

ORDER No 5 of 02.08.2017
for the approval
of the criteria for granting derogations for power-generating modules and power park modules from the
obligation to meet one or more of the requirements of the technical norm for connection

Considering the provisions of art. 61, art. 62, art. 63 and art. 65 of the Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators , art. 36(7) (i) and (n) of the Law on Electricity and Natural Gas no. 123/2012, as subsequently amended and supplemented, paragraphs 2 and 6 of the Annex to the Decision of the President of the National Regulatory Authority for Energy no. 1570/2016 approving the timetable for the implementation of Commission Regulation (EU) no. 631/2016 of 14 April 2016 establishing a network code for requirements for the network connection of generating installations,

Under the provisions of art. 5 (1)(c) and (d) and art. 9 (1)(h) of Government Emergency Ordinance no. 33/2007 on the organization and functioning of the National Regulatory Authority for Energy, approved with amendments and completions by Law no. 160/2012,

The President of the Romanian Energy Regulatory Authority issues the following order:

Art.1 The criteria for granting derogations for power-generating modules and power park modules from the obligation to meet one or more of the requirements of the connection technical norm in the annex that forms an integral part of this Order.

Art.2 The economic operators in the electricity sector carry out the provisions of the present Order and the organizational entities within the Romanian Energy Regulatory Authority shall observe the provisions of this Order

Art.3 This order is published in the Official Gazette of Romania, Part I

Chairman of the National Regulatory Authority for Energy
Niculae Havrileț

**CRITERIA for
Granting derogations for power-generating modules and power park modules from the obligation to meet
one or more of the requirements of the technical norm for connection**

Section 1

Definitions

Art. 1 (1) The terms used in this document have the meaning provided in the following normative acts:

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

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

power-generating modules owner/ park modules	a natural or legal person, who carries out a power-generating module or power park modules and requests the technical approval for its network connection, or which operates a a power-generating module or power park modules connected to the grid
relevant network operator	the transmission system operator (TSO) or distribution system operator (DSO) to whose system a power-generating module or a plant composed by power park modules is or will be connected;
power park module	a unit or ensemble of units generating electricity, which is either non-synchronously connected to the network or connected through power electronics, and that also has a single connection point to a transmission system, distribution system including closed distribution system or HVDC system
DC transmission system	An energy system which transmits DC power and at a nominal voltage greater than or equal to 110 kV between two or more alternating current nodes and comprising at least two AC / DC and power lines or cables of direct current between stations
power-generating module	a synchronous power-generating module or a power park module;

Section 2

The criteria for granting derogations for power-generation modules units and power park modules from the obligation to fulfil one or more requirements required by the connection technical norm.

Art. 2. The criteria for granting derogations from the obligation to fulfil one or more of the requirements provided in the connection technical norm taken into account when granting the derogation requested by the owner of the power-generation modules units/power park modules, by the distribution operators or by the system operator are the following:

- a) the derogation does not jeopardise the security in operation and the stability of the national energy system;
- b) the derogation does not restrict the electricity cross-border trade.
- c) the derogation does not have a negative technical-economic impact on a third;
- d) the derogation does not lead to competitive advantages for the applicant in regard to other electricity market participants;
- e) conformity to one or more of the requirements from the connection technical norm induce to the applicant technical difficulties justified through the documentation attached to the request for derogation.
- f) The infrastructure of the relevant network operator does not allow to fulfil the requirements provided in the connection technical norm for which the derogation was requested; the validity period of the derogation is set until the infrastructure of the relevant network operator where the applicant will be connected is adapted.
- g) power-generation modules units/power park modules is connected to a level of voltage which is not used normally for the category from which is part of.
- h) There are no other owners of power-generation modules units/power park modules or other network operators with similar technical characteristics which have already implemented the requirements from the connection technical norm in similar conditions to the applicant for the request of derogation.

Section 3

Rules for granting privind criteriile de acordare și procesul de obținere a derogărilor

Art. 3. The derogations from the connection technical norm could be requested to The Romanian Energy Regulatory Authority by the following applicants:

- a) owners of the power-generation modules units and power park modules;
- b) licensed distribution operators and closed distribution operators;
- c) transmission system operator.

Art. 4. The Romanian Energy Regulatory Authority may review and modify only once per year the criteria for derogation regarding power-generation modules units and power park modules the obligation to fulfil one or more requirements of the connection technical norm.

Art. 5. The change of the derogation criteria pursuant art. 4 dose not affect the derogations already granted and remain valid until the date of expiration according to their decisons given.

Art. 6. The Romanian Energy Regulatory Authority may decide in accordance to art. 61(3) of COMMISSION REGULATION (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators, that power-generation modules units and power park modules for which a derogation request was registered shall not respect the requirements for which the the derogation was asked from the date of registration until the date of issuing of the derogation decision.

Art. 7. (1) In order to tackle the request, The Romanian Energy Regulatory Authority analyzis the request for derogation based on the procedure for granting derogations for power-generating modules, in case of not fulfilling of one or more requirements mentioned in the connection technical norms.

(2) The Romanian Energy Regulatory Authority issues a ground decision when granting/refuse to grant the derogation.

Art. 8. When granting the derogation the criteria pursuant art. 2 (a) –(d) are taken into account and depending on the case the others pursuant art. 2, as well as the results of the cos-benefit analysis in accordance to the provisions of the procedure mentioned at art. 7 (1).

Art. 9. The Romanian Energy Regulatory Authority may revoke a decison for granting a derogation in case the reasons based on which the derogation can be granted do not apply anymore or based on the reasoned recommandation of the EC or ACER, according to art. 62. (11) and art. 63 (11) of COMMISSION REGULATION (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators.

Art. 10. The requests for derogations can be expressed after the connection technical norm is in force and after the approval of the cost-benefit analysis and of the procedure for granting derogations for power-generating modules in case of not fulfilling of one or more requirements mentioned in the connection technical norms,by the Romanian Energy Regulatory.

Art. 11. Derogations are granted ony for a limited period of time,mentioned in the decison for derogation.