

The European Commission EC is currently in dialogue with the Romanian authorities to ensure that Romanian legislation in the field of energy exchange is harmonized with European legislation, taking into account the decision of the European Court of Justice of 17 September 2020, in case of Hidroelectrica against the National Energy Regulatory Authority (ANRE). Without these changes in legislation, some provisions may have the effect of export restrictions, according to the EC. EC confirmed that it has received complaints about the process of market liberalization in Romania and, at the same time, sent a letter to the Romanian authorities regarding the lifting of the export restrictions of electricity producer Hidroelectrica.

The Commission has taken note of the court decision in the Hidroelectrica case, according to which the provisions of the national legislation obliging energy producers to sell electricity available on platforms managed by a single operator, intended for energy trade on the national market, constitute measures that have effects equivalent to restricting exports.

Hidroelectrica won the lawsuit against ANRE in September at the European Court of Justice, after the regulator banned producers from exporting electricity. In the reasoning of the judgment, the Court stated that a national legislation which, as interpreted by ANRE, requires national electricity producers to supply the full amount of electricity available on platforms managed by the single market operator is a measure having equivalent effect to a quantitative restriction for exports.