



EU Methane Emissions Regulation: Romania's draft penalty regime

Analysis of the draft Emergency Ordinance of April 2026

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Report

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Abstract

This paper examines the provisions on penalties contained in the revised Draft Emergency Ordinance (DEO) proposed by the Romanian government in April 2026 for the implementation of the EU Methane Emissions Regulation. It concludes that the DEO presents significant elements of non-compliance, provides an overview of these elements, and analyses key areas of concern.

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Abbreviations

DEO	Draft emergency ordinance
EUMR	EU Methane Emissions Regulation
LDAR	Leak detection and repair
LNG	Liquefied natural gas
MRV	Monitoring, reporting and verification

1 Introduction

This document provides an analysis of the provisions on penalties contained in the Draft Emergency Ordinance (“DEO”) proposed by the Romanian government on 3 April for the implementation of the [EU Methane Emissions Regulation \(EU\) 2024/1787](#) (“EUMR”). The analysis is based on revised DEO version dated 9 April¹.

The analysis is based on an automatic English translation (see Annex).

In December 2025, Ecologic Institute published the paper [Romania's Draft Penalty Rules for Violations of the EU Methane Regulation](#), which analysed the previous DEO issued in July 2025.

2 Overall assessment: major Art. 33 non-compliance

This analysis concludes that the penalty provisions contained in the Romanian Draft Emergency Ordinance of April 2026 are not compliant with several important elements of Article 33 EUMR.

Given its large oil and gas extraction activities, Romania is one of the EU Member State highest methane emissions from the energy sector. Material shortcomings in the national implementation and enforcement framework are therefore of particular concern.

Pursuant to Article 33(1) EUMR, Romania, as well as all other Member States, was required to adopt rules on penalties, take all measures necessary to ensure their implementation, and notify them to the European Commission by 5 August 2025. Over nine months after that deadline, the Romanian government presented a new draft ordinance, the timetable for whose adoption remains unclear. As long as the Romanian ordinance has not entered into force, operators and importers under Romania's jurisdiction that do not comply with the EUMR's provisions are acting unlawfully but cannot be sanctioned. While not at all unique to Romania, this situation unfairly disadvantages operators and importers that have invested in compliance, confers an unfair advantage on those that have not done so, jeopardises the climate mitigation impact of the Regulation, and casts doubts about on the effective application of the rule of law in Romania, as well as in other Member States in similar circumstances.

Table 1 provides an overview of the main elements of the Art 33 EUMR that are not, or only partially, implemented.

Table 1: Elements of incompliance sorted by EUMR Articles

Art	Provision	DEO analysis
33(1)	General principle: penalties should be effective, proportionate and dissuasive	Very low fine levels, wide loopholes and exemptions make the penalty regime insufficiently dissuasive and effective

¹ See: <https://energie.gov.ro/forma-actualizata-a-proiectului-de-ordonanta-de-urgenta-a-guvernului-pentru-stabilirea-masurilor-necesare-de-punere-in-aplicare-a-regulamentului-ue-2024-1787-al-parlamentului-european-si-al-consiliu/>

Art	Provision	DEO analysis
33(1)a	Fines must be proportionate to the environmental damage and impact on human safety and health.	There is no indication that the DEO seeks to operationalise this principle. The low maximum levels of fines provided for in the DEO appear difficult to reconcile with this proportionality requirement.
33(1)a	Fines must at least deprive those responsible of the economic benefits derived from the infringement.	This principle is not implemented.
33(1)a	Fines must gradually increase for repeated serious infringements;	The DEO provides only for a 50% increase in penalties, subject to a (low) absolute cap. As a consequence, operators that repeat the same serious infringement over multiple years would not face progressively increasing penalties.
33(1)b	Periodic penalty payments to compel operators and other relevant persons to put an end to an infringement	Not implemented
33(2)	Competent authorities (CA) must be empowered to impose at least the following administrative penalties and measures for infringements of Article 12, Article 14(14), Article 16(2), Article 20, Article 23(1), Article 27(1), Article 28(1) and (2) and Article 29(1) and (2), provided that they do not endanger the security of energy supply:	The exhaustive lists of infringements contained in different sections of Article 10 DEO do not include infringements of Article 12(6).
33(2) b	Competent authorities must be empowered to order the confiscation of the profits gained or losses avoided as a result of the infringements, insofar as they can be determined	No such power can be identified in the DEO.
33(2) d	Competent authorities must be empowered to adopt a decision imposing periodic penalty payments	No such power can be identified in the DEO.
33(2)	In the case of legal persons, the amount of the administrative fines referred to in point (e) shall not exceed 20 % of the annual turnover in the preceding business year.	While this provision formally establishes only an upper ceiling, the very low maximum fines provided for in Article 10 DEO do not appear consistent with the underlying objective and general scheme of the maximum levels provided for by Article 33 EUMR.
33(4)	Competent authorities shall cooperate closely across the Union.	The DEO designates seven competent authorities. However, the mandate for cross-border cooperation under Article 4(2) DEO appears to be limited to one of them, namely the Ministry of Energy.
33(5)	This EUMR article provides a non-exhaustive (or minimum) list of infringements that must be subject to penalties.	At least some infringements which, pursuant to the EUMR, must be subject to penalties do not appear to be covered by the DEO: Art 12(6): failure by oil and gas sector operators to compare source-level quantification with site-level measurement, notify competent authorities of statistically relevant discrepancies, and carry out reconciliation in accordance with specified procedures; Art 12(7): obligation for oil and gas sector operators to indicate any withheld information in reports and justify confidentiality claims; Art 15(5): failure of oil and gas sector operators to replace methane-venting equipment with non-emitting alternatives compliant with standards set under Article 32, where commercially available;

Art	Provision	DEO analysis
		Art 15(7): failure by oil and gas sector operators to comply with the requirement to install and use only commercially available zero-emitting pneumatic devices, compressors, atmospheric pressure storage tanks, sampling and measuring devices and dry gas seals, where a site is built, replaced or refurbished;

3 Key areas of concern

In the following, eight key areas of concern are shortly discussed.

3.1 Only one sanction for an entire field / deposit

Art 11(2) of Romania's DEO provides that *"If multiple non-compliances resulting from a violation of the same legal obligation are identified within the same asset (in Romanian: "activ") a single administrative penalty shall be imposed."*

In the official Romanian language version of the EUMR, the term *"activ"* is used as the equivalent of the English term *"asset"*, which is defined by Article 2(4) EUMR as follows:

"'asset' means a business or operating unit, which can be composed of several facilities or sites, including operated assets and non-operated assets."

According to Art 11(1) of the Romanian DEO, in the context of oil and gas exploration and production, the term *"asset"* refers to an entire *zăcământ*. This term is not defined in the DEO. In the official Romanian language version of the EUMR, terminology derived from *zăcământ* appears only with reference to coal deposits and is not used with reference to the oil and gas sector.

In the oil and gas context, *zăcământ* may also be translated as *"field"* or *"reservoir"*. These terms are commonly used to describe geological units which may extend over very large areas. Examples include: North Field in Qatar, covering approximately 6,000 km² and comprising hundreds of wells; and the Ghawar Oil Field (Saudi Arabia), covering approximately 7,500 km² and comprising thousands of wells.

If interpreted in this manner, the same infringement occurring at multiple emission sources within a single Romanian oil or gas field would be subject to only one administrative sanction, notwithstanding the potentially very large number of individual breaches involved.

In practical terms, an operator failing to comply with an MRV- or venting and flaring-related obligation for a single component would incur the same penalty as an operator systematically disregarding the same obligation across all relevant components within an *"asset"*, even where that asset comprises multiple facilities or sites.

The larger the operator and the larger the relevant assets, the greater the resulting economic incentive to commit multiple infringements of EUMR obligations without facing correspondingly higher sanctions.

3.2 Sanctions for large assets subject to ministerial opinion

Art 11(5) of the Romanian draft DEO may be incompatible with Article 33(2) EUMR, pursuant to which the competent authorities (CA) must be empowered to impose administrative penalties and administrative measures in respect of a range of infringements.

Art 11(5) provides (emphasis added): “*In situations where the competent authority orders **measures** that may affect energy security by closing or shutting down assets with a capacity exceeding 50,000 Sm³/day or 300 barrels of oil equivalent per day, for the purposes of this emergency ordinance, and which, through their closure or shutdown, would lead to the cessation or reduction of a volume greater than 10, 000 Sm³/day to a specific consumption area, with an impact on areas where vulnerable consumers are connected who do not have alternative sources of natural gas supply, **sanctions** against these assets shall be imposed only after obtaining the opinion of the Ministry of Energy, which certifies the existence or absence of a potential impact on energy security. When determining **sanctions and compliance measures**, the competent authority shall take into account the opinion issued by the Ministry of Energy.*”

In essence, this provision requires competent authorities to obtain, and take into account, the opinion of the Ministry of Energy prior to imposing sanctions or compliance measures in relation to assets exceeding certain technical thresholds. Although the DEO does not formally oblige the competent authorities to follow the ministry's view, in practice this appears to amount to a requirement for prior ministerial approval.

Such a requirement appears difficult to reconcile with the principle that administrative sanctions and measures should be imposed autonomously by the competent authorities. In the Romanian context, where the Ministry is simultaneously the principal shareholder of major companies subject to EUMR obligations, the provision may also give rise to concerns regarding conflicts of interest.

The first sentence of Art 11(5) refers only to “*measures*”. This could arguably be interpreted as seeking to prevent the risk that a competent authority's compliance requirement - for example, the replacement of an emitting component in a critical large-scale installation - might necessitate the temporary shutdown of the relevant asset and thereby jeopardise security of supply in certain areas.

However, the subsequent sentences of Article 11(5) refer more broadly not only to “*measures*”, but also to “*sanctions*”, which includes administrative fines. As drafted, the provision would therefore require CAs, de facto, to seek ministerial authorisation whenever they intend to impose a fine on operators of assets above the relevant thresholds, notwithstanding the fact that the imposition of a fine, as such, would not result in the closure or shutdown of the asset concerned.

Importantly, the requirement for de facto ministerial authorisation is not limited to sanctions that would themselves lead to the closure or shutdown of assets. Rather, it applies to sanctions concerning assets whose hypothetical closure or shutdown could result in reductions in supply volumes above the specified thresholds. Consequently, the competent authority would be required to obtain and consider the Ministry's opinion whenever it seeks to impose sanctions in relation to assets above those thresholds, even where the contemplated sanction consists merely of an administrative fine.

3.3 “Normal technological operation” loophole

Art 11(4) of the Romanian DEO provides: “*The economic operator's activities regarding emissions that result inherently from the **normal technological operation** of the installations are excluded from the scope of the sanctions provided for in this Emergency Ordinance, to the extent that such*

emissions are reported and verified in accordance with the methodologies set forth in Regulation (EU) 2024/1787.”

This wording implies that sanctions may only be imposed for emissions that do not result from “normal technological operation”, a term which is not further defined in the Romanian DEO. Consequently, sanctions could arguably be imposed only where emissions result from defective devices or from devices that are, by definition, non-compliant. Such an approach does not appear to be aligned with the EUMR provisions related to venting and flaring, as well as those on leak detection and repair.

3.4 Non-dissuasive (very low) level of penalties

To ensure that penalties are genuinely dissuasive and to enable the competent authority to deprive those responsible of the economic benefit of the infringement, the maximum level of penalties available to the competent authorities should be set significantly above the highest foreseeable cost of compliance associated with the relevant infringement. The level should be *significantly* higher because rational economic actors may calculate that a proportion of infringements will remain undetected by competent authorities, and that not all detected infringements will ultimately result in sanctions, particularly in light of the provisions governing repeated infringements (see below).

Table 2: Levels of sanctions established by Article 10 DEO for different infringement categories

Fine level	RON	EUR (approximately)
1	10,000 - 20,000	1,900 – 3,800
2	15,000 - 30,000	2,850 – 5,700
3	20,000 - 50,000	3,800 - 9.500
4	30,000 - 70,000	5,700 – 13,300
5	50,000 - 100,000	9,500 – 19,000

It seems evident that these maximum levels would in many cases not be dissuasive. Some examples:

Level 1 (max approximately EUR 3,800) applies, among others:

- to the failure by oil and gas sector operators to submit a large part, if not all, of the reports they must submit to the competent authorities according to Article 12(1), (2) and (3) EUMR;
- to the failure by importers to fulfil the obligation to provide the competent authorities with the information requested pursuant to Article 27(1) and Article 28(2).

Producing such reports and fulfilling these obligations may in several cases cost significantly more than 3,800 EUR.

Level 2 (max approximately 5,700 EUR) applies among others to

- ▶ the operator's failure to implement the actions required by the competent authority after an inspection has demonstrated non-compliance [Article 6(6) EUMR];
- ▶ the operator's failure to submit a revised report following a verification report concluding that the emissions report does not comply with EUMR requirements [Art 8(4) EUMR];
- ▶ the operator's failure to comply with certain venting and flaring restrictions [Art 15(4) and 15(6) EUMR].

Complying with these obligations may in several cases cost significantly more than 5,700 EUR.

Level 3 (max approximately 9,500 EUR) applies among others to:

- ▶ failure to fulfil the obligation to repair or replace components – found to emit methane – under the conditions of Article 14(9) EUMR;
- ▶ failure by operators to comply with Art 17 and 23 EUMR requiring the use of flare stacks or combustion devices with an auto-igniter or a continuous pilot burner.

Complying with these obligations may in several cases cost significantly more than 9,500 EUR.

Level 4 (max approximately 13,400 EUR) applies among others to:

- ▶ the operator's failure to comply with Article 15(2) and 15(3) EUMR, which restrict venting and flaring;
- ▶ the coal mine operator's failure to comply with Article 22(1) and 22(2) EUMR, as well as Article 26(2), which prescribe mitigation measures;
- ▶ the operator's failure to provide the competent authorities or verifiers with the assistance necessary to carry out inspections

Complying with these obligations may cost more than 13,400 EUR. Refusing the assistance necessary to carry out inspections is an aggravating factor according to Article 33 (7).

Level 5 (max approximately 19,000 EUR) applies only

- ▶ failure by importers to comply with Article 28 EUMR (MRV equivalence)
- ▶ failure "by producers and importers" to comply with Article 29(1) and (2) EUMR (methane intensity);
- ▶ failure by Union producers or importers to comply with the maximum methane intensity values established in the delegated acts adopted pursuant to Article 29(6).

Assuming that an importer is party to a supply contract with a value of EUR 190 million, the maximum fine of EUR 19,000 would correspond to 0.01% of the contract value. Such a penalty level appears insufficient to create an effective deterrent and may instead create a strong economic incentive for non-compliance.

Import contracts with values substantially exceeding EUR 190 million per year are likely to be common, particularly in the oil and LNG sectors. By way of illustration:

- ▶ Crude oil tankers supplying the European market typically carry between 700,000 and 2 million barrels of oil.² Assuming a price of EUR 75 per barrel, the value of a single cargo would range from approximately EUR 50 million to EUR 150 million, excluding transport costs.
- ▶ A typical LNG cargo contains approximately 0.75 to 1 TWh of energy, with some cargoes exceeding that range. Assuming a TTF price of EUR 40/MWh - a comparatively conservative estimate, given that TTF prices fluctuated between EUR 39/MWh and EUR 63/MWh following the outbreak of the war in the Persian Gulf – the value of a single LNG cargo would generally range between approximately EUR 30 million and EUR 40 million.

3.5 Proportionality to environmental damage. impact on human health and safety

The fine levels provided for in Romania's DEO of April 2026 do not appear to have any discernible relationship to the volume of methane emissions likely to be associated with the relevant infringements, notwithstanding that such emissions constitute the most logical benchmark for determining penalties proportionate to environmental harm and the impact on human health.³

This proportionality principle is not reflected in the DEO.

3.6 No deprivation of economic benefit

In the Romanian DEO, no provision could be identified empowering competent authorities to order the confiscation of profits gained or losses avoided as a result of the infringements, as required by Article 33(2)b EUMR.

Combined with the very low levels of fines described above, the Romanian DEO therefore appears clearly not to comply with Article 33(1)a EUMR, which requires a fine level that *“at least deprives those responsible of the economic benefits derived from the infringement in an effective way”*.

3.7 Restrictive definition of repetition limits fine escalation

Art. 10(11) of the Romanian DEO stipulates: “The repeated commission of the same administrative offence within a 12-month period from the date of the previous sanction shall be punishable by a fine whose limits are increased by 50% compared to those provided for the administrative offence, without the maximum limit exceeding the amount of 100,000 lei. For the purposes of this article, ‘repeated commission of the administrative offence’ means committing the same act within 12 months of the date the previous penalty was imposed.”

In practice, this means that an operator repeatedly committing the same serious infringements on an annual basis would each time incur only the non-increased fine. This appears difficult to reconcile with Article 33(1)a EUMR, which requires penalties to gradually increase in case of repeated serious infringements.

² See: <https://www.shipfinex.com/blog/oil-tanker-ships-types-sizes-design-and-safety>

³ See: Piria, Raffaele, Stephan Sina and Lina-Marie Dück (2024): *Implementing the EU Methane Regulation, Working paper N° 3. Penalties and selected legal issues*. Ecologic Institute, Berlin. Available at: <https://www.ecologic.eu/19720>

In practice, operators could repeat serious infringement even more frequently, given that inspections capable of identifying such infringements are unlikely to occur more than once per year.

3.8 Capped penalties for ignoring remediation orders

The dissuasive effect of the fines provided for in the Romanian DEO appears even more questionable in light of Article 10(12) DEO, which limits the sanction applicable to operators failing to comply with measures ordered by the competent authority to a range between approximately EUR 3,800 and a maximum of approximately EUR 11,400.

Annex – English version of the Romanian DEO

This annex reproduces the English version of the DEO relied upon for the purposes of this analysis.

The English version is based on an automatic translation, reviewed by Lucian-Valentin Pamfile, PhD candidate at the Bucharest University of Economic Studies.

While every effort has been made to ensure accuracy, no guarantee can be provided as to the precision of the translation. The text is provided here exclusively with the intention of facilitating the identification of any potential misunderstandings arising from translation inaccuracies.

EMERGENCY ORDINANCE

establishing the measures necessary to implement Regulation (EU) 2024/1787 of the European Parliament and of the Council of June 13, 2024, on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942

Having regard to the provisions of Article 5 of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942, which establish the obligation of each Member State to designate the competent authority or authorities responsible for monitoring and ensuring the application of the Regulation, as well as the provisions of Article 33 of the same Regulation, according to which Member States shall adopt rules on penalties applicable in the event of non-compliance therewith and shall take all necessary measures to ensure their application,

taking into account that Romania was required to notify the European Commission, by February 5, 2025, of the names and contact details of the competent authorities responsible for monitoring and ensuring the enforcement of Regulation (EU) 2024/1787, as well as the obligation to adopt, by August 5, 2025, the rules on penalties applicable in the event of non-compliance with the Regulation,

taking into account that the measures proposed in this emergency ordinance contribute to ensuring the necessary national framework for the implementation of Regulation (EU) 2024/1787,

considering that failure to adopt the necessary measures in a timely manner may lead to the European Commission initiating infringement proceedings against Romania, with the possibility of referring the matter to the Court of Justice of the European Union,

whereas, according to the case law of the Court of Justice of the European Union, a Member State cannot invoke domestic legal situations to justify a failure to fulfil obligations or to comply with deadlines established by European Union rules,

taking into account that avoiding the initiation of infringement proceedings can only be achieved through the urgent adoption of the necessary legislative measures, and that advancing these through the ordinary

parliamentary procedure does not guarantee their adoption and entry into force within a timeframe compatible with Romania's European obligations,

taking into account the significant impact of methane emissions on climate change, as methane is the second most important greenhouse gas after carbon dioxide and is responsible for a significant portion of current global warming,

whereas methane emissions fall within the scope of the European Union's 2030 greenhouse gas emission reduction targets set out in Regulation (EU) 2021/1119 and the binding national targets set out in Regulation (EU) 2018/842,

taking into account that Member States must ensure that competent authorities have adequate powers and resources to carry out the tasks set out in Regulation (EU) 2024/1787, including conducting inspections, reviewing documentation, measuring emissions, and carrying out on-site checks,

whereas the proposed measures address a major public interest in the field of environmental protection and public health, as methane contributes to the formation of tropospheric ozone and air pollution, with effects on human health,

given the direct applicability of Regulation (EU) 2024/1787 and the obligation of Member States to ensure the institutional framework necessary for its effective application, including by designating competent authorities and establishing penalty rules,

taking into account that, in the absence of a national regulatory framework, the effective application of the Regulation is not possible, which creates legal uncertainty for economic operators and difficulties for competent authorities in exercising their powers,

given the risk of the European Commission initiating infringement proceedings pursuant to Article 258 of the Treaty on the Functioning of the European Union,

it appears necessary to urgently adopt regulations by means of an emergency ordinance, establishing a clear, stable, and favorable legislative framework for the effective application of the Regulation,

Pursuant to Article 115(4) of the Constitution of Romania, as republished, the Government of Romania hereby adopts this Emergency Ordinance:

Article 1 – This Emergency Ordinance establishes the legal and institutional framework necessary for the implementation, at the national level, of the provisions of Regulation (EU) 2024/1787 of the European Parliament and of the Council of June 13, 2024, on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942, published in the Official Journal of the European Union, L series, on July 15, 2024, hereinafter referred to as the Regulation.

Art. 2 – The terms and expressions used in this Emergency Ordinance have the meanings set forth in Article 2 of the Regulation.

Art. 3 – To ensure the implementation of the provisions of Regulation (EU) 2024/1787, the following competent authorities are designated as follows:

- a) The Ministry of Energy – as the national contact point and coordinating authority;
- b) the Ministry of Environment, Water, and Forests, through the National Environmental Guard – for control and inspection activities regarding operators' compliance with the obligations set forth in the Regulation;
- c) the National Regulatory Authority for Mining, Oil, and Geological Storage of Carbon Dioxide, hereinafter referred to as ANRMPSG – for activities in the field of oil and natural gas exploration and production, as well as for coal mines;
- d) The National Regulatory Authority for Energy, hereinafter referred to as ANRE – for activities in the field of natural gas transmission, distribution, underground storage, and liquefied natural gas facilities;
- e) the Ministry of Economy, Digitalization, Entrepreneurship, and Tourism, through the State Inspectorate for the Control of Boilers, Pressure Vessels, and Lifting Equipment – for verifying the technical compliance of flaring facilities;

- f) The Ministry of Finance, through the Romanian Customs Authority – for monitoring and reporting information regarding imports of fossil fuels from third countries;
- g) The Romanian Accreditation Association (RENAR) – as the national accreditation body – for the accreditation of verification bodies, in accordance with national accreditation legislation and the provisions of Regulation (EC) No. 765/2008.

Art. 4 –

(1) The Ministry of Energy is designated as the national contact point for the performance of the tasks provided for in the Regulation.

(2) In performing the function provided for in paragraph (1), the Ministry of Energy shall exercise the following duties:

- a) ensures representation and cooperation in relations with the European Commission, as well as with authorities in third countries, in accordance with the provisions of Art. 5(3) and Art. 33(4) of the Regulation;
- b) collects from all competent authorities designated in Article 3 of this Emergency Ordinance and transmits to the European Commission the notifications provided for in Article 12(8), Article 14(5), Article 18(2) and (10), Article 20(7), Article 23(2), Article 25(8), and Article 27(2) of the Regulation;
- c) centralizes the information and reports submitted by the competent authorities designated in Article 3 of this Emergency Ordinance and ensures their publication in a single point of access, via a dedicated website, in accordance with the provisions of Article 5(4) (4) of Regulation (EU) 2024/1787, including the reports provided for in Article 6(5), Article 12(8), Article 18(2) and (10), Article 20(7), Article 23(2), and Article 25(4), (6), and (8) of the Regulation;
- d) compiles and provides, at the request of the European Commission or other Member States, the relevant information and documents necessary to verify the competence and independence of authorized verifiers, in accordance with Article 9(4) of the Regulation, while complying with data protection legislation and the confidentiality of personal information;
- e) make available to the European Commission, for submission to the International Methane Emissions Observatory - IMEO, publicly available data on methane emissions that it deems relevant, as made available to it by the competent authorities referred to in Article 3 of this Emergency Ordinance, for the purpose of implementing the provisions of Article 10(2) of the Regulation;
- f) ensures the confidentiality of information that must be made public, received from the competent authorities designated in Article 3 of this Emergency Ordinance, in accordance with the provisions of the Regulation and applicable legislation in force;
- g) notify the European Commission of the rules and measures concerning sanctions and any subsequent amendments thereto, and publish annually information on the type and extent of sanctions imposed pursuant to Article 33 of the Regulation, the infringements, and the operators, undertakings, mine operators, or importers on whom they were imposed, and also informs it of the names and contact details of the competent national authorities, as well as any changes to their names or contact details, in accordance with the provisions of Article 4(1) of the Regulation.
- h) collect and submit to the European Commission monitoring reports on methane emissions from active underground coal mines, in accordance with the provisions of Article 19 of the Regulation;
- i) compiles an inventory of closed and abandoned underground coal mines located within the territory or under the jurisdiction of Romania, in accordance with Article 25(1) of the Regulation;
- j) collects and transmits to ANRMPSG data on methane emissions from closed and abandoned underground coal mines where methane emissions were recorded during the mining period, as well as reasoned proposals regarding the application of the derogations provided for in Article 25 of the Regulation;
- k) resolves complaints filed by any natural or legal person in the areas within its jurisdiction, in accordance with the provisions of Article 7 of the Regulation and national legislation.

Art. 5. –

(1) The Ministry of Environment, Water, and Forests, through the National Environmental Guard, has the following powers and duties:

- a) conducts special inspections of operators, undertakings, and mine operators in cases where methane is vented or flared in violation of the provisions of the Regulation; as part of the report, issues a notice regarding the corrective measures to be taken by the operator, undertakings, mine operator, setting clear deadlines for corrective actions, and makes them available to the Ministry of Energy, in accordance with the provisions of Article 6 of the Regulation;
- b) resolves complaints filed by any natural or legal person in the areas within its jurisdiction, in accordance with the provisions of Article 7 of the Regulation and national legislation.

(2) The periodic inspections provided for in the Regulation may be conducted, as appropriate, in a joint format, with the participation of the National Environmental Guard, the National Regulatory Authority for Mining, Oil, and Geological Storage of Carbon Dioxide, and the National Regulatory Authority for Energy, as appropriate, with each authority exercising its powers within the limits of the competences established by this Emergency Ordinance and by the applicable specific legislation.

Art. 6. –

(1) The Ministry of Economy, Digitalization, Entrepreneurship, and Tourism has the following powers and duties:

- a) collects and transmits to the National Regulatory Authority for Mining, Oil, and Geological Storage of Carbon Dioxide the data necessary for compiling the inventory of closed and abandoned underground coal mines, in accordance with Art. 25(1) of the Regulation;
- b) collects data on methane emissions from closed and abandoned underground coal mines where methane outgassing has been recorded and transmits them to the National Regulatory Authority for Mining, Petroleum, and Geological Storage of Carbon Dioxide, as well as reasoned proposals for the application of the derogations provided for in Article 25 of the Regulation;
- c) through the State Inspection for the Control of Boilers, Pressure Vessels, and Lifting Equipment, hereinafter referred to as ISCIR, verifies and certifies the compliance of installations used for the combustion of methane in flare stacks, in combustion devices with auto-igniter, or in devices with continuous pilot burner, including with regard to achieving a methane destruction and removal efficiency of at least 99%, in accordance with the technical requirements set forth in the Regulation.

(2) The accreditation of the verification bodies referred to in Article 9 of the Regulation shall be carried out by the national accreditation body—the Romanian Accreditation Association (RENAR)—in accordance with national accreditation legislation and the provisions of Regulation (EC) No. 765/2008. The Ministry of Economy, Digitalization, Entrepreneurship, and Tourism ensures the coordination of national policy in the field of quality infrastructure and institutional collaboration with the national accreditation body.

(3) The Ministry of Economy, Digitalization, Entrepreneurship, and Tourism shall resolve complaints filed by any natural or legal person in the areas within its competence, in accordance with the provisions of Article 7 of the Regulation and applicable national legislation.

Art. 7. –

(1) The National Regulatory Authority for Mining, Oil, and Geological Storage of Carbon Dioxide shall exercise the powers of the competent authority for activities in the field of oil and natural gas exploration and production, as well as for coal mines, in accordance with the Regulation.

(2) In exercising the powers provided for in paragraph (1), the competent authority:

- a) prepares and updates the inventory of inactive wells, temporarily plugged wells, and permanently plugged and abandoned wells;
- b) prepares and updates the inventory of closed underground coal mines and abandoned coal mines;
- c) review the methane emission monitoring reports submitted by operators;
- d) verify the documentation related to methane leak detection and repair (LDAR) activities;

- e) evaluate and approve methane emission mitigation plans;
- f) decides on the granting of derogations provided for in the Regulation, within the limits of the powers established therein;
- g) authorizes independent verifiers in accordance with the provisions of Article 9 of Regulation (EU) 2024/1787 and transmits to the Ministry of Energy the information necessary for reporting to the European Commission;

(3) The Authority shall resolve complaints filed by any natural or legal person in the areas falling within its competence, in accordance with the provisions of Article 7 of the Regulation and applicable national legislation.

Art. 8. –

(1) The National Energy Regulatory Authority shall exercise the powers of the competent authority for natural gas transmission and distribution system operators, for operators of underground natural gas storage facilities, and for operators of liquefied natural gas facilities, in accordance with the Regulation.

(2) In exercising the powers provided for in paragraph (1), the competent authority shall:

- a) review and, where appropriate, approve the programs and measures to reduce methane emissions developed by the operators of natural gas transmission and distribution systems, underground natural gas storage facilities, and liquefied natural gas facilities, in accordance with the Regulation;
- b) monitor the implementation by operators of natural gas transmission and distribution systems, underground storage facilities, and liquefied natural gas (hereinafter “LNG”) facilities of the obligations regarding the limitation of venting and flaring, and resolve requests for derogations related to these activities, in accordance with the Regulation;
- c) verifies operators' compliance with the obligations regarding the monitoring, reporting, and reduction of methane emissions set forth in the Regulation, within the areas under its jurisdiction;
- d) reviews the methane emissions monitoring reports submitted by operators in the transmission, distribution, underground storage, and LNG sectors, as verified by independent verifiers, to ensure compliance with the obligations set forth in the Regulation;
- e) authorizes independent verifiers in accordance with the provisions of Article 9 of the Regulation and transmits to the Ministry of Energy the information necessary for reporting to the European Commission.

(2) The competent authority shall resolve complaints filed by any natural or legal person in the areas falling within its competence, in accordance with the provisions of Article 7 of the Regulation and applicable national legislation.

(3) The exercise of the powers provided for in this Article shall not affect the powers of the National Regulatory Authority for Mining, Oil, and Geological Storage of Carbon Dioxide regarding the geological structure and wells associated with underground natural gas storage facilities.

Art. 9. – The Romanian Customs Authority shall perform the following duties:

- a) verify importers' compliance with the obligations set forth in Articles 27–29 of the Regulation and collect the necessary information regarding the monitoring, reporting, and intensity of methane emissions associated with imported fuels;
- b) resolves complaints filed by any natural or legal person in the areas within its jurisdiction in accordance with the provisions of Art. 7 of the Regulation and national legislation.

Art. 10 –

(1) The following acts committed by operators, mine operators, and drainage station operators, as applicable, constitute administrative offenses representing non-compliance with the obligations set forth in Regulation (EU) 2024/1787:

a) punishable by a fine ranging from 10,000 lei to 20,000 lei, the following acts:

- (i) failure to submit to the competent authority the report provided for in Article 12(1) of the Regulation;
- (ii) failure to submit to the competent authority the reports provided for in Article 12(2) of the Regulation;

- (iii) failure to submit to the competent authority the reports provided for in Article 12(3) of the Regulation;
 - (iv) failure to submit to the competent authority the documentation related to methane leak detection and repair (LDAR) activities, as provided for in Article 14(1) of the Regulation, within the timeframe applicable to existing or new sites;
 - (v) failure to submit to the competent authority the documents pertaining to the conduct of the first Type 2 LDAR survey for existing sites, in accordance with Article 14(2) of the Regulation;
 - (vi) conducting LDAR surveys using detection devices that do not comply with the requirements set forth in Article 14(6) of the Regulation;
 - (vii) failure to submit to the competent authority the record of decisions to postpone repairs, including justifications and schedules for repair and monitoring, in accordance with Article 14(11) of the Regulation;
 - (viii) failure to fulfil the operators' obligation regarding identified leaks, as provided for in Article 14(13) of the Regulation;
 - (ix) failure to submit to the competent authority the summary report and the schedules regarding repair and monitoring, in accordance with Article 14(14) of the Regulation;
 - (x) failure to submit or fulfil the obligation to notify or report to the competent authority incidents of venting events and flaring events, in accordance with Article 16, Article 23(1), or Article 26 of the Regulation;
 - (xi) failure to submit to the competent authority, by the prescribed deadline, the reports provided for in Article 18(3) of the Regulation, taking into account the exceptions provided for in that Article;
 - (xii) failure to submit to the competent authority the methane emission mitigation plan, under the conditions set forth in Article 18(9) of the Regulation, or unjustified refusal to amend it, upon request by the competent authority;
 - (xiii) failure to submit to the competent authority the reports containing data on annual methane emissions at the source level, as provided for in Article 20(6) of the Regulation;
 - (xiv) failure to submit to the competent authority the reports on methane emissions provided for in Article 25(6) of the Regulation.
- b) with an administrative fine ranging from 15,000 lei to 30,000 lei, the following acts:
- (i) failure to adopt, in accordance with Article 6(6) of the Regulation, the measures set forth in the inspection report;
 - (ii) failure to submit the revised report provided for in Article 8(4) of the Regulation;
 - (iii) failure to comply with the obligations set forth in documents or written requests issued by the competent authority, pursuant to Article 14(12) of the Regulation;
 - (iv) failure to fulfil the obligations set forth in Article 15(4) and (6);
 - (v) failure by mine operators to perform the measurements and quantifications referred to in Article 20(1), (2), and (3) of the Regulation;
- (c) an administrative fine ranging from 20,000 lei to 50,000 lei for the following offenses:
- (i) failure to fulfil the obligation to repair or replace components—found to emit methane—under the conditions of Article 14(9) of the Regulation, taking into account the exceptions provided for in that article;
 - (ii) failure to comply with the obligations set forth in Article 14(10) of the Regulation;
 - (iii) failure to comply with the obligations set forth in Article 18(6) of the Regulation;
 - (iv) failure by operators to comply with the provisions of Articles 17 and 23 of the Regulation regarding the requirements for the use of flare stacks or combustion devices with auto-igniter or a continuous pilot burner.

d) with an administrative fine ranging from 30,000 lei to 70,000 lei for the following offenses:

- (i) failure to comply with the provisions of Article 15(2) and (3) of the Regulation, taking into account the exceptions provided for in that article, regarding venting or flaring;
- (ii) failure to comply with the provisions of Article 22(1) and (2) of the Regulation;
- (iii) failure to fulfil the obligations set forth in Article 26(2) of the Regulation;
- (iv) failure to fulfil the obligation to provide the competent authorities or verifiers with the assistance necessary to carry out inspections.

(2) The administrative offenses referred to in paragraph (1), subparagraph (a), items (i) through (vii), (ix), (xi), (xii), (xiii), and (xiv); subparagraph (b), items (ii) through (vi); and subparagraph (c), items (iii) and (iv), and subparagraph (d)(iii) shall be established and sanctioned by the enforcement staff of the **National Regulatory Authority for Mining, Petroleum, and Geological Storage of Carbon Dioxide**, who act as investigating officers and are authorized for this purpose in accordance with the law.

(3) The administrative offenses referred to in paragraph (1), subparagraph (a), items (viii) and (x), subparagraph (b), item (i), subparagraph (c), item (i), and subparagraph (d), items (i), (ii), and (iv) shall be ascertained and sanctioned by the inspection staff of the **National Regulatory Authority for Mining, Petroleum, and Geological Storage of Carbon Dioxide** and by the inspectors of the **National Environmental Guard** with inspection duties, who act as investigating officers in accordance with the law, each within the limits of their legal authority.

(4) The following acts committed by operators of natural gas transmission and distribution systems, operators of underground storage facilities, and operators of liquefied natural gas facilities, constituting non-compliance with the obligations set forth in Regulation (EU) 2024/1787, as follows:

(a) with an administrative fine ranging from 10,000 lei to 20,000 lei, the following acts:

- (i) failure to submit to the competent authority the report provided for in Article 12(1) of the Regulation;
- (ii) failure to submit to the competent authority the reports provided for in Article 12(2) of the Regulation;
- (iii) failure to submit to the competent authority the reports provided for in Article 12(3) of the Regulation;
- (iv) failure to submit to the competent authority the documentation related to methane leak detection and repair (LDAR) activities, as provided for in Article 14(1) of the Regulation, within the timeframe applicable to existing or new sites;
- (v) failure to submit to the competent authority the documents related to the conduct of the first Type 2 LDAR survey for existing sites, in accordance with Article 14(2) of the Regulation;
- (vi) conducting LDAR surveys using detection devices that do not comply with the requirements set forth in Article 14(6) of the Regulation;
- (vii) failure to submit to the competent authority a record of decisions to postpone repairs, including justifications and schedules for repair and monitoring, in accordance with Article 14(11) of the Regulation;
- (viii) failure by operators to comply with their obligations regarding identified leaks, as provided for in Article 14(13) of the Regulation;
- (ix) failure to submit to the competent authority the summary report and the schedules for repair and monitoring, in accordance with Article 14(14) of the Regulation;
- (x) failure to submit or fulfil the obligation to notify or report to the competent authority venting events and flaring events, in accordance with Article 16 of the Regulation;
- (xi) failure to submit the emission mitigation plan (Article 18);
- (xii) failure to submit reports on annual emissions at the source level (Article 20).

b) with an administrative fine ranging from 15,000 lei to 30,000 lei, the following acts:

- (i) failure to adopt, in accordance with Article 6(6) of the Regulation, the measures established by the competent authority in the inspection report provided for in Article 6(5) of the Regulation;

- (ii) failure to submit the revised report provided for in Article 8(4) of the Regulation;
 - (iii) failure to comply with the obligations to comply with the measures established by documents or written requests issued by the competent authority, pursuant to Article 14(12) of the Regulation;
 - (iv) failure to fulfil the obligations set forth in Article 15(4) and (6) of the Regulation, taking into account the exceptions provided for in that article.
- (c) an administrative fine ranging from 20,000 lei to 50,000 lei for the following acts:
- (i) failure to fulfil the obligation to repair or replace components found to emit methane, under the conditions of Article 14(9) of the Regulation, taking into account the exceptions provided for in that article;
 - (ii) failure to comply with the obligations set forth in Article 14(10) of the Regulation;
 - (iii) failure by operators to comply with the provisions of Article 17 of the Regulation regarding the requirements for the use of flare stacks or combustion devices with auto-igniter or a continuous pilot burner.
- (d) with an administrative fine ranging from 30,000 lei to 70,000 lei for the following acts:
- (i) failure to comply with the provisions of Article 15(2) and (3) of the Regulation, taking into account the exceptions provided for in that article, regarding venting or flaring;
 - (ii) failure to fulfil the obligation to provide the competent authorities or inspectors with the necessary assistance to enable or facilitate the performance of their duties in accordance with the provisions of the Regulation.
- (5) The administrative offenses referred to in paragraph (4), subparagraph (a), items (i) through (x), subparagraph (b), items (ii), (iv), and (v), subparagraph (c), points (i) through (iii), and subparagraph (d), points (i) through (ii), shall be established and sanctioned by the inspection staff of the National Energy Regulatory Authority, who act as investigating officers and are authorized for this purpose in accordance with the law.
- (6) The administrative offenses provided for in paragraph (4), subparagraph (b), points (i) and (iii), shall be established and sanctioned by the inspection staff of the National Energy Regulatory Authority and the National Environmental Guard, who act as investigating officers and are authorized for this purpose in accordance with the law.
- (7) The following constitute administrative offenses and shall be sanctioned: failure by producers/importers to comply with the obligations set forth in Article 33 of the Regulation, as follows:
- (a) with an administrative fine ranging from 10,000 lei to 20,000 lei, the following acts:
- (i) failure by importers to fulfill the obligation to provide the competent authorities with the information requested pursuant to Article 27(1) and supplemented pursuant to Article 28(2) of the Regulation within 30 days from the date of entry into force of this Emergency Ordinance.
- b) with an administrative fine ranging from 15,000 lei to 30,000 lei, the following acts:
- (i) failure to adopt, pursuant to Article 6(6) of the Regulation, the measures established by the competent authority through the inspection report provided for in Article 6(5) of the Regulation;
 - (ii) failure to submit the revised report provided for in Article 8(4) of the Regulation.
- c) with an administrative fine ranging from 30,000 lei to 70,000 lei for the following acts:
- (i) failure to fulfill the obligation to provide the competent authorities or inspectors with the necessary assistance to enable or facilitate the performance of their duties in accordance with the provisions of the Regulation.
- (d) an administrative fine ranging from 50,000 lei to 100,000 lei for the following offenses:
- (i) failure by importers to comply with the obligations set forth in Article 28(1) of the Regulation;
 - (ii) failure by producers and importers to comply with the obligation set forth in Article 29(1) and (2) of the Regulation;

(iii) failure by Union producers or importers to comply with the maximum methane intensity values established in the delegated acts adopted pursuant to Article 29(6).

(8) The administrative offenses referred to in paragraph (7), subparagraph (a)(i), subparagraph (b)(ii), and subparagraph (d)(i) through (iii) shall be established and sanctioned by the inspection staff of the Romanian Customs Authority, who act as investigating officers and are empowered for this purpose in accordance with the law.

(9) The administrative offenses provided for in paragraph (7), subparagraph (b)(i) and subparagraph (c)(i) shall be ascertained and sanctioned by the inspection staff of the Romanian Customs Authority and the National Environmental Guard, who act as investigating officers and are authorized for this purpose in accordance with the law.

(10) If multiple sources of methane emissions are identified within the same activity resulting from the same administrative offense, a single administrative penalty shall be imposed. In determining the penalty, the severity of the offense, its duration, and its potential impact on the environment shall be taken into account. The determination of the quantity of emissions shall be used in determining the penalty only to the extent that it results from monitoring data, measurements, or estimates carried out in accordance with the methodologies provided for by applicable legislation.

The application of this paragraph does not preclude the possibility of imposing separate penalties for each individual asset, in cases where the operator owns or manages multiple assets.

(11) The repeated commission of the same administrative offense within a 12-month period from the date of the previous sanction shall be punishable by a fine whose limits are increased by 50% compared to those provided for the administrative offense, without the maximum limit exceeding the amount of 100,000 lei.

For the purposes of this article, "repeated commission of the administrative offense" means committing the same act within 12 months of the date the previous penalty was imposed.

(12) If the operator fails to comply with the measures ordered by the control authority within the specified time limit, such noncompliance constitutes an administrative offense and is punishable by a fine ranging from 20,000 lei to 60,000 lei.

(13) The competent authorities responsible for imposing administrative penalties shall, when imposing sanctions, take into account the criteria established for the imposition of sanctions in Article 33, paragraphs (6) and (7) of the Regulation.

(14) In the event of a violation of the obligations set forth in Article 33(2) of the Regulation, the competent authorities responsible for imposing administrative penalties may also order the issuance of warnings or public announcements.

(15) The provisions of paragraph (1) (1) shall be subject, to the extent that this Emergency Ordinance does not provide otherwise, to the provisions contained in Government Ordinance No. 2/2001 on the legal regime of administrative offenses, approved with amendments and additions by Law No. 180/2002, as subsequently amended and supplemented.

Art. 11 – Level at Which Sanctions Are Applied

(1) The sanctions provided for in Art. 10 shall be determined and applied at the asset level, as defined in Art. 1(2) and Art. 2(4) of the Regulation, taking into account the specific nature of the operators' activities, as follows:

- a) at the deposit level, for the exploration and production of oil and natural gas, as well as for the gathering and processing of natural gas, including inactive wells, temporarily plugged wells, and permanently plugged and abandoned wells;
- b) at the sector/district/network operations center level, for natural gas transmission and distribution activities (excluding metering systems at final consumption points and connections located on the property of final consumers), as well as for underground storage activities at the gas storage facility level;
- c) at the mining operation/quarry unit level, for activities carried out in active underground coal mines and active surface coal mines, as well as in closed or abandoned underground coal mines.

(2) If multiple non-compliances resulting from a violation of the same legal obligation are identified within the same asset a single administrative penalty shall be imposed.

(3) Where non-compliances result from violations of distinct legal obligations, they constitute separate administrative offenses and shall be penalized accordingly.

(4) The economic operator's activities regarding emissions that result inherently from the normal technological operation of the installations are excluded from the scope of the sanctions provided for in this Emergency Ordinance, to the extent that such emissions are reported and verified in accordance with the methodologies set forth in Regulation (EU) 2024/1787.

(5) In situations where the competent authority orders measures that may affect energy security by closing or shutting down assets with a capacity exceeding 50,000 Sm³/day or 300 barrels of oil equivalent per day, for the purposes of this emergency ordinance, and which, through their closure or shutdown, would lead to the cessation or reduction of a volume greater than 10, 000 Sm³/day to a specific consumption area, with an impact on areas where vulnerable consumers are connected who do not have alternative sources of natural gas supply, sanctions against these assets shall be imposed only after obtaining the opinion of the Ministry of Energy, which certifies the existence or absence of a potential impact on energy security. When determining sanctions and compliance measures, the competent authority shall take into account the opinion issued by the Ministry of Energy.

(6) Based on the opinion referred to in paragraph (5), compliance measures and deadlines shall be established, and for the implementation period deemed necessary, a reduction in the penalties imposed on operators or the non-imposition of penalties may be considered for those assets for which the Ministry of Energy has issued an opinion confirming a potential impact on energy security, in order to avoid compromising energy security or the supply to vulnerable consumers. The compliance measures ordered by the competent authority shall take into account the role of the relevant assets in ensuring local supplies of hydrocarbons.

(7) For the purposes of this article, "asset" means the facility, infrastructure, deposit, block, or operational site within which the activities regulated by Regulation (EU) 2024/1787 are carried out.

(8) The sanctions provided for in this Emergency Ordinance shall be applied in accordance with the provisions of the legislation on administrative offenses, in compliance with the principle of proportionality, depending on the severity of the offense, the specific circumstances of its commission, and the conduct of the offender.

Art. 12. – The provisions of Articles 10 and 11 shall enter into force within 30 days of the date of publication of this Emergency Ordinance in the Official Gazette of Romania, Part I.

Art. 13. – Where an economic operator demonstrates, on the basis of supporting documents verified by the competent authority, that it is objectively unable to secure the financial resources necessary to fulfill the obligations set forth in this emergency ordinance, or where the responsible party cannot be identified, the State may intervene to carry out mitigation, decontamination, recovery, and permanent closure measures, in accordance with the law.

(2) State intervention shall be approved by a Government decision, which shall establish:

- a) the responsible authorities;
- b) the methods of intervention;
- c) the sources of funding;
- d) the mechanisms for allocating and settling funds.

(3) The state has a right of recourse against the economic operator or the responsible person, in accordance with the law, to recover the costs incurred.

(4) The provisions of paragraphs (2) and (3) also apply to mining operations approved for closure by Government decisions.

Art. 14 –

(1) The competent authorities referred to in Art. 3 shall, within 90 days of the publication of this Emergency Ordinance in the Official Gazette, Part I, develop the methodologies and procedures necessary for the implementation of this Emergency Ordinance.

(2) The methodologies and procedures shall be approved by administrative acts of the competent authorities and published in the Official Gazette, Part I, and on their official websites.

