

September 17th, 2012

Regarding: the new provisions of Law no. 123/2012 concerning electricity transactions on the competitive market

Considering the new provisions of Gas and Power Law no. 123/2012 concerning the obligation to conclude electricity transactions on the competitive market in a “transparent, public, centralized and non-discriminatory manner”, as well as subsequent to expressing specialist legal advice in this scope, we communicate the following:

- Starting with the date of entry into force of Law no. 123/2012, participants in the wholesale electricity market do not have the right to conclude sale/purchase negotiated contracts or addendums to sale/purchase negotiated contracts effective on the date of entry into force of the Law, other than the ones concluded as result of participation in one of the centralized markets organized at the level of the electricity market operator – SC OPCOM SA, the only holder of ANRE license for performing the respective activity.

As competent authority, ANRE has the obligation to ensure the compliance with the legal provisions and as a consequence, we ask you to submit until **Friday, 28.09.2012**, the following information concerning the situation of sale/purchase negotiated contracts (including import-export contracts) performed by your company on the Romanian wholesale electricity market, which were in force on the date of this letter and were concluded away from the centralized platforms of SC OPCOM SA.

- Number of the sale/purchase contract;
- Date of signing the sale/purchase contract;
- Name of the counterparty;
- Effective date of the sale/purchase contract;
- Expiry date of the sale/purchase contract (as well as of subsequent addendums);
- Type of the sale/purchase contract;
- Name of the platform on which the sale/purchase contract was concluded.

ANRE will monitor the conformity of the data submitted via the monthly reports of each economic operator with the ones reported subsequent to the current request.

In order not to restrict the trading possibilities of participants in the wholesale electricity market, SC OPCOM SA will take all the steps required to urge the launch of the OTC trading platform, in conditions of compliance with the provisions of Gas and Power Law no. 123/2012.

Functioning rules of the new platform will be established within a Working Group set up in this sense by SC OPCOM SA that will start its activity at the latest on 1.10.2012. This will be open to direct/via representatives' participation of all interested factors as well as to MECMA and ANRE representatives. The functioning rules jointly established within the respective Working Group will be finalized until 15.11.2012, following to be subject to the process of public debate.

Please note that, in accordance with art 93 par (1) point 7 in Law no. 123/2012, “no provision/presentation of the requested data [...] and/or information within the terms established by ANRE or incomplete/ erroneous provision/presentation, as well as non-realization of the measures imposed by this authority” constitute contravention and is sanctioned in accordance with the legal provisions in force.

Thank you for cooperation.

Kind regards,

Niculae Havrilet