

*Translation from Romanian*

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[www.mekh.hu](http://www.mekh.hu)

File No. FFAFO\_2019/481-4

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**DECISION NUMBER: H1190 / 2019**

**Subject: Limited license for gas trading and operation**

**The Hungarian Energy and Public Utility Regulatory Authority** (office:1054 Budapest, Bajcsy-Zsilinszky út 52,; hereinafter: the **Authority**) in the administrative procedure initiated on request, under the file number and the subject mentioned above, pronounced the following

**DECISION**

**The Authority accepts the application filed by AIK ENERGY LTD** (office: 2 Fossey Court, North Hykeham, Lincoln LN6 8FG, England, Company No. : 08636666, tax code: GB 244365605; hereinafter: **License Holder**) and therefore it is granted

**LIMITED LICENSE FOR GAS TRADING AND OPERATION**

**With the following clauses:**

**1. Definition of terms:**

In this limited license for gas trading and operation (hereinafter: **License**) the terms used shall have the meaning given in Law no. XL of 2008 on natural gas supply (hereinafter: **GET**), in the Governmental Ordinance no. 19/2009 (I.30) on the methodology of application of the provisions of law no. XL of 2008 on natural gas supply (hereinafter: **Vhr.**) and in the legal provisions issued based on the authorization from GET, and the terms from the Business and Marketing Regulations (hereinafter: **ÜKSZ**).

**2. General rights and obligations of the License Holder**

2.1 The License Holder may carry out its activities, may exercise its rights and fulfill its tasks based on the provisions specified in GET and based on the authorizations issued by such, according to the provisions of the Regulations approved by the Authority, and in compliance with the stipulations of the License. The License Holder undertakes to permanently ensure the conditions on basis of which the license was granted. The obligations defined in the license shall not affect the other obligations of the License Holder defined in other legal provisions.

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- 2.2 The License Holder under this License has the right to commercially capitalize, for a fee, the natural gas other than that purchased for own use.
- 2.3 The License Holder has the right to transport natural gas across state borders, both in and out.
- 2.4 The License Holder does not have the right to capitalize natural gas to users outside of the organized gas market.
- 2.5 The License Holder must permanently have a valid collaboration agreement with an operator providing the transmission system functioning services.
- 2.6 The License Holder undertakes to ensure the permanent functioning of the services of data and information transmission systems required to carry out the assumed tasks provided by GET, under other legal provisions and under UKSZ – natural gas trading, invoicing, economic settlement. Upon putting into operation the data and information transmission systems, respectively during their operation, the License Holder must keep up-to-date documentation on the system functioning.

### 3. The person in charge with receiving correspondence

Name, address of the person appointed by the License Holder to receive correspondence:

**Lázár Indira**

8600 Siófok, Sió utca 40.2. emelet 10.

The License Holder is required to inform the Authority – at least 30 days before the change – on any change related to the person appointed to receive correspondence, the License Holder being also required to request amendment in this regard.

### 4. Certificate regarding the registration of commercial activities with natural gas abroad

License issued by the Authority filed by the License Holder to carry out the activities provided for in art. 28 par. (4) from GET:

License Issuer: **ROMANIA'S NATIONAL ENERGY REGULATORY AUTHORITY (AUTORITATEA NATIONALA DE REGLEMENTARE IN DOMENIUL ENERGIEI (ANRE))**

License number: **2208**

License Issue Date: **6 March 2018**

License Expiry Date: **31 December 2022**

The License Holder is required to permanently hold a valid certificate for the development of the activities provided for in art. 28 par. (4) of GET.

### 5. Obligations to transfer data and information

5.1 In accordance with art.127 lett. s) of GET, the Authority has the right to verify all data, records and documents, including those containing commercial secret information, related to carrying out the activities of the License Holder subject to authorization. The Authority has the right to make copies of and excerpts from these documents, respectively, to request information, data, regularly, at the due dates.

5.2 The License Holder is required to provide, in accordance with GET, other legal provisions and based on the decisions issued by the Authority, the data, information in the requested form, grouping, manner and by the requested due date.

5.3 The License Holder is required to supply the data and information to the Authority in accordance with the content and the deadlines stipulated in Annex 1 in both written and electronic form.

5.4 The License Holder is compelled to fulfill the obligations to transmit data and information to other license holders in accordance with the GET provisions, other legal provisions, UKSZ, with the conventions and collaboration agreements and in particular as defined by the Authority.

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## **6. Legal consequences in the event of non-compliance with the conditions of the License**

If the license holder carries out its activity subject to authorization in a manner different than those provided for in a Union document of general application, in the Union law, in laws, licenses, decisions of the Authority, UKSZ, the binding decision of the Agency for the cooperation of the energy regulatory authorities, the Authority may apply the legal consequences provided for in art. 119 from GET applicable in this matter.

## **7. Validity, modification and withdrawal of the License**

7.1 This License is valid from the date of communication for an indefinite period, provided that the License Holder carries out its activity of selling natural gas legally authorized in a Member State of the European Union or in another state party to the Agreement on the European Economic Area, and is required to inform the Authority within 15 days of any possible changes that may occur related to the license.

In the event of a failure to renew or in the event of the withdrawal of a license for a specified period or referred to in point 4, or failure to send the certificate of renewal of the operating license in accordance with point 4 before expiry, the License shall automatically expire.

7.2 Except as specified in paragraph 7.3, the License Holder shall notify the Authority within 15 days and shall submit an application for modification of the license if there is any change to any of the conditions and documents underlying the License. If no information is provided, the Authority shall amend or revoke this License ex officio, taking into account the type of change.

7.3 The License Holder is required to notify the Authority in writing of any change to its data mentioned in the trade register, which is also mentioned in its License, within 8 working days from the registration with the trade register. The Authority modifies the Holder's License on its own initiative based on the decision of the Judge from the Trade Register regarding the transcription of the change.

7.4 The Authority may amend or withdraw at the written request of the License Holder or ex officio by decision of the Authority, in the cases and with the methods stipulated in Art. 115 and Art. 119 of GET and Art. 131 of Vhr, respectively in other cases provided by law.

7.5 Annex 1 is an integral part of the License.

7.6 The Authority may amend ex officio Annex No. 1 containing the data supply obligations

## **8. Taxes**

The License Holder is obliged to pay to the Authority the administrative service and the annual supervision fee, according to the law.

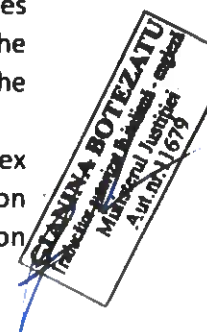
The license is issued during the calendar year and the License Holder will make a prepayment for the current year up to the amount specified in art. 129 paragraph (1) from GET until the thirtieth working day following the entry into force of the Authorization.

In case the License Holder addresses to the Authority a request and no administrative service fee has been established for the object of the request, then the fee stipulated in the Law no. XCIII of 1990 on Taxes (hereinafter Itv.), as defined in Itv shall be paid.

## **9. Final Provisions**

An administrative appeal may be filed against the decision within 30 days from communication (delivery). The appeal shall be addressed to the Court of the Capital and must be filed at the premises of the Authority. The filing of the appeal has no suspensive effect on the entry into force of the decision. The Court will judge the appeal outside the hearing, the client may request the trial at the hearing by appeal.

The license holder paid the fees for administrative services in accordance with Annex 1, lett.A) index 9 of the MEKH Order no. 1/2017 (III.4) (hereinafter MEKHr no. 1/2014) on the level of administration fees of the Hungarian regulatory authority in the field of energy and public utilities and the rules on



the collection, management, registration and reimbursement of administrative services, supervision fees and other income.

The Authority was not required to decide on reimbursement of other proceedings costs, such expenses were not incurred during the proceedings.

The Authority will ensure publication of the decision on the Authority's website.

### REASONING

The legally authorized representative of the License Holder, Indira Lázár (address: 8600 Siófók, Sió utca 40, 2nd floor, apartment 10), filed to the Authority an application for limited license for natural gas trading on 16 April 2019 to which he attached the documents according to the legal provisions.

The Authority examined the application and found that the license holder submitted a natural gas trading certificate issued on 11 May 2007, a so-called EFET contract (General Agreement Concerning the Delivery and Acceptance of Natural Gas). The Authority considered, on basis of these documents, that the real and legal development of the Natural Gas Trading Activities by the License Holder cannot be reliably assessed. Based on the above, the Authority requested the License Holder to supplement the documentation no. FFAFO\_2019 / 481-2 dated 26 April 2019. The License Holder fulfilled the request on 30 April 2019.

The Authority has examined the submitted and supplemented documents and finds that under the GET and Vhr provisions there is no legal or other obstacle to the issuance of the authorization.

Based on the above, the Authority decided, in accordance with the provisions of this decision, and granted the limited license for gas trading and operation for an indefinite period of time.

During the procedure, the Authority drew the License Holder's attention on the possible legal consequences of the UK's exit from the European Union.

The Authority pronounced this Decision pursuant to art. 28-31, art. 114 par. (1) lett. a) from GET, pursuant to art. 20/A and art. 20/B from Vhr, and to section VI/A from annex no. 5, based on art. 4 par. (1) lett. B) from MEKH no. 1/2014, and pursuant to art. 35-38, art. 80 par.(1) and art.81 par.(1) from Law no. CL of 2018 regarding General Procedures of Public Administration (herein: Akr), and in compliance with the above mentioned legal provisions.

The expenses for administrative procedures had to be decided in accordance with art. 81 par. (1) of the Akr, with art. 124-130 of Akr, art. 6 of MEKHr, and annex 1, lett. A), index 9.

The procedural term based on art. 5/D par. (4) of the Law no. XXIII of 20163 on Hungary's Energy and Utilities Regulation (hereinafter MEKH Tv.) is of 75 days.

In the Authority's procedures within the meaning of art. 5 / F par. (1) of MEKH Tv, one cannot proceed cumulatively, one cannot present a decision with suspended effects under art. 1 par.(6) lett.c) of Law no. XIII of 2010, on the Statute of Cabinet Members and State Secretaries (hereinafter referred to as Ksztv).

The information on the rights of appeal is based on art. 81 par. (1) of the Akr. Art.116 par.(4) let.(a) of Akr excludes the appeal to the Authority's Decision, art. 114 par. (1) provides for the possibility to bring the action before administrative court. The suing term is based on art. 39 par. (1) of Law no.I of 2017 on the Administrative Litigation Procedure (hereinafter Kp.), and the entry of the administrative act until the due term, regardless of the appeal, is based on art. 39 par. (6) of Kp. Information of the Authority on the trial at the hearing was given in compliance with art. 77 par. (2) of Kp. The amount of court fees for procedural fees in administrative litigation is defined by art. 45 / A par. (1) of Itv., and the right to tax registration is ensured by art.62 par. (1) lett. h).

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The decision, based on art. 82 par. (1) and art. 85 par. (5) of Akr shall become final on the date of communication. The decision become final, provided for under Art. 127 lett.v) of GET will be published by the authority on the web site. The license holder may request the issue of the authentic copy after the Decision.

Responsibilities and competencies of the Authority are provided for in art. 3 par. (2) lett. a) of MEKH Tv, i.e. art. 127 lett. a) of GET, competencies are defined by art. 1 par. (2) lett. i) and art. 1 par. (5) lett.(c) of Ksztv and art. 1 and art.5 / D par. (2) of MEKH Tv. The special rules of the procedure are provided for in MEKH Tv. and GET.

By authorization and mandate  
of Mr. President  
Dorkota Lajos, PhD

Vice-President responsible for Energetics  
**Grabner Péter, PhD**

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Annexes: Annex no. 1

We hereby communicate:

The license holder (by the person authorized to receive correspondence, exclusively in electronic form)

Authority, General Directorate for Supervision and Regulation of the Price of Natural Gas

Authority, General Directorate of Analysis and Statistics

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## ABOUT DATA SUPPLY

The License holder is required to draft once a year an annual report for the Authority regarding the activity, object of licensing in the calendar year. The annual report shall be submitted in electronic form by 31 March following the year of declaration. The report must include at least the following information:

- a. a summary assessment of the limited natural gas trading activity performed by the License Holder;
- b. a statement / certificate of the net sales value related to the limited gas trading activity of the previous year;
- c. detailed analysis of the planned and actual gas turnover after the monthly breakdown and their annual aggregation, which includes natural gas quantities, gas price information, average gas prices purchased and sold by each source of supply and the sales partners;
- d. Presentation of capacity allocation contracts and their modifications;
- e. Company Details Certificate of the company not older than 30 days;
- f. A certificate attesting the right of the License Holder to carry out the activity provided for in Article 28 paragraph (4) of GET, which is not older than 30 days, according to which the license holder actually and legally carries out the exploitation of natural gas, in another Member State of the European Union or under the Agreement on the European Economic Area;
- g. a copy of the valid commitment contract with the person empowered to receive correspondence.

2) Data supply provided in Order no. 11/2017 (VIII.25) of MEKH on the provision of regular data, respectively the other obligations of data supply provided in other special decisions of the Authority are fulfilled according to the provisions of such.

*Illegible Signature (affixed on each page)*

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The undersigned, PÉNTEK ISTVÁN BALÁZS, certified interpreter and translator for Hungarian language under License no. 23927/17.11.2008, issued by the Romanian Ministry of Justice, hereby certify the accuracy of the translation into Romanian language of the document written in the Hungarian language, and that the text presented has been fully translated, without omissions, and the content and meaning of the translated document was not distorted.

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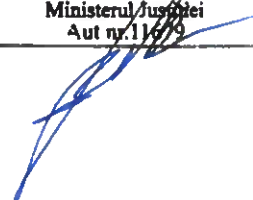
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The undersigned, **Botezatu Gianina**, certified Italian and English interpreter and translator under License no. 11679/28.05.2004, issued by the Romanian Ministry of Justice, hereby certify the accuracy of *the translation into English language of the document written in the Romanian language*, and that the text presented has been fully translated, without omissions, and the content and meaning of the translated document was not distorted.

Certified Interpreter and Translator,

**BOTEZATU GIANINA**



