

# **Energy Efficiency Legislation and Policies**

## **Romania**

### Legal Analysis

*Justice and Environment 2011*

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#### **Legal Analysis**

During the year 2011 J&E analyzed whether certain member states took effective legal measures in order to comply as to the 2020 targets. This is the national report for Romania.

#### **1. Energy Efficiency Act**

##### **1.1. Is there an overarching Energy Efficiency Act in your country?**

Yes, Governmental Ordinance (GO) 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, that transposed Directive no 2006/32/EC.

- a) Chapter two of the Ordinance establishes measures for the increase of the energy efficiency and obligations for the final consumers:

Measures established for the economic agents that are consuming over the equivalent of 1000 tones of petroleum:

- to realize each year an energy audit realized by a person authorized by the Romanian Agency for Energy Conservation that will serve as a start for establishing and implementing the necessary measures for the improvement of energy efficiency
- to realize programs for the improvement of the energy efficiency that will include short, medium and long term measures.
- to employ an energy manager, attested by the Romanian Agency for Energy Conservation, or to sign a contract with a person authorized by the Romanian Agency for Energy Conservation

Measures established for the economic agents that are consuming between the equivalent of 200 -1000 tons of petroleum: to realize one in 2 years an energy audit realized by a person authorized by the Romanian Agency for Energy Conservation that will serve as a start for establishing and implementing the necessary measures for the improvement of energy efficiency.

- The economic agents that are consuming over the equivalent of 1000 tons of petroleum or between the equivalent of 200 – 1000 tons of petroleum, must implement a recording and monitoring system of the energy consumption, and give information to the Romanian Agency for Energy Conservation when requested.
- The administrators of the public property buildings must adopt measures for the efficient use of the heating and air conditioning systems, and for the use of the measurement devices and control energy consumption

The local and central public authorities have the obligation to:

- Improve the energy efficiency promoting measures that are generating the best energy saving in the shortest time. A list of such measures is provided in Annex 1 of the Ordinance
- realize programs for the improvement of energy efficiency including measures on short, medium and long term, targeting an investment program for which a feasibility study will be done (for localities with over 20000 inhabitants)
- to apply at least two measures from the list of measures regarding the promotion of the energy efficiency through public procurement, listed in Annex 2 of the Ordinance

The commercial companies and local and central public administration units that are owning more than 25 vehicles, must develop a monitoring and management program regarding fuel consumption

b) Chapter three of the ordinance establishes obligations of the energy distributors, of the operators of the distribution system and of the retail energy companies:

- to offer energy services for the final consumers with competitive prices
- to offer to the final consumers energy audits and measures regarding the increase of energy efficiency with competitive prices in an independent manner
- to ensure a contribution to the funds and financial mechanisms established by the Ordinance
- to participate to the voluntary agreements proposed by the Government
- to provide through invoices, contracts, receipts information on the real prices used and the energy consumption; a comparison between the current consumption and the consumption from last year in the same period, a comparison with a medium user of energy from the same category; provide the contact data of consumer organizations.

The final consumers of electric energy, gases, water, heat, must use counters.

The programs for the improvement of the energy efficiency must include:

- promotion of the most efficient energy technologies, economically viable and non pollutant
- encouragement of financing investments through participation of the state or of the private sector
- promoting the high efficiency cogeneration and the necessary measures for the increase of the energy production, transport and distribution systems to the final consumers
- to promote the use of the renewable energy to the final consumers
- to establish specialized departments for energy efficiency that will be able to elaborate, monitor and implement the programs regarding energy efficiency
- reduce the impact on the environment

- c) Chapter VI of the Ordinance establishes financial and fiscal incentives to improve the energy efficiency and the promotion of the renewable sources of energy to the final consumers:
- models of contracts
  - award system financed by the Romanian Agency for Energy Conservation for exceptional results in energy efficiency and renewable sources of energy research area
  - Funds for subsidizing the provision of programs and measures regarding the improvement of the energy efficiency and promotion of a market for the measures aiming to improve the energy efficiency.

**1.2. Has your national parliament adopted any specific legislation on energy efficiency?**

Before Governmental Ordinance 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers the Parliament passed the Law no 199/2000 regarding the energy efficiency. This law was cancelled by the Governmental Ordinance 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers.

**1.3. Do drafts for this type of legislation exist?**

Governmental Ordinance 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, should be approved by the Parliament through a Law. There are no other drafts we know about.

**1.4. Does existing and/or planned legislation contain a binding or indicative energy efficiency target?**

The Energy Efficiency Strategy, adopted by Governmental Decision no 163/2004 established a 40% target for the reduction of the primary energy intensity, until 2015. This aim of the Strategy was established based on the presumption of the economic growth, considering some significant growth rates of the GDP. The growth of the GDP is estimated to be 5,4% per year.

Sectorial targets that were considered for determining the actions to exploit the economic potential of energy efficiency, were established considering:

- reduce of the annual consumption of primary resources with 337 thousand TOE (tone oil equivalent) in industry sector
- reduce of the annual consumption of primary resources with 823 thousand TOE (tone oil equivalent) into the residential sector
- reduce of the annual consumption of primary resources with 303 thousand TOE (tone oil equivalent) in transport sector
- reduce of the annual consumption of primary resources with 48 thousand TOE (tone oil equivalent) in tertiary sector
- reduce of the annual consumption of primary resources with 612 thousand TOE (tone oil equivalent) into the centralized heat supply sector.

**1 toe = tones of oil equivalent** = 1,5 t.c.c. =  $10,5 \times 10^6 \text{ kcal} = 12,21 \times 10^3 \text{ kWh} = 12,21 \text{ MWh}$   
= 10,5 Gcal

**1 (t.c.c.) 1 tone conventional fuel** =  $7 \times 10^6 \text{ kcal} = 8,1414 \times 10^3 \text{ kWh} = 8,1414 \text{ MWh} = 7,0 \text{ Gcal}$

**1 Gcal** =  $10^9 \text{ cal} = 10^6 \text{ kcal} = 1,163 \times 10^3 \text{ kWh} = 1,163 \text{ MWh}$

**1.5. If no draft exists, is Energy Efficiency a topic on the political agenda? Have political documents been produced covering the issue of energy efficiency?**

Governmental Ordinance no 22/2008, the Energy Efficiency Strategy and The Energy Strategy.

2. End-use efficiency and energy services

**2.1. Has an indicative energy savings target of at least 9% by 2016 been adopted in your country?**

Into the First National Energy Efficiency Action Plan the energy savings target is set to 13,5 % from the medium consumption between 2008 - 2016, representing 1,5% per year from the medium consumption, compared to the media registered between 2001- 2005. This target is set according to the minimum target set by the Directive 2006/32/EC. However, the entire Energy Strategy in Romania is realized, assuming the use and spending of the energy is going to increase, and promoting the development of future facilities for production of energy, as thermal power plants, coal mines, nuclear facilities, etc. Into this plan a target of 9% energy savings is established representing 1876 thousand TOE.

The energy savings target set by Romania represents 2800 thousand TOE, that represent 4,5% from the medium consumption between 2001 – 2005.

The intermediary target for 2010 is 940 thousand TOE

Into the description of the Emergency Governmental Ordinance no 18/2009 regarding **the increase of residential building's energy performance** (description aiming to prove that the transposition of 2006/32/CE is urgent so that adoption of an Emergency Ordinance is justified) the 9% target set by art 4 (1) of the directive is mentioned. However in the text of the Ordinance, the target is not assumed.

**2.2. Which authority has been appointed for the monitoring of the process?**

According to Governmental Ordinance 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, that transposed the Directive no 2006/32/CE, the responsible authorities are the Minister of Economy and Finance and The Romanian Agency of Energy Conservation - RAEC (subordinated to MEF). According to Law no 329/2009 and Governmental Decision 1428/2009, this Agency - RAEC was replaced by the **Romanian Energy Regulatory Authority. This is an autonomus Authority, coordinated directly by the viceprime minister.**

### 2.3. National Energy Efficiency Action Plan

- Has a second National Energy Efficiency Action Plan been adopted in your country?

The second Action Plan was not published. A draft was published on the website of the Minister of Economy, Commerce and Environment of Affairs in August 2011, but it was not adopted yet through Governmental Decision.

- If yes, does it contain the information necessary according to Art 14 par 21 of Directive 2006/32/EC on energy end-use efficiency and energy services?

- A thorough analysis and evaluation of the preceding EEAP

The draft published in August 2011 does not contain any analysis of the preceding EEAP

- The final results with regard to the fulfillment of the energy savings targets set out in Article 4(1) and (2);

The final results are presented: The draft of the second EEAP shows that, between 2004 and 2010, the intensity of the primary and final energy was reduced by 31 percentages (out of 40% assumed until 2016).

In the first EEAP it was established that between 2008 and 2016 there will be energy savings of 1,5% compared to the medium energy consumption between 2001 – 2005. That means energy savings of 13,5 % in 2016.

- Include plans for — and information on the anticipated effects of — additional measures which address any existing or expected shortfall vis-à-vis the target;

The draft of the second EEAP refers to categories and measures of energy efficiency regarding some measures regarding improvement of energy efficiency of the thermal power plants and of the electric distribution network

- In accordance with Article 15(4), use and gradually increase the use of harmonized efficiency indicators and benchmarks, both for the evaluation of past measures and estimated effects of planned future measures;

Yes, such indicators were used in the draft of the second EEAP, however they are not presented very clear and it's difficult to identify all indicators both in assessing the past measures and the estimated effects of the planned future measures

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<sup>1</sup> According to this Article the second and third EEAPs shall:

- include a thorough analysis and evaluation of the preceding EEAP;
- include the final results with regard to the fulfilment of the energy savings targets set out in Article 4(1) and (2);
- include plans for — and information on the anticipated effects of — additional measures which address any existing or expected shortfall vis-à-vis the target;
- in accordance with Article 15(4), use and gradually increase the use of harmonised efficiency indicators and benchmarks, both for the evaluation of past measures and estimated effects of planned future measures;
- be based on available data, supplemented with estimates.

Please check if these requirements are fulfilled and possibly provide a short assessment of the quality of information.

- Be based on available data, supplemented with estimates

The draft of the second EEAP is based on the available data and there are estimates available in all chapters

- If no, why is the deadline of 30 June 2011 exceeded and when will the EEAP be provided?

There is no public justification for the delay.

#### **2.4. Energy efficient public procurement**

- Have at least two energy efficient public procurement measures<sup>2</sup> been incorporated into national public procurement legislation?

YES, measures regarding energy audits and to purchase or rent energy-efficient buildings or parts thereof.

- Have guidelines on energy efficiency and energy savings as a possible assessment criterion in competitive tendering for public contracts<sup>3</sup> been published?

No, such guidance was not published.

#### **2.5. Energy distributors, distribution system operators and retail sellers**

- Are regulations in place, which ensure that energy distributors, distribution system operators and retail sellers are ready to provide the information defined in Art 6 par 1 a of Directive 2006/32/EC?

Yes, Emergency Governmental Ordinance no 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, as mentioned above.

- Has one of the requirements referred to in Art 6 par 2 a of Directive 2006/32/EC been implemented?

Yes, measure regarding establishment of independent energy audits and the measure regarding the establishment of funds and financial mechanisms according to art 11 of the Directive. Please see the provisions of Emergency Governmental Ordinance no 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, described above.

- Are energy audit schemes in place as foreseen in Art 12 of of Directive 2006/32/EC?

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<sup>2</sup> See Art 5 and Annex VI of Directive 2006/32/EC.

<sup>3</sup> See Art 5 of Directive 2006/32/EC.

There is at least one law for auditing the energy efficiency of buildings – Law **372/13.12.2005, and the dispositions of** Governmental Ordinance no 22/2008 regarding energy efficiency and promotion of the use of renewable energy to final consumers, described above.

## **2.6. Please list any other relevant measure or legislation**

- Law no 372/13.12.2005 regarding building's energy performance
- Governmental Ordinance no 18/04.03.2009 regarding the increase of residential building's energy performance
- Governmental Ordinance no 69/30.06.10 regarding the thermal rehabilitation of the residential buildings with bank credits with governmental guarantees
- Law no 3/2001 regarding the ratification of Kyoto Protocol
- Governmental Decision 219/2007 regarding combined hit and power generation
- Law no 13/2007 regarding the electric energy
- Energy Consumption Labelling

## **3. Energy Consumption Labelling**

**3.1 Has legislation been put in place, which obliges suppliers to provide technical information as well as labels and fiches (standard table of information relating to the product) in accordance with Art 5 of Directive 2010/30/EU<sup>4</sup>?**

**3.2 Has legislation been put in place which ensures that dealers (retailers) display labels properly and provide for fiches in accordance with Art 6 of Directive 2010/30/EU?**

The Directive was not implemented. In November was submitted to public debate an Emergency Governmental Ordinance regarding transposition of the Directive 2010/30/EU. An infringement procedure started in July 2011.

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<sup>4</sup> Directive 2010/30/EU on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products