims regarding the value of calorific power used for invoicing may be addressed in maximum 2 months from the invoice date.

2.1.4 IPG4 Settlement of consumers' requests regarding metering of natural gas amounts

Art. 9. (1) Supplier shall respond the notifications of any consumer regarding operating, replacement, remedy, change of the meter run place and others similar.

(2) In case the supplier does not send a response to the consumer's notification provided in para. (1) in 30 days from its receipt, supplier shall pay to consumer the penalties provided in Annex no. 1

(3) In case of exceeding the 30 day term, the supplier shall pay the penalties provided in Annex no. 1 for each additional day failing to fulfill its obligation under this article, including for the day it fulfills its obligation.

2.1.5 IPG5 Penalties due for failing to fulfill the supplier's payment obligations

Art. 10. (1) This article applies in case the supplier has to make a payment to an applicant/consumer, as per art. 6, 7, 8 and 9.

(2) If the supplier does not notify in writing the consumer/applicant on the due penalties or does not pay them in 20 days from the date the supplier's obligations became due, according to art. 6 para. (2), art. 7 para. (2), art. 8 para. (3) and art. 9 para. (2), the consumer/applicant is entitled to additional penalties set forth in Annex no. 1.

(3) This article does not apply in case there is a dispute between supplier and applicant/consumer, regarding the supplier's obligation to make that payment, and the dispute was subject to a claim submitted to ANRE or a settlement in a court having jurisdiction, according to Chapter III.

2.2. Annual performance indicators

2.2.1 IPA 1 Processing the contracting requests

Art. 11. (1) Supplier shall respond a request regarding the conclusion/amendment of a natural gas regulated/negotiated supply agreement, pursuant to art. 6.

(2) Supplier shall provide the services set forth at para. (1), at least to a percentage specified in Annex no. 2. The percentage indicates the report between the number of settled requests during the term provided in para. (1) and the total number of received requests, regarding the conclusion/amendment of a natural gas regulated/negotiated supply agreement.

2.2.2 IPA2 Responses to the consumer's requests

Art. 12. (1) Supplier shall respond a consumer's request, others than provided with art. 6, 7 and 8, in 30 days from the request receipt date.

(2) Supplier shall provide the services set forth at para. (1) at least to the percentage of cases provided in Annex no. 2. The percentage indicates the report between the number of settled requests during the term provided in para. (1) and the total number of requests.

2.2.3 IPA3 Resume supply in case of restraint/suspension as an effect of failing the fulfill the payment obligations

Art. 13. (1) In case of supply restraint/suspension as an effect of failing the fulfill the payment obligations at the deadlines provided in the agreement, the supplier shall ensure supply resumption in 24 hours from fulfillment of payment obligations, according to the contract provisions.

(2) Supplier shall provide the services mentioned at para. (1) at least to the percentage of cases provided in Annex no. 2. The percentage indicates the report between the number of consumers the supply was resumed during the term indicated at para. (1) and total number of consumers which supply was restrained/suspended and which fulfill their payment obligations.

2.2.4 IPA4 Information regarding the performance indicators

Art. 14. (1) In maximum 30 days from the effective date of this legislative act, the supplier shall draft and make public a summary of its obligations provided in Section 2.1. Warranted performance indicators, as well as in Chapter 3 – Claims.

(2) Supplier has the following obligations:

- a) send this summary to ANRE in minimum 5 days prior to be published;
- b) display the summary on the webpage, and, if the case, in customer service centers;
- c) notify this summary to each of its consumers, customers.

(3) In case of promotion of certain amendments and/or completions of this standard, the supplier shall update this summary, in 30 days, complying with the provisions set forth in para. (2).

Art. 15. Supplier shall annually inform ANRE within the term provided at art. 21, regarding:

- a) Total number of consumers the supply of which was restrained/suspended as an effect of failing to fulfill its payment obligations;

- b) Total number of consumers the supply of which was restrained/suspended and who fulfill its payment obligations;
- c) Number of consumers the supply of which was restrained/suspended, who fulfill its payment obligations and which supply was resumed during the term provided in art. 13 para. (1)
- d) Number of requests regarding conclusion of natural gas negotiated supply agreements addressed by household consumers and, respectively by gas non-household consumers;
- e) Number of natural gas negotiated supply agreements, concluded based on the requests provided at letter d).

CHAPTER 3 – Claims

Art. 16. (1) Applicants/consumers are entitled to address claims to the supplier, related to its non-compliance of obligations provided in this performance standard.

(2) The claim may be submitted in maximum 30 days from the due date of the obligation, provided at art. 6 para. (2), art. 7 para. (2), art. 8 (3), art. 9 para. (2) and art. 10 para. (2).

(3) Claim settlement procedure provided at para. 1 does not involve any applicants/consumers' expense.

Art. 17. Pursuant to the claim receipt, supplier has the following obligations:

- a) Keep distinct evidence or received claims;
- b) Check, including, if the case, by finding on site, the aspects underlined in the claim and contact the claimant, if necessary for obtaining additional information.
- c) Communicate in maximum 20 days from the claim receipt, a response to the claimant by which, if the case:
 1. Admit that the claim is justified and take emergency measures for fulfillment of obligations;
 2. Reject the claim, justifying the rejection causes.

Art. 18. (1) The applicant/consumer is entitled to address to ANRE claims related to the supplier's non-compliance of obligations according to the performance standard.

(2) The claim may be submitted in maximum 60 days from the due date of the obligation, provided in 6 para. (2), art. 7 para. (2), art. 8 (3), art. 9 para. (2) and art. 10 para. (2).

(3) For analysis of situation set forth in para. 1 ANRE shall take the following steps:

- a) Check, including, if the case, by finding on site, the aspects underlined in the claim and contact the claimant and/or supplier, if necessary for obtaining additional information;
- b) Communicate in maximum 30 days from the claim record, a response to the claimant and supplier, by which, if the case:
 1. Admit that the claim is justified and impose to the supplier a term for fulfillment of its obligations hereunder;
 2. Reject the claim, justifying the rejection causes.

(4) In case the claim proved to be legitimate, ANRE shall penalize the supplier, according to the legal provisions.

CHAPTER 4 – Final provisions

Art. 19. (1) In order for the consumers to send the notifications and claims, supplier shall ensure a permanent call center which number will be mentioned on the invoice.

(2) Supplier shall record and emergently send to the distribution operator the consumer's notifications and claims regarding potential gas leaks, subsequently communicating to the consumer the record number allocated by the distribution operator to its notification/claim and the time the intervention team will arrive.

Art. 20. (1) The requests received by supplier after 16:00 o'clock in a business day or any time of the non-business days will be considered received in the following business day.

(2) In case the terms provided in this performance standard are met in a non-business day, they will be postponed accordingly starting with the first business day.

Art. 21. (1) Supplier shall annually report to ANRE the fulfillment of performance indicators according to annex no. 3

(2) Annex no. 3 is filled in by the supplier and submitted to ANRE, in writing and electronic format by latest April 1.

Art. 22. ANRE will display on its webpage the data sent by suppliers by latest May 1.

Art. 23. All requests, notifications, claims, notices, reports and any other communications provided in this legislative act will be sent at the addressee address in writing and are considered received:

- (a) At the delivery date, if delivered in person or by courier, at the appropriate address under the receipt signature
- (b) At the addressee receipt signature or its receipt rejection if sent by post mail receipt letter;
- (c) When generated the documents affirmative receipt report, if sent by facsimile or email;

Art. 24. ANRE is entitled to apply penalties according to art. 109 item 15 and art. 110 para. 2 letter (d) in Gas Law no. 351/2004, subsequently amended and completed, such as:

- a) In case of non-compliance of the deadlines imposed by the warranted performance indicators, in addition to the penalties the supplier shall pay to applicants/consumers;
- b) In case on non-compliance of the annual performance indicators, set forth in annex no. 2.

Art. 25. The supplier shall be entitled to recover from the system operators, the penalties paid to consumers, in case the causes generating their payment are independent of the supplier's capability to act and are due to these operators.

Art. 26. (1) The provisions of Chapter 2, item 2.1 Warranted performance indicators enter into force as of January 1, 2008.

2) Suppliers will start reporting the performance indicators level, according to art. 21, for the activity related to January 1 2008 – December 31, 2008.

Art. 27. Annexes no. 1-3 are part of this standard.

Annex no. 1 to the performance standard

PENALTIES

Applicable in case of non-observance of the warranted performance indicators

No. of article	Para.	Specified time	Specified amount
Art. 6. IPG1 – Natural gas contracting	Para. (2)	15 days from receipt of request	30 lei
	Para. (3)	each additional day	5 lei
Art. 7. IPG2 – Requests regarding invoices	Para. (2)	15 days from receipt of request	30 lei
	Para. (3)	each additional day	5 lei
Art. 8. IPG3 – Quality of supplied natural gas	Para. (4)	15 days from receipt of request	50 lei
	Para. (2)	each additional day	10 lei
Art. 9. IPG4 – Request for metering	Para. (2)	30 days from receipt of request	30 lei
	Para. (3)	each additional day	5 lei
Art. 10. IPG5 - Due penalties for failing to fulfill supplier's payment obligations	Para. (2)	20 days from the date the supplier's obligations became due	150 lei

Annex No. 2 to the standard performance

OBJECTIVES

Applicable to the annual performance indicators

Number of article	Objective
Art. 11 IPA1 – Processing of contracting requests	90%
Art. 12 IPA2 – Responses to consumers' requests	95%
Art. 13 IPA3 – Supply resumption	95%
Art. 14 Information regarding performance indicators	100%

REPORTING TEMPLATES

A. Annual performance indicators

Number of article	Objective	Achieved
Art. 11 IPA1 – Processing of contracting requests	90%	
Art. 12 IPA2 – Responses to consumers’ requests	95%	
Art. 13 IPA3 – Supply resumption	95%	
Art. 14 Information regarding performance indicators	100%	

B. General data regarding supplier’s activity

Number of requests regarding conclusion of natural gas negotiated supply agreements	household	
	non-household	
Number of natural gas negotiated supply agreements	household	
	non-household	
Total number of consumers which supply was limited/restricted as an effect of failing to fulfill payment obligations		
Total number of consumers whose supply was limited/restricted and who fulfilled their payment obligations		
Number of consumers whose supply was limited/restricted, fulfilled their payment obligations and whose supply was resumed in 24 hours		