

Țuca Zbârcea & Asociații Wins Major Litigation for Silcotub Regarding Recalculation of Electricity Price under Emergency Ordinance No. 27/2022



Țuca Zbârcea & Asociații's lawyers have obtained a final court ruling from the High Court of Cassation and Justice that obligates an energy supplier to recalculate the electricity price invoiced to Silcotub S.A. for the duration of the contractual relationship following the entry into force of Emergency Ordinance No. 27/2022.

Țuca Zbârcea & Asociații represented Silcotub S.A. in a dispute before Romania's Energy Regulatory Authority (ANRE) and subsequently in court, concerning the method of applying the rules for setting the price in contracts concluded between suppliers and non-household consumers who do not benefit from electricity price caps, as regulated by Articles 5-6 of the Emergency Ordinance No. 27/2022.

Emergency Ordinance No. 27/2022 (GEO No. 27/2022) on the measures applicable to final customers in the electricity and natural gas market during the period of 1 April 2022 – 31 March 2023, as well as for the amendment and supplementation of certain normative acts in the field of energy was published in the Official Journal, Part I, No. 274 of 22 March 2022.

The dispute essentially concerned the interpretation of the legal provisions in GEO No. 27/2022 that govern how the purchase component of the final invoiced price is formed, specifically whether it is formed by reference to all term contracts and day-ahead/intraday market contracts in the supplier's portfolio. After a dispute lasting over two and a half years and involving three levels of jurisdiction, the High Court of Cassation and Justice definitively upheld the arguments of Țuca Zbârcea & Asociații and maintained the ANRE Decision that obligates Silcotub's contractual counterparty to recalculate the entire invoiced electricity price for the entire contractual period after GEO No. 27/2022 came into effect.

Throughout the national dispute, Silcotub was defended and represented by **Dan Cristea**, a *Partner* at Țuca Zbârcea & Asociații, and **Șerban Sârbu**, *Senior Associate*.

"We are above all pleased for our client, considering the very high value of the case. Secondly, we are glad this case sets an important precedent in the field of energy litigation, which sees many other high-stakes contractual disputes concerning compliance with Emergency Ordinance No. 27/2022. Thirdly, we are pleased that the final court ruling we obtained demonstrates our team's ability to successfully handle complex, high-stakes cases that require in-depth knowledge of energy law and of the interpretations of energy legal regulations," said **Dan Cristea**.

Țuca Zbârcea & Asociații has a leading practice in Dispute Resolution, the firm's pre-eminence in this area being

already acknowledged by renowned international publications, such as Chambers & Partners, Legal 500 and so on.