

Research RES Legal – Access to the grid

Country: Romania

1. Overview of access to the grid

Overview of access to the grid	Grid operators are obliged to connect renewable energy systems to his grid without discriminating against certain system operators. They are also obliged to transmit electricity from renewable sources as a priority. In general, grid operators are obliged to expand their grids on the request of a system operator, if the connection of a system requires the grid to be expanded.
Statutory provisions	<ul style="list-style-type: none"> • Electricity Law • Regulation no. 90/2008 • Law no. 220/2008
Connection to the grid	System operators are contractually entitled against the grid operator to the connection of a renewable energy system to the grid. The grid operator in charge has the statutory obligation to conclude such contracts without discriminating against certain system operators. The costs of connection to the grid are borne by the system operator concerned.
Usage of the grid	System operators are contractually entitled against the grid operator to priority transmission of electricity from renewable sources.
Expansion of the grid	In general, grid operators are obliged to expand his grid on the request of a system operator, if the connection of a system to the grid requires the grid to be expanded. The costs of an expansion of the grid are borne in full by either the grid operator in charge or a system operator, or shared by both parties. Who is to bear the costs depends on where the grid is expanded.

2. Basic information on legal sources

Name of legal source (original language)	Legea nr. 13/2007, legea energiei electrice	Hotarare pentru aprobarea Regulamentului privind racordarea utilizatorilor la retelele electrice de interes public, hotarare nr. 90/2008	Lege nr. 220/2008 pentru stabilirea sistemului de promovare a producerii energiei din surse regenerabile de energie (220/2008)
Name of legal source (full name)			
Name of legal source (English)	The Electricity Law no.13/2007	Decision on the Approval of Regulation no. 90/2008 on the Connection of Users to the Public Grid	Law no. 220/2008 Establishing a System for the Promotion of Electricity Generation from Renewable Sources
Abbreviated form	Electricity Law	Regulation no. 90/2008	Law no. 220/2008
Type of law	Act	Regulation	Act
Document structure	Chapters, articles	Chapters, articles	Chapters, articles
Entering into force	22/02/2007	12/06/2008	03/11/2008
Latest amendment	25/11/2008		
Future amendments			
Purpose	Regulating the electricity market.	Regulating the access of electricity to the grid.	Establishing a legal framework to promote the increased use of renewable energy.
Relation to renewable energy	The Electricity Law establishes a policy framework for the promotion of electricity from renewable sources and its access to the grid.	This regulation also applies to the access of electricity from renewable sources to the grid.	The Law establishes a framework for the promotion of electricity generation from renewable sources.
Link to full text of legal source (original language)	http://www.dreptonline.ro/legislatie/legea_energiei_electrice_13_2007.php	http://www.dreptonline.ro/legislatie/og_eficienta_energetica_consumatori_finali_surse_regenerabile_energie_22_2008.php	

Link to full text of legal source (English)	http://www.minind.ro/domenii_sectoare/leg_armonizata/energie/EnergyLAW13_2007_27_07.pdf Die englische Übersetzung entspricht nicht der aktuellen Version des Gesetzes.		
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3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	e-mail (optional)
ANRE - Agenția Națională de Reglementare în Domeniul Energiei – Romanian Energy Regulatory Authority	http://www.anre.ro		+ 40 21 311 22 44	anre@anre.ro
Ministerul Economiei – Department for Business	http://www.minind.ro		+ 40 21 202 54 26	
ISPE - Institutul de Studii și Proiectări Energetice – Institute for Studies and Power Engineering	http://www.ispe.ro/		+40 21 210 77 25	office@ispe.ro

4. Connection to the grid

Abbreviated form of legal source	Electricity Law Regulation no. 90/2008	
Legal basis for a claim/addressees	() statutory basis (x) contractual basis	System operators are contractually entitled against their grid operator to the connection of their systems to the grid. The grid operator is obliged to enter into contracts with the system operators (art. 31 par. 2 Electricity Law in conjunction with art. 33 Regulation no. 90/2008).
	Entitled party	The persons entitled are all grid users applying for connection to the grid and complying with the technical and economical conditions for connection. The grid operator in charge has to notify the applicants about these conditions within 30 days commencing on the date on which he receives the applications for connection (art. 31 par. 1 Electricity Law in conjunction with art. 23 par. 1 Regulation no. 90/2008).
	Obligated party	The person obligated is the grid operator in charge (art. 31 par. 1 Electricity Law). The obligated grid operator is either the transmission grid operator, or the distribution grid operator, or another person owning an electricity grid, depending on the size of the system in question (art. 6 par. 1, 2 Regulation no. 90/2008).
Priority to renewable energy (qualitative criteria)	(x) Priority to renewable energy () Non-discrimination	Grid operators are obliged to connect renewable energy systems to their grids as a priority, unless this poses a risk to the correct operation of the national energy system (art. 20 Law no. 220/2008).
Capacity limits	Entitlement to connection to a certain grid connection point ceases in cases where the correct operation of the national energy system is at risk (art. 15 par. 2 Regulation no. 90/2008, art. 20 Law no. 220/2008).	
Limitations/deadlines	The periods within which the individual steps of the process of connection must be completed are specified by statutory law (art. 8 par. 3; 14 par. 4; 20 par. 1; 21 par. 1, 3 Regulation no. 90/2008). Compliance with the corresponding deadlines is checked by the Romanian Energy Regulatory Authority (art. 11 par. 3 Electricity Law).	
Arising/enforcement of a claim	The claim arises on the date of conclusion of the grid connection agreement. The grid operator in charge is obliged to enter into this agreement if the applicant complies with the statutory requirements for the conclusion of the agreement (art. 31 par. 2 Electricity Law in conjunction with art. 32, 33 Regulation no. 90/2008). If a grid operator refuses to connect a system without due reason, he may be obliged to pay a penalty fee (art. 86 par. 1 item s, 2 Electricity Law).	
Funding	There are no special provisions on the costs and the distribution of the costs of grid usage by electricity from renewable sources.	
	State	
	Consumers	
	Grid operator	
	System operator	The costs of connection of a system to the grid are borne by the system

		operator, who is obliged to pay a once-only grid connection fee (art. 31 Regulation no. 90/2008).
	Distribution mechanism	

5. Usage of the grid

Abbreviated form of legal source	Electricity Law Regulation no. 90/2008 Law no. 220/2008	
Legal basis for a claim/addressees	() statutory basis (x) contractual basis	System operators are statutorily entitled against the grid operator to the transmission of electricity from renewable sources (art. 30; 34; art. 3 no. 1 Electricity Law).
	Entitled party	The persons entitled are the system operators (art. 34 item a Electricity Law).
	Obligated party	The persons obligated are the grid operators (art. 30 par. 1 Electricity Law).
Priority to renewable energy (qualitative criteria)	(x) Priority to renewable energy () Non-discrimination	The producers of electricity from renewable sources are entitled to priority access of renewable energy to the grid, unless this would pose a risk to the correct operation of the national energy system (art. 20 Law no. 220/2008).
Capacity limits	The transmission of electricity must not endanger the energy supply or the reliability and security of the national grid system (art. 20 Law no. 220/2008).	
Limitations/deadlines		
Arising/enforcement of a claim	The grid operator's general obligations directly derive from statutory law (art. 30, 34 Electricity Law).	
Funding		
	State	
	Consumers	According to ISPE, the consumers bear the costs of grid usage through the electricity price.
	Grid operator	
	System operator	
	Distribution mechanism	According to ISPE, the grid operators include the costs of transmission of electricity in their electricity prices.

6. Expansion of the grid

Abbreviated form of legal source	Regulation no. 90/2008	
Legal basis for a claim/addressees	(x) statutory basis () contractual basis	In general, the obligated grid operator has to expand his grid up to the connection point requested, if the connection of a system requires the grid to be expanded (art. 36, 37 par. 1, 2 Regulation no. 90/2008).
	Entitled party	
	Obligated party	The grid operator in charge is obliged to expand his grid up to the connection point (art. 36 Regulation no. 90/2008). The system operator is obliged to connect his system to the connection point (art. 36 Regulation no. 90/2008).
Priority to renewable energy (qualitative criteria)	() Priority to renewable energy (x) Non-discrimination	Renewable energy is not given priority.
Capacity limits		
Limitations/deadlines	If the grid operator has not planned to expand his grid system as shown in the investment plan, he is obliged to notify the system operator in question of periods during which a grid expansion could be implemented (art. 37 par. 2 Regulation no. 90/2008).	
Arising/enforcement of a claim	The grid operator's general obligations directly derive from statutory law (art. 36, 37 par. 1 Regulation no. 90/2008).	
Funding		
	State	
	Consumers	
	Grid operator	The costs of an expansion of the grid up to the connection point are borne by the grid operator, if the expansion is listed in the grid operator's investment plan (art. 37 par. 1 Regulation no. 90/2008). If the expansion of the grid is not indicated in the grid operator's investment plan, the grid operator has to bear only part of the costs (art. 37 par. 5 Regulation no. 90/2008).
	System operator	The system operator is obliged to bear the costs of connecting his system to the connection point (art. 39 Regulation no. 90/2008). If an expansion of the grid up to the connection point is not listed in the grid operator's investment plan, the system operator has to bear part of the costs of this expansion (art. 37 par. 5 Regulation no. 90/2008).

	Distribution mechanism	Statutory law does not stipulate a distribution mechanism.
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