

CMS | Romania introduces new electricity licensing rules, prioritises offshore wind generation



With the 26 March 2025 adoption of a new regulation approved by Order no. 6/2025, Romania's electricity sector enters a new licensing era under the Romanian Energy Regulation Authority (ANRE). The Regulation, which replaces the rules specified under Order 12/2015, applies to ongoing applications.

The following article outlines the main updates to the licensing regime, highlighting both the provisions and structural clarifications introduced by the new regulation.

▮ **Selling electricity outside the testing period**

A new provision states that after commissioning for the testing period, there is the option to remain connected outside of the testing period and to remain active in the energy market, provided several conditions in terms of balancing and approval from TSO are met.

This provision still requires additional clarification whether the intended scope is to allow the providers, after having successfully ended the testing period, to remain connected until the electricity generation licence is secured.

▮ **Right to update technology between application and construction**

A new right has been granted for the setting-up authorisation title holders: applicants may update the technological specifications of their projects between submission and construction, promoting the adoption of innovative solutions in a rapidly evolving sector.

▮ **Clarification on funding sources regarding setting-up authorisation**

Comfort letters from banks will only be accepted if expressly stated as binding. Where funding is private, evidence of the investor's actual financial capacity is now required.

▮ **Extension of the setting-up authorisation**

The title holder will have the right to apply for the extension of its validity before the expiry of the validity period, not less than 30 days before the expiry date of the authorisation of the establishment/licence. If the 30-day deadline is not observed, then the application for extension will be treated as a new authorisation request.

▣ Requirement for the applicant personnel

The Regulation explicitly introduces the requirement for at least two licensed electricians to be directly employed or contracted in the case of a generation and storage licence. For the supply and trading licence, a minimum of three internal employees are now required, each with at least three years experience in the energy sector.

Financial resources required for the electricity supply/trading and aggregation licence

The financial resources required for the obtaining the electricity supply licence, electricity trading licence and aggregation licence is now increased from at least EUR 100,000 to EUR 200,000. This requirement is not applicable to the citizens' energy community or renewable energy community, which require the supply or trading licence.

▣ New grounds for withdrawing the licence

Among other reasons for withdrawing licences, ANRE will withdraw a licence in case of failure to pay contributions due to ANRE or prohibition imposed by the Energy Law 123/2012 for supply to end customers.

▣ New clarifications on provisional licenses

The Regulation introduces more provisions regarding the provisional licence, intended to enable continuity during asset transfers or ownership changes. It allows the acquiring party – who does not yet hold a full licence – to continue operations temporarily.

▣ Offshore wind: a priority

The Regulation marks Romania's official regulatory recognition of offshore wind as a strategic energy priority. Chapter VII establishes a complete framework for the authorisation and licensing of offshore wind power plants, with provisions tailored to maritime-specific realities and aligned with emerging EU policy objectives.

- ◆ Setting-up authorisation for offshore wind: Offshore wind setting-up authorisations are issued exclusively to holders of exploration permits and concession contracts with the Ministry of Energy.
- ◆ Generation licence for offshore wind: Once construction is complete, a separate licence is required for the electricity generation of the offshore wind facility.

This is Romania's most detailed licensing path to date and positions the country to competitively pursue offshore wind development in the Black Sea.

For more information on Romania's new electricity sector regulations, contact your CMS client partner or these CMS experts **Varinia Radu**, **Ramona Dulamea** or **Raluca Diaconeasa**.