

ENERGY EFFICIENCY LAW - ROMANIA

**This document is an UNOFFICIAL TRANSLATION of the
Romanian language law, as published in the
Monitorul Oficial al Romaniei on Friday 17th November 2000**

It should be used for information only and not as legal reference.

THE PARLIAMENT OF ROMANIA

LAW 199/2000

Concerning the efficient use of energy

The Romanian Parliament passed this law.

CHAPTER I

General provisions

Art. 1.

- (1) The purpose of this law is to create the legal framework required for the setting up and enforcing of a national policy for the efficient use of energy, according to the Energy Charter Treaty, the Protocol of the Energy Charter regarding energy efficiency and environmental protection as well as the principles of the sustainable development.
- (2) This law sets obligations and establishes stimulating measures for energy producers and consumers regarding the efficient use of energy.

Art. 2.

In the sense of the present law, the efficient use of energy means to act to produce a product, good or service unit, without diminishing its quality or performance, while at the same time reducing the quantity of energy required to produce that product, good or service.

CHAPTER II

The national policy for the efficient use of energy

Art. 3.

- (1) The national policy for the efficient use of energy is an integral part of the energy policy of the state and is based on the following principles:
- a) To ensure normal market operation in the field of energy, including price formation according to competition criteria and environmental protection costs and benefits;
 - b) To reduce the hurdles to promote energy efficiency, and stimulate investments in this way;
 - c) To promote financing solutions for the initiatives related to energy efficiency;
 - d) To educate and create awareness among the users of different forms of energy about the necessity of reducing energy consumption per unit of product;
 - e) To ensure co-operation between the consumers, producers, energy suppliers and public authorities in view of reaching the objectives set by the national policy of efficient use of energy;
 - f) To support fundamental and applicable research in the field of efficient energy use;
 - g) To promote private initiatives and the development of energy services;
 - h) To co-operate with other countries in the field of energy efficiency and to observe international conventions of which Romania is a party.
- (2) The main objective of the national policy for the efficient use of energy is to get the maximum benefit along the whole energy chain including the production, conversion, stockpiling, transmission, distribution and consumption of different forms of energy.
- (3) The national policy for the efficient use of energy defines both the objectives of the efficient use of energy and the ways by which those objectives are reached, especially referring to:
- a) Reducing energy consumption per unit of gross domestic product in Romania;
 - b) Increasing energy efficiency in all the sectors of the national economy;
 - c) Introducing new technologies with higher energy efficiency;
 - d) Promoting new energy sources;
 - e) Reducing the negative environmental impact of energy production, transmission, distribution and consumption in all its forms.

Art. 4.

The national policy for the efficient use of energy is developed by the Romanian Agency for Energy Conservation together with the Ministry of Industry and Trade and is submitted to the Government, as a part of the national energy policy.

CHAPTER III

Programmes for energy efficiency

Art. 5.

- (1) Companies that consume an annual energy quantity of more than 1000 tons of oil equivalent, in view of carrying out the policy formulated in conformity with art. 4, are obliged to develop their own programmes of energy efficiency, which shall include:
- a) Short term measures of the “no-cost” or “low-cost” type that do not involve major investments;

- b) Long term measures of 3 up to 6 years included in an investment programme for which feasibility studies will be developed.
- (2) The Romanian Agency for Energy Conservation through its territorial branches and the Ministry of Public Works and Land Planning give free advice for the development of these programmes. To this effect they can hire short-term associated experts to develop the strategy or feasibility studies.

Art. 6.

Companies' energy efficiency programmes shall include the following main actions:

- a) implement medium and long term scenarios related to energy supply and demand in order to guide the decision-making process;
- b) apply technical regulations and national energy efficiency standards aimed at increasing the efficiency of the energy producing and consuming equipment, including those in the fields of construction and transport;
- c) promote the use of the most efficient energy technologies that are economically viable and are non pollutant;
- d) encourage the funding of investments in the field of energy efficiency through the participation of the state or of the private sector;
- e) develop energy balance sheets and energy databases required for the evaluation of supply and demand relationships in the field of energy, including the calculation of the energy efficiency indices;
- f) promote small and medium-sized co-generation and the measures required to increase the efficiency of the heat production, transport and distribution to consumers;
- g) set up adequately specialised departments in the field of energy efficiency, provided with the staff able to develop, implement and monitor programmes of energy efficiency;
- h) evaluate the negative impact on the environment.

Art. 7.

- (1) Companies' energy efficiency programmes will be advised by the Romanian Agency for Energy Conservation and, if need be, by the Ministry of Public Works and Land Planning.
- (2) The Government will annually approve the synthesis of energy efficiency programmes on the whole national economy after proposal by the Ministry of Industry and Trade.

CHAPTER IV
Standards of energy efficiency

Art. 8.

- (1) Technical regulations and national energy efficiency standards for devices, equipment, machine-tools and technologies with a high energy consumption, for buildings and other fields will be approved through Government Decision after proposal by the Romanian Agency for Energy Conservation, the competent ministries and the Romanian Association of Standards.
- (2) The minimum or maximum ceilings of energy efficiency are set in the national standards in relation to the energy performances of devices, equipment, machine tools and technologies.

Art. 9.

The producers and importers of devices, machine-tools, equipment and technologies, for which national energy efficiency standards have been developed, cannot sell, lease or put in any way the respective products on the Romanian market, unless they observe these national energy efficiency standards and the attestation certificate, issued according to the provisions of Art. 10.

Art. 10.

- (1) The producers and the importers of devices, machine-tools, equipment and technologies, for which national standards of energy efficiency have been developed, are obliged to ask for tests and measurements to be carried out according to the regulations in force, in order to get the conformity certification.
- (2) The institutions accredited to that effect by the Romanian Agency for Energy Conservation will carry out the tests and measurements. After carrying out these tests and measurements, the accredited institution will issue the producers and importers certificates for the products that comply with the national energy efficiency standards.
- (3) The certification and attestation procedure is approved through the same regulations as the standards.

Art. 11.

The national energy efficiency standards for devices, machine tools, equipment and technologies, the standards for buildings, as well as those for the other fields of activity come in force and are compulsory one year after their publication in the Official Monitor of Romania.

Art. 12.

The building authorisation for all the new buildings and for the consolidation of the existing ones will be issued under observance of the national standards of energy efficiency.

CHAPTER V
Tasks and responsibilities

Art. 13.

- (1) The Romanian Agency for Energy Conservation is the specialised body of the central public administration in the field of energy efficiency, with a legal personality, functional, organisational and financial autonomy, under the subordination of the Government, funded from the state budget and outside the state budget, including foreign sources.
- (2) The organisation and operation way of the Romanian Agency for Energy Conservation is approved by Government Decision, within 60 days from the entry in force of the present law, taking into account the following main tasks and responsibilities:
 - a) to develop, implement and monitor the national policy and the programmes for the efficient use of energy;
 - b) to co-operate with national and international institutions and organisations in view of efficiently using energy and reducing the negative impact on the environment;
 - c) to develop technical standards, norms and regulations in view of increasing energy efficiency for devices, equipment, machine-tools and energy production, transport, distribution and consumption, for buildings and for any other field of activity;

- d) to accredit institutions that carry out the tests and the measurements in order to certify that the national energy efficiency standards are observed;
- e) to certify the natural and legal persons entitled to make energy balance sheets;
- f) to co-ordinate energy efficiency programmes funded by international institutions or organisations based on government agreements;
- g) to technically evaluate and advise energy efficiency investment projects that have applied for finances from the Special fund for the development of the energy system and from other internal and external sources;
- h) to co-operate with the authorised institutions in order to achieve energy balance sheets and to create an energy database necessary for the evaluation of the supply and demand relationship in the field of energy; to develop short, medium and long term scenarios for the evolution of this relation, including the computing of energy efficiency indices;
- i) to grant free advice to the administration of local public authorities to elaborate and implement projects to that increase energy efficiency for the administrators of public buildings, and for those projects with the destination of residential and commercial buildings;
- j) to develop and co-ordinate training programmes, as well as the certification of personnel with tasks in the field of energy management;
- k) to advise consumers own energy efficiency programmes.

Art. 14.

- (1) The Ministry of Public Works and Land Planning co-ordinates the development and setting of national energy efficiency standards for buildings and sets the criteria, procedures and conditions for the calculation of heat transfer coefficients for building materials and the global transfer coefficient of buildings.
- (2) The Ministry of Public Works and Land Planning in co-operation with the Romanian Agency for Standards, with the consultation of the Romanian Agency for Energy Conservation, shall issue technical regulations and national energy efficiency standards to grant building energy certificates.

Art. 15.

The Office for the Consumers' Protection, in co-operation with the Romanian Agency for Energy Conservation, controls the trading of the devices; machine tools and energy equipment destined to household consumers and informs the government about the observance of the legislation in force.

CHAPTER VI

The duties of energy consumers

Art. 16.

Energy consumers are obliged:

- a) to observe the technical regulations and the national standards in force concerning the design, construction, exploitation, maintenance, repair of their own installations and the energy receivers, as well as to equip them with measurement and control devices;
- b) to have at their disposal their own information and monitoring system for the energy consumption and to put at the disposal of the authorised institutions information concerning the energy consumption and the energy efficiency indices.

Art. 17.

- (1) Consumers that use more than 200 tons of oil equivalent per year are obliged to develop an energy balance, by an authorised natural or legal person, every 2 years.
- (2) Consumers that use more than 1000 tons of oil equivalent per year are obliged:
 - a) to appoint a person responsible for energy
 - b) to perform annually an energy balance, to be carried out by an authorised natural or legal person;
 - c) to develop programmes of measures that reduce energy consumption according to Art.

WWW.HEATMATTERS.COM

Art. 21.

- (1) In order to reach the objectives proposed in the present law and facilitate the investments aimed mainly at increasing energy efficiency, the energy consumers can benefit from the financial support granted from the Special fund for the development of the energy system set up according to Law no.136/1994, but not more than 50% of this fund.
- (2) The funding of energy efficiency projects from the Special fund for the development of the energy system will be approved by the Government after proposal by the Romanian Agency for Energy Conservation, in line with the synthesis of the energy efficiency programmes as set forth in [Art. 7 paragraph \(2\)](#).

Art. 22.

- (1) For the profit shares allocated from investments destined for the increase of energy efficiency an exemption from the payment of the profit tax is granted.
- (2) Loans for work to increase energy efficiency are granted with an interest of 75%, at most, of that set up by the commercial banks. The difference will be obtained by annual allocations from the state budget.
- (3) The import of devices, machine tools, equipment and technologies for increasing energy efficiency are exempt of custom taxes, provided the favourable advice is obtained from the Romanian Agency for Energy Conservation.
- (4) Energy management and service companies, included in the provisions of Art. 3 paragraph (1) letter g) may benefit from a reduction by 50% of the profit tax for a period of 5 years from their setting-up date, and for the existing ones, from the date of entry in force of the present law. The attributes, structure and eligibility criteria for these companies will be established in the methodological norms for applying this law.

Art. 23.

The amount and procedure for granting the fiscal and financial incentives set forth at Art. 20-22 will be approved by a Government Decision, after their proposal by the Romanian Agency for Energy Conservation.

CHAPTER VIII
Sanctions

Art. 24.

The following are considered infringements if they have not been done in such conditions as to be considered criminal acts according to the Criminal Law:

- a) The non-observance of the provisions of [Art. 5 paragraph \(1\)](#), [Art. 6](#), [Art. 16](#), [Art. 17](#), [Art. 18, paragraph \(2\)](#) and [Art. 19, letter e\)](#) by the authorities of the local public administration and the administrators of the public buildings
- b) The non-observance of the national energy efficiency standards mentioned at [Art. 10](#);
- c) The non-observance of the provisions of [Art. 9](#).

Art. 25.

(1) The Sanctions for the infringements set forth at Art. 24 are the following:

- a) Fine from 1,000,000 up to 5,000,000 Lei for those mentioned at letter a);
- b) Fine from 3,000,000 up to 10,000,000 Lei for those mentioned at letter b);
- c) Fine from 8,000,000 up to 15,000,000 Lei and confiscation of the respective goods for those mentioned at letter c).

(2) The fines are included in the incomes of the State budget.

Art. 26.

The identification of infringements and the enforcement of sanctions, including confiscation measures, will be carried out by staff authorised by the Romanian Agency for Energy Conservation.

Art. 27.

The provisions of Art. 24 and 25 are completed with the provisions of Law no. 32/1968 referring to the finding and sanctioning of infringements with its later changes, excepting Art. 25 – 27.

CHAPTER IX
Final and transitory provisions

Art. 28.

The present law comes into force 90 days after its publication in the Official Monitor of Romania, Part I.

Art. 29.

The Romanian Agency for Energy Conservation will submit to the Government the enforcement norms of this law, within 90 days from its publication.

The Senate passed this law in the session of 9 October 2000, according to the provisions of Article 74 paragraph (2) of the Constitution of Romania.

The Chamber Deputies passed this law in the session of 10 October 2000, according to the provisions of Article 74 paragraph (2) of the Constitution of Romania.