

Romanian electricity producer Hidroelectrica was in the proceedings against the Romanian National Authority for Energy Regulation (ANRE) regarding the restrictions imposed by the regulator on electricity exports. The European Court of Justice ruled in favor of Hidroelectrica.

In its reasoning, the Court stated that the Treaty on the functioning of the EU must be interpreted as meaning that national legislation which, as interpreted by its enforcement authority (ANRE), requires national electricity producers to supply the full amount available on platforms managed by the sole operator of the national electricity market designated for electricity trading services is a measure having equivalent effect to a quantitative restriction on exports, which is not likely to be justified on grounds of public security related to security of energy supply, insofar as such legislation is not proportionate to the objective pursued.

Moreover, the Court considered that ANRE's interpretation had the effect of depriving Romanian electricity producers who had obtained trading licenses in other member states, whose electricity markets have a functioning coupled with that of Romania, of the possibility to trade electricity bilaterally and, if necessary, to export it directly to these markets.

CEO of Hidroelectrica Bogdan Badea said that this is a very important step taken towards normality and towards a reality for which Hidroelectrica has been fighting for many years and which it wants to be definitive - the free energy market. Liberalization eliminates the gaps between the prices on the markets in Romania and those in other member states, the main beneficiary of this correct price being the end-consumer.

The decision of the EU Court of Justice will be submitted to the Bucharest Tribunal, which will take the final decision in the dispute between Hidroelectrica and ANRE that is taking place in Romania.