

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?

Governmental Ordinance (GO) 22/2008 transposed Directive no 2006/32/EC.

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

Before GO 22/2008 the Parliament passed Law no 199/2000 regarding the energy efficiency. This law was cancelled by GO 2/2008.

1.3. Do drafts for this type of legislation exist?

GO 22/2008 should be approved by the parliament.

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 energy efficiency, until 2015.

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?

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 between 2008 - 2016, representing 1,5% per year, compared to the media registered between 2001- 2005. 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 the description of the Emergency Governmental Ordinance no 18/2009 (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 that transposed the Directive no 2006/32/CE, the responsible authorities were Minister of Economy and Finance and The Agency of Energy Conservation (subordinated to MEF). According to Law no 329/2009 and Governmental Decision 1428/2009, this Agency 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?

No. 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 –

No, it does not.

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

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

¹ 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.

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

- Be based on available data, supplemented with estimates.

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

There is no public justification.

2.4. Energy efficient public procurement

- Have at least two energy efficient public procurement measures² been incorporated into national public procurement legislation?

Yes, measure 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 contracts³ been published?

No, there are no such guidelines.

2.5. 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.

- 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 establishing funds and financial mechanisms according to art 11 of the Directive.

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

There is at least one law for auditing the energy efficiency of buildings – Law 372/13.12.2005.

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

³ See Art 5 of Directive 2006/32/EC.

2.6. Please list any other relevant measure or legislation

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

7. Energy Consumption Labelling
 - a. **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/EU⁴?**
 - b. **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 an Emergency Governmental Ordinance regarding transposition of the Directive 2010/30/EU was submitted to public debate. An infringement procedure stated in July 2011.

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⁴ 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