

No.BJL/631/22.11.2022

To the Board of Directors

Note regarding the request for approval to contract legal services.

In the area of the pipeline beam, an area of land located between Amurglui str. and Salciilor str. was enclosed, for which the City Hall of Constanta issued a Construction Authorization for a building. The surrounding fence for the site organization was placed on the pipeline beam on 10.11.2022. Moreover, on the alignment of the fence, light poles were mounted, connected by overhead cable, poles placed approximately on the alignment of the third pipe, from the edge to the center. Excavation works for the foundation started on 11.11.2022, the date on which company representatives drew attention to the illegality of the location and the started works. Also, on 11.11.2022, the authorities that have regulatory powers for this situation were notified.

The excavation work continued on 17.11.2022, the company representatives found that the first two pipes in the beam had already been uncovered, on a segment of about 4-5 meters, one of the pipes being pumped at the time. For the second time, we notified all local bodies that have the authority to make decisions about the situation.

We specify that the pipeline beam, being a critical infrastructure, falls under the scope of GEO 98/2010 regarding the identification, designation and protection of critical infrastructures. The provisions of the oil Agreement regulated by Decision 882/2002 and Orders 196/2006 and 371/2002 regarding the safety distances for the National Pipeline Transport System of crude oil and petroleum products are also violated. According to the provisions of Law 50/1991 republished, we were not asked for a neighborhood agreement for this work

Considering that this situation may cause a legal conflict that would require expertise in the fields of urban planning, construction authorization, real estate and environmental law, administrative law, respectively the analysis of urban planning documentation, **the documentation/procedure for the authorization of construction works in compliance with the requirements regarding the permits issuance from the Environmental Guard for the authorization of construction works in compliance with the legislation regarding the safety distances for the National Pipeline Transport System for crude oil and petroleum products**, we submit the request to the Shareholders General Assembly to approve the contracting of some external legal representation services legal in the possible litigation that could arise between the parties, considering the complexity and importance of these actions that reside in the multitude of regulations and aspects from several branches of law that have been violated and must

be taken into account in the situation in which it is necessary to request the suspension of the execution of the construction works carried out and/or the formulation of an action to cancel the construction authorization of the building in question.

Another element that must be taken into account is that of the people involved in the conduct of a possible litigation, related to the complexity of the case, considering the need to analyze the documentation drawn up by the experts appointed by the court, who can carry out topographic cadastral works and technical expertise in construction.

According to Art. I, paragraph 3, letter a) of the Emergency Ordinance no. 26 / 06.06.2012 regarding some measures to reduce public expenses and to strengthen financial discipline and to amend and add some legal acts „(3) *In duly justified situations, in which the legal activities of consultancy, assistance and/or representation, necessary for the national companies, national companies and commercial companies, as well as for the autonomous companies provided in paragraph (1), they can not be provided by the legal personnel employed in these entities, services of this nature may be purchased, according to the law, only with the approval and mandate of the representatives of the state or administrative-territorial units in their management bodies: a) by the main allocating credits organ coordinator, in case of those in which the state is a full or majority shareholder.* ”

The selection procedure for legal services will be carried out according to the Internal Regulation for the award of procurement contracts, complying with the approved Budget of revenues and expenses.

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