

**INSTRUMENTS OF THE NATIONAL ENERGY
REGULATORY AUTHORITY**

NATIONAL ENERGY REGULATORY AUTHORITY

ORDER

approving the Criteria for granting derogations for power-generating units and power plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules for connection

Considering the provisions of Article 61, 62, 63 and 65 of the Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators, of Art. 36 para. (7) letter i) and n) of the Electricity and Natural Gas Act no. 123/2012, as subsequently amended and supplemented, of points 2 and 6 of the Annex to the Decision of the President of the National Energy Regulatory Authority no. 1.570/2016*) approving the Implementation Timetable of the Commission Regulation (EU) 631/2016 of 14 April 2016 establishing a network code on requirements for grid connection of generators,

Taking into account the provisions of Article 5 (1) letter c) and d) and of Article 9 (1) letter h) of the Emergency Government Ordinance no. 33/2007 on the organization and functioning of the National Energy Regulatory Authority, approved as subsequently amended and supplemented by Law no. 160/2012,

the President of the National Energy Regulatory Authority hereby issues the present order:

Article 1. – Approval is provided for the Criteria for granting derogations for power-generating units and power plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules for connection, as set out in the Annex that forms an integral part of this order.

Article 2. – The economic operators in the electricity sector fulfill the provisions of this order, and the organizational entities within the National Energy Regulatory Authority supervise the compliance therewith.

Article 3. – This order shall be published in the Romanian Official Journal, Part I.

the President of the National Energy Regulatory Authority,
Niculae Havrileț

Bucharest, 8th February 2017.

No. 5

*) The Decision of the President of the National Energy Regulatory Authority no. 1.570/2016 has not been published in the Romanian Official Journal, Part I.

ANNEX

CRITERIA

for granting derogations for power-generating units and power plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules for connection

SECTION 1
Definitions

Article 1. – (1) The terms used in this document have the meanings set forth in the following regulatory acts:

- a) Electricity and Natural Gas Act no. 123/2012, as subsequently amended and supplemented;
- b) The Regulation on the connection of consumers to public electricity networks, approved by Order of the President of the National Energy Regulatory Authority, in force.

(2) For the purposes of this document, the terms used bear the following meanings:

<i>owner of a power-generating unit/plant consisting of power-generating modules</i>	a natural person or a legal entity constructing a power-generating unit or a plant consisting of power-generating modules and requesting the technical evaluation report for network connection or operating a power-generating unit or a plant consisting of power-generating modules, connected to the grid
<i>relevant network operator</i>	the transmission and system operator (TSO) or the distribution system operator (DSO) to whose network the power-generating unit or power-generating modules is or will be connected

<i>power-generating module</i>	a power-generating unit or a group of power-generating units that is/are connected to the network asynchronously or using power electronics and which has a single connection point to the electricity transmission network, to the electricity distribution network, including to a closed distribution system, or to a direct current transmission system
<i>direct current transmission system</i>	an electricity system which transfers energy in the form of direct current and at a nominal voltage that is higher than or equal to 110 kV, between two or more alternating alternative current buses and which comprises at least two alternating alternative current/direct current converter stations and the power lines or direct current cables between such stations;
<i>power-generating unit power-generating module</i>	a synchronous power-generating group or a power-generating module

SECTION 2

Criteria for granting derogations for power-generating units and power plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules norm for connection

Article 2. – The criteria used to grant derogations from the obligation to fulfill one or several requirements of the technical rules norm for connection, taken into account upon granting the derogation requested by the owners of the power-generating units/power plants consisting of power-generating modules, by the distribution operators or by the transmission system operator are as follows:

- a) the derogation does not affect the operational security and stability of the National Electricity Energy System;
- b) the derogation does not restrict the cross-border electricity trade;
- c) the derogation has no negative impact, from a technical or economic standpoint, on a third party;
- d) the derogation does not lead to competitive advantages for the applicant, compared to other participants in the electricity market;
- e) the compliance with one or several requirements of the technical rules norm for connection results in induce to for the applicant technical difficulties, which are demonstrated by the documentation attached to the request for derogation application;
- f) the relevant network operator's infrastructure does not allow the fulfillment of the requirements set out in the technical rules norm for connection for

which the granting of derogations has been requested; the availability period of the derogation is set out before the adaptation of the network operator's infrastructure to which the applicant is will connected;

g) the power-generating unit/plant consisting of power-generating modules is connected at a voltage level that is not currently used for the category in which it is included;

h) there are no other owners of power-generating units/plants consisting of power-generating modules or other network system operators having similar technical characteristics, that have implemented the requirements set out in the technical rules norm for connection, under similar conditions to those of the applicant that applies for the derogation.

SECTION 3

Rules on granting criteria and on the obtaining derogation process

Article 3. – Derogations from the provisions of the technical rules norm for connection may be requested from the National Energy Regulatory Authority by the following:

- a) owners of power-generating units/plants consisting of power-generating modules;
- b) distribution operators that have been awarded concession contracts or closed distribution system operators;
- c) the transmission system operator.

Article 4. – The National Energy Regulatory Authority may review and amend, no more than once a year, the criteria for granting derogations for power-generating units and plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules norm for connection.

Article 5. – The amendment of the criteria for granting the derogations, stipulated in Article 4, does not affect the derogations that have already been granted, which will remain in force until their expiry date, according to the corresponding granting decisions.

Article 6. – The National Energy Regulatory Authority may decide, pursuant to Article 61 (3) of the Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators, that the power-generating units or plants consisting of power-generating modules for which a derogation application was submitted are not required to comply with the requirements for which the derogation was requested, starting on the date of submission of the application and until the issue of the derogation decision.

Article 7. – (1) In view of its resolution, the National Energy Regulatory Authority shall review analyzes the derogation application pursuant based on to the procedure used to grant derogations for power-generating units and plants consisting of power-generating modules from the obligation to fulfill

one or several requirements of the technical rules norm for connection.

(2) The National Energy Regulatory Authority issues a reasoned decision on granting/refusing to grant the derogation.

Article 8. – When granting the derogation, the criteria set out in Article 2 letters a) - d) and, as applicable, the other criteria provided in Article 2, as well as the results of the cost-benefit analysis, according to the provisions of the procedure provided in Article 7 (1), will be taken into account.

Article 9. – The National Energy Regulatory Authority may revoke a decision to grant a derogation if the reasons for the derogation no longer apply or at the reasoned recommendation of the European Commission or at the reasoned recommendation of the Agency for the Cooperation of Energy Regulators,

pursuant to Article 62 (11) and Article 63 (11) of the Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators.

Article 10. – The applications for derogations are filed after the entry into force of the technical rules norm for connection and after the approval, by the National Energy Regulatory Authority, of the cost-benefit analysis methodology and of the procedure used to grant derogations for power-generating units and plants consisting of power-generating modules from the obligation to fulfill one or several requirements of the technical rules norm for connection.

Article 11. – Derogations are granted for a limited period of time, which is set out in the decision issued to grant the derogation.