

RULES
ON SWITCHING THE SUPPLIER IN THE NATURAL GAS SECTOR

Part I
General Provisions

Article 1
Purpose

These rules shall define the conditions and procedures on switching the natural gas supplier, who supply the customer on the basis of a supply contract and define the rights and obligations of natural gas supplier, the customers and system operator within supplier switching procedure.

Article 2
Object

The object of this regulation is to set the rules for the contracting parties, on switching the natural gas supplier and the guarantee of the customer right to require the switch of the supplier.

Article 3
Authority

This regulation is drafted according to Article 76, of Law no. 102/2015 “*On Natural Gas Sector*”.

Article 4
Definitions

Some of the expressions used on these rules shall have the meaning as follows:

“New Supplier” – the supplier with whom the customer desires to connect a sale contract at the beginning of the procedure for the supplier switch/amendment;

“Distribution system operator (DSO)” means a legal person who carries out the function of distribution and is responsible for operating, maintenance, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;

“Transmission system operator (TSO)” means a legal person who carries out the function of transmission and is responsible for operating, maintenance, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of gas;

“Supplier” shall mean the company that supply (sales and re-sales natural gas) the customer based on a supply contract.

“Current supplier” – shall mean the supplier that supplies the customer at the beginning of the procedure for the supplier switch.

“Connection Point” – shall mean the physical connection point of a User with the Distribution network.

“Natural Gas Center” – shall mean the system on which the natural gas enters in the intake points and exits at the off take points, registering detailed data.

Other terms used on these rules shall have the same meaning as the ones referred to Law no.102/2015 “*On Natural Gas Sector*” – hereinafter the “**Law**”.

Article 5

General conditions

The procedure of switching the natural gas supplier shall not have costs for the customer.

The right of switching the supplier is issued only to the customers that have the right to freely choose their supplier in conformity with the Law, the rules regulating the natural gas supply conditions and the respective sale contract.

The customer and any third party that makes reliable its legal interest, has the right to be informed on the procedure that shall be followed for switching the supplier, from the current supplier.

Article 6

Procedure of switching the supplier with the request of the customer

6.1. The procedure of switching the supplier according to the customer application, as described on this article, shall in all cases begin when the supplier, for example the public supplier acts as a new or current supplier.

The procedure for switching the supplier may be performed with only a supplier on the same time.

This procedure of switching the supplier shall not exceed more than 3 weeks after the date of submitting the valid application.

6.2. The procedure of switching the supplier begins with the initiative of a customer, by submitting a request to the new supplier.

The customer that has connected a supply contract with a defined term shall deliver the application not later than 3 weeks before the termination of the valid term of the effective supply agreement.

6.3. The application for switching the supplier shall be submitted by the customer in two copies, in the written form, recognized by the new supplier. In particular this form shall include:

- a) business name, the headquarters, identification number, Unique Identification Number (NUIS) for the customer (for the legal persons and the entrepreneurs), respectively their name and surname, address and personal identification number (for the natural persons);
- b) identification number of the metering points, as given on the data basis of the metering data [On the basis of the metering data (as follows: the data basis)];
- c) the capacity approved at the metering point;
- d) date of submitting the application;
- e) business name of the current supplier and the validity period of the contract connected between the customer and the current supplier.

6.4. Except of the application mentioned on point 6.3 of this article, the customer shall submit the following documents in two copies:

- a) a written declaration issued by the current supplier aiming to initiate the process of switching the supplier, which shall not be issued not later than seven (7) days before the date of submitting the request, by which the current supplier confirms that the mutual financial and supply liabilities are settled between the supplier and the customer on the date of issuing the declaration;
- b) a declaration with which the customer terminates the contract with the current supplier before the normal termination period of its duration, declaring the reason of such termination of the contract with the current supplier, aiming the supplier switch. The termination of the contract as above shall be considered on the date of metering the data ensured by the system operator at the metering point;

- c) a written declaration about the date of terminating the sale contract by the customer according to point 6.2, paragraph 2 of this article;
- d) customer's consent of using the personal and other data obtained during the supplier switching procedure, valid only for these purposes.

6.5. After the consent of the application for supply termination by the current supplier, the new supplier shall also review its validity. When the new supplier accept the application mentioned on point 6.2, paragraph 2, he shall also review the time period of the application. If the new supplier finds the application incomprehensible or incomplete, within 3 days from its acceptance, he shall invite the customer to correct the deficiencies on time, by warning the customer on the consequences arising from the failure to comply the request.

If the customer request does not comply with the invitation, the new supplier shall inform the customer for the failure of respecting the conditions of switching the supplier within eight days after the term issued to the customer has expired.

6.6. Within three days from receiving the valid application, the new supplier shall connect a sale contract with the customer, which shall be implemented from the date when the system operator ensures the metering data for the customer connection point (as follows: date of switching the supplier).

On the next working day from the metering day, the new supplier shall deliver to the system operator a copy of the application with the data referring to point 6.4 of this article.

6.7. Within three days from the date of accepting the request, the system operator shall control the notes and the data basis for the metering point, to control the accuracy of the application data.

After the system operator observe that all the necessary data for the switch, are accurate, shall transmit the declaration of the customer, mentioned on point 6.4, to the current supplier, not later than the next working day.

6.8. If the current supplier submit a complaint to the system operator, this last one shall inform the customer and the new supplier for not complying with the conditions for switching the supplier.

6.9. The system operator shall provide the metering data for the customer connection point, for which it is initiated the procedure after the request. For the customer mentioned on point 5.2, paragraph 2 of this article, the system operator shall provide the metering data for the metering point at the Gas Center.

6.10. If, during the process of switching the supplier, until the day of switching the supplier within these rules, the system operator receives some applications from different suppliers for the same connection point, for the same customer, the system operator shall invite the customer within three days after delivering the notification to decide which of the submitted application shall be proceeded, by warning it about the consequences of the failure to comply with the terms.

If the customer does not agree with the invitation, the system operator shall inform the customer and all of the suppliers that have submitted such an application for the failure to comply with the conditions for switching the supplier.

6.11. If, respecting the transmitted request as referred on point 6.6, paragraph 2, the system operator, by controlling the data registrations and basis, defines inaccuracies of the data in the application; he shall inform the new supplier within three days for these inaccuracies. After accepting the notification from the system operator, the new supplier shall invite the customer to modify the data on the request within three days from the day when the customer is invited to modify the data submitted on the application, defining a suitable time-period for review.

If the customer reviews the request within the defined deadline, the new supplier shall transmit the reviewed application to the system operator within 3 (three) days after receiving it, while the system operator shall act in conformity with points 6.7-6.9 of this article.

If the customer does not review the data within the defined deadline even though he is invited to do so, the new supplier shall inform the customer, for non-complying the conditions to switch the supplier within the deadline, not longer than three days upon the application submission.

6.12. The metering data from the connection point, ex. the metering points ensured by the system operator in conformity with point 6.9 of this article, shall include the date they refer, which is considered to be the date of switching the supplier.

6.13. On the day the supplier was switched and the sale contract connected between the customer and the new supplier becomes effective, the sale contract with the current supplier shall cease its legal effects and the *balancing responsibility* for the connection point shall be transferred to the new supplier.

ARTICLE 7

Supplier switching procedure in cases of switching to the supplier of last resort

7.1. In case of switching to the supplier of last resort due to bankruptcy or failure to pay of the current supplier, the day of switching the supplier shall be considered the day when the legal effects of initiating the bankruptcy (liquidation procedure) become effective.

The current supplier is obliged to inform the customers, the system operators and suppliers of last resort for the day when the legal consequences of bankruptcy i.e. the liquidation becomes effective without delay, not later than eight days from the day that the current supplier is aware of his inability to supply the customers.

Within eight days after the submission of the notification by the current supplier, the system operator shall provide the metering data for the metering point and deliver them to the customer, the current supplier and the supplier of last resort.

7.2. In case the license kept by the current supplier expires, is abrogated or is permanently removed, without delay, not later than eight days before the decision on the expiration, abrogation or permanent removal of the license becomes final, ERE shall inform all system operators, the current supplier and the supplier of last resort for the day on which the supplier's switch becomes effective.

The day of switching the supplier is the day when ERE decision for the termination, interruption or permanent revocation of the license becomes final.

The system operator shall ensure the metering data for the metering point, within eight days after submission of the notification by ERE and informing the customer, for the supply license that is terminated, is cancelled or revoked and their switch to the supplier of last resort.

7.3. The customer has the supply right from the supplier of last resort, and that has not found a new supplier with the termination of the previous contract, has the right to submit a request to the supplier of last resort, for ensuring the service within 60 days during which he has the right to be supplied by the supplier of last resort.

This period begins from the date when the sale contract with the previous supplier ceases to be valid, despite the cases when the sale contract ceases to be valid because of the non-payment from the customer.

The request shall be delivered to the customer in the written form, accepted by the supplier of last resort, by especially respecting:

- a. business name, the headquarters, identification number, Unique Identification Number (NUIIS) for the customer (for the legal persons and the entrepreneurs), respectively their name and surname, address and personal identification number (for the natural persons);

- b. identification number of the data basis for the metering points;
- c. date of submitting the request;
- d. the approval of the customer for using the personal and other data gained during the supplier switching process only for this purpose.

Together with the request mentioned on point 2 article 6, the customer shall attach a written confirmation to the supplier, in two copies, issued for the process of switching the supplier, not earlier than seven days from the submission of the request, where it is confirmed that he has paid the mutual financial liabilities, in conformity with the sale contract, on the day of announcing the bankruptcy from the current supplier.

7.4. Within three days from submitting the request for supply from the supplier of last resort, this last one mentioned shall connect a supply contract with a customer, which shall enter into force and shall be implemented on the day of switching the supplier. Within three days, the supplier of last resort shall inform the system operator regarding this action.

7.5. Not later than eight (8) days from the submission of the notification for the supplier of last resort, system operator is obliged to provide the metering data for the metering point and shall inform the supplier of last resort and the customer.

Without exception, the metering data shall include the date when they are connected and this date shall be considered as the date of switching the supplier.

ARTICLE 8

Switch of the supplier when the sale contract is interrupted with a customer that has right in the public supply.

8.1. In cases when the gas supply contract is terminated unilaterally by the supplier, if the customer has the right for public supply, the current supplier shall inform the system operator and the public supplier for the termination of the contract within three days and is obliged to continue the supply until the day of switching the supplier, in conformity with these rules.

When a contract with a defined period is connected with a customer according to point 8.1 paragraph 1 of this article, within a term not longer than 15 days, not later than eight days before the termination of the sale contract, the current supplier is obliged to inform the system operator for the fact that the supply shall be disconnected to the customer with the termination of the contract.

8.2. Within eight days from receiving the notification for the termination of the contract referred to in point 8.1 paragraph 1 of this article, the system operator shall provide the metering data for the metering point and shall inform the customer, the current supplier and the person charged with public service obligation of the supplier. The metering data shall include the date to which they refer and this date shall be considered as the date of switching the supplier.

Within eight days after receiving the notification referred to in point 8.1 paragraph 2 of this article, the system operator shall provide the metering data for the metering point, for the date when the contract is terminated and shall inform the customer, current supplier and the public supplier for the day that shall be considered to be the day of switching the supplier.

8.3. In case of bankruptcy, liquidation, termination, cancelling, permanent revocation of the

current supplier license that has the right in public supplier, shall be implemented the provisions issued on points 7.1 and 7.2 of this article.

ARTICLE 9

Switching the supplier in case of terminating the sale contract due to failure to pay

For the metering point of a customer, whose supply contract is terminated because of the unpaid obligations according to the sale contract, after the delivery of the supplier notification for the contract termination because of the effective outstanding debt, the system operator shall provide the metering data on the day of contract termination, when the operator shall stop the distribution at the distribution point, in conformity with the legislation in force.

The supplier to whom it is terminated the sale contract according to this article shall be considered the current supplier.

ARTICLE 10

Obligations of the new supplier, the one whose contract is terminated and that of the system operator

10.1. The new natural gas supplier shall ensure access on the exit points capacities from the transmission operator to deliver the natural gas to the new supplier, whose delivery point is within the transmission system.

After the termination of the natural gas sale contract with the customer, the object of which is connected with the distribution system, the new supplier shall deliver an updated list of the customers to the system operator and the data on the contracted sales of natural gas for the new customer in the transmission system operator.

If the transmission system operator defines the need to harmonize the existing transmission contracts, he shall inform the distribution system operator before the date when the supplier is connected in the written form and invites the current supplier and the new one to harmonize the existing transmission contracts.

10.2. If the customer requires the issue of the confirmation mentioned on point 6.4 of this regulation and the mutual obligations in the supply aspect are not reconciled between the current supplier and the customer, the current supplier shall issue a confirmation for the general outstanding obligations to the customers.

10.3. Not later than three days from the supplier switch, the system operator shall update the data base for the new supplier and the delivery point for which it is made the supplier switch.

After the update of the data according to paragraph 2 of this article, without delay, the distribution system operator shall inform the transmission system operator about this. This notification shall especially include the data for the customer, the delivery point (identification number of the metering point from the metering points in the distribution system and other data on the delivery point), the supplier and balancing.

The system operator shall update the register for the balancing responsibility according to the legislation in force (the Market rules and Codes).

Part II

Transitional and final provisions

This regulation is object of review and amendment with ERE Board decision.

Article 11

Entry into force

These Rules enter into force after publication on the official gazette.