

**The results of the public consultation in period from July 5 until July 30, 2023**

	<b>Article</b>	<b>Comment or proposal</b>	<b>TSO's response</b>
1	Article 2. - Definitions (to add Gas Day)	Article 2. - Definitions, has references to gas year, quarter, month, but does not have a reference to Gas Day. Although the definition is clear for everyone, maybe it would make sense to include it in the Definitions section?	Taken into account and added to definitions. The Gas Day is defined in Regulation (CAM regulation "'gas day' means the period from 5.00 to 5.00 UTC the following day for winter time and from 4.00 to 4.00 UTC the following day when daylight saving is applied")
2	Article 5.9.1. The TSO shall offer standard capacity products for firm capacity at entry/exit points where the pro-rata principle is applied, referred to sub-paragraph 5.7.2.1, 5.7.3.1 and 5.7.3.2 of this Regulation.	Article 5.9.1. has references to Articles 5.7.2.1, 5.7.3.1, 5.7.3.2. I did not find in the Rules Article 5.7.2.1 and also reference to other Articles seemed a bit illogical with regards to the scope.	Taken into account. References corrected.
3	The Article 6.3. The network user may submit a capacity surrender application for the firm capacity that has been booked. This application must be submitted to the TSO after the capacity allocation is confirmed but not later than 08:00 UTC (or 07:00 UTC if daylight saving is applicable) on gas day D-1.	The Article 6.3. refers to an application that must be submitted to TSO in order to surrender capacities. Is there a form for this application available or any other means of how the surrendering will be performed?	Taken into account. Sub-paragraph 6.3.1. amended accordingly.
4	Article 7.4.2 The network user who transfers a booked capacity product and the network user who acquires such capacity product shall notify the TSO of the transferred capacity via the Common IT Platform. The notification should be submitted to the TSO no later than 09:00 UTC (or 08:00 UTC if daylight saving is applicable) on a gas day D 1 by and should include the following information: 7.4.1. entry or exit point; 7.4.2. type of capacity product, as specified in sub-paragraph 5.7.2 and 5.7.3 of this Regulation; 7.4.3. quantity of the transferred capacity product (kWh/d); 7.4.4. start and end date of the period of use for the transferred capacity product; 7.4.5. identification of both parties involved.	Article 7.4.2 refers to capacity products of Article 5.7.2 and 5.7.3 which again seemed a bit illogical as the whole Article 5.7. is referring to implicit capacity allocation rules, whereas transferred capacities between users are not always implicit.	Taken into account. References corrected.
5	6.4.1.2 the network user systematically nominates and/or decreases its re-nomination below the 80% of the booked capacity product at a specific entry or exit point .	For the sake of clarity suggest to supplement the description with the period during which such undernomination occur.  <b>Suggestion:</b> 6.4.1.2 the network user systematically nominates and/or decreases its re-nomination below the 80% of the booked capacity product at a specific entry or exit point during the last 90 days.	Not taken into account. The meaning of sub-paragraph 6.4.1.2. is derived from point 2.2.5(1) of Annex 1 of Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks where all the conditions for "long term use it or lose it" are left without specific timeframe, which, in TSOs opinion, is left intentionally open, as the evaluation of the underutilisation has to be left open and flexible due to rapid market changes in order to enable the network users to access and use the capacity effectively.

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6	<p>5.8.6.6 In the case of capacity restrictions at the Kiemenai entry/exit point, capacity shall be restricted proportionally among network users in specific order: first, interruptible capacity of the shortest period; followed by interruptible capacity of a longer period. If the capacity demand still exceeds the supply, firm capacity of a shorter period will be restricted, and if necessary, firm capacity of a longer period.</p>	<p>In cases when planned and/or unplanned maintenance is carried out it would be fair to apply restrictions on firm capacity based not on their length but rather on a pro-rata basis based on nominated volumes. In this case the restrictions would impact system users in an utilitarian way where wide range of system users are restricted proportionally.</p> <p><b>Suggestion:</b> 5.8.6.6 In the case of capacity restrictions at the Kiemenai entry/exit point, capacity shall be restricted proportionally among network users in specific order: first, interruptible capacity of the shortest period; followed by interruptible capacity of a longer period. If the capacity demand still exceeds the supply, firm capacity products shall be restricted proportionally on pro-rata basis based on nominated volumes and booked capacity. of a shorter period will be restricted, and if necessary, firm capacity of a longer period.</p>	<p>Proposal will be considered in the future consultation as this proposal concerns Kiemenai point and should be reviewed at the same time with the consultation of network rules of AB Amber Grid.</p>
7	<p>5.5.2 when offering and allocating capacity to Estonian production entry points, as well as the LNG facility entry point, the impact of flows arising from announced Annual Services Schedules of regional LNG terminals (Inkoo LNG, Hamina LNG, Paldiski LNG and Klaipeda LNG) shall be considered, in the order that the Annual Service Schedules were published.</p>	<p>There are two elements to the clause: First, regarding production entry points. For the sake of clarity, it would be beneficial to understand how such production entry points are interrelated with LNG flows in other countries and Second, regarding Estonian LNG entry point. In what way information about LNG schedule at neighboring countries would be used when offering and allocating capacities at Estonian LNG entry point.</p> <p><del>5.5.2 when offering and allocating capacity to Estonian production entry points, as well as the LNG facility entry point, the impact of flows arising from announced Annual Services Schedules of regional LNG terminals (Inkoo LNG, Hamina LNG, Paldiski LNG and Klaipeda LNG) shall be considered, in the order that the Annual Service Schedules were published.</del></p>	<p>Firstly, it should be explained that the Estonian gas system, like any other gas system, can transport only a limited amount of gas due to technical limitations of gas pipes. Moreover, the system needs to be in balance, meaning that the input and output must be equal. The Estonian system is limited by output to national demand, input from national production, flow to/from Latvia via Karksi, and to/from Finland via Balticconnector. Additionally, if the FSRU (Floating Storage and Regasification Unit) is connected, then input from Paldiski LNG must also be considered. The amendment in the rules is a preparation for situations where some market participant would like to book capacity for Estonia LNG or production entry. In this case, as answer to the first question, TSOs need to consider that, depending on the physical flows, the Estonian gas system cannot have the maximum input flow from national production, Balticconnector and Paldiski LNG at the same time, as Estonia's demand and Karksi's output would not facilitate all the input. In addition, the flow from Balticconnector can be at its maximum only if there is LNG in Inkoo. To answer the second question: the TSOs create different physical flow scenarios to calculate the maximum offered capacity for interconnection points in the whole region. To make these scenarios, TSOs will take into account the predicted LNG flows in the region as agreed in the Annual Services Schedules. For security of supply reasons, the TSOs should evaluate which of the possible flow scenarios is most realistic. Therefore, already agreed Annual Services Schedules are more reliable compared to those LNGs without a schedule. Moreover via implementing this rule we give transmission firmness to network users who have booked slots in the regional LNGs.</p>

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8	Annex 1: 3.The credit rating of the network user shall be deemed appropriate if it complies with at least one of the following criteria: 3.1. a long-term rating of BBB- or higher under Standard & Poor's; 3.2.a long-term rating of BBB- or higher under Fitch; 3.3. a long-term rating of Baa3 or higher under Moody's;	Suggest supplementing credit requirement with the option for the Parent company to hold one of the required ratings as sufficient fulfillment of the requirement.  <b>Suggestion:</b> 3.The credit rating of the network user or its Parent Company shall be deemed appropriate if it complies with at least one of the following criteria: 3.1. a long-term rating of BBB- or higher under Standard & Poor's; 3.2.a long-term rating of BBB- or higher under Fitch; 3.3. a long-term rating of Baa3 or higher under Moody's;	Not taken into account. Due to the fact, that the affiliate entity and the network user are separate legal entities, the transmission service agreement is concluded between the TSO and the network user and the necessity of extensive monitoring of such affiliate entity required if the proposal is accepted, TSOs cannot accept the proposal. TSOs consider, that the current creditworthiness requirements are non-discriminatory, transparent and proportionate. Moreover, the regulation already foresees, that a proper security for the fulfilment of liabilities is also a guarantee, which has been issued by an affiliate entity, which credit rating corresponds to the criteria foreseen in the regulation.
9	5.8.6.6 In the case of capacity restrictions at the Kiemenai entry/exit point, capacity shall be restricted proportionally among network users in specific order: first, interruptible capacity of the shortest period; followed by interruptible capacity of a longer period. If the capacity demand still exceeds the supply, firm capacity of a shorter period will be restricted, and if necessary, firm capacity of a longer period.	In sub-paragraph 5.8.6.6 the term „capacity restrictions“ is used, but not defined. As it is a trigger changing the allocation method in Kiemenai entry/exit point, the clear understanding of it is crucial. We ask you to render a definition of „capacity restrictions“ in Regulations.	Partially taken into account. Sub-paragraph amended as follows: 5.8.6.6. In the case of unavailability of booked capacity due to planned or unplanned unavailability of technical capacity at the Kiemenai entry/exit point, booked capacity shall be restricted proportionally among network users in specific order: [...]
10	5.9.2. The network user shall submit capacity booking applications in accordance with sub-paragraph 4.2 of this Regulation. within specific periods as outlined below: 5.9.2.1. for the yearly bundled capacity standard product, the application should be submitted starting 26 gas days before beginning of the gas year until 23 gas days before the beginning of the gas year; 5.9.2.2. for the quarterly bundled capacity standard products, there are different submission periods based on the gas quarters in the respective gas year:	Sub-paragraphs 5.9.2.1 and 5.9.2.2 determine the beginning of capacity allocation procedure using the pro-rata principle. Taking into account the needs of the market, yearly and quarterly allocation procedures should commence even earlier than foreseen in the draft. We see that applications for yearly bundled capacity standard product should be submitted starting 52 gas days before beginning of the gas year until 49 gas days before the beginning of the gas year. Applications for the quarterly bundled capacity standard product for first gas quarter should be submitted starting 45 gas days before the first gas quarter until 42 gas days before the first gas quarter.	Proposal will be considered in future consultation as this proposal concerns Kiemenai point and should be reviewed at the same time with consultation of network rules of AB Amber Grid.
11	9.2.3 The TSO will also notify the network user of the final monthly allocation. This notification will be sent in accordance with sub-paragraph 4.2 of this Regulation not later than 08:00 UTC during the winter time or 07:00 UTC during the daylight saving time on the 10th calendar day after the reporting period. The notification will include information about allocated gas volume, as well as the daily and monthly gas volume values and gross calorific value, which will be used for payment purposes.	Due to its own accounting and financial reporting responsibilities, it's not acceptable for a network user to receive from TSO a notification of final monthly allocation on the 10th calendar day instead of 6th day after the reporting period (see sub-paragraph 9.2.3). We see that perhaps 8th day would meet the needs of both the TSO and network user.	Taken into account.
12	11.1.1. The components and quality parameters of the gas at the entry point of the particular common balancing zone country shall correspond to the requirements set out in the applicable national legislation.	The quality requirements of natural gas in a gas system differ by country. Considering that the natural gas enters Baltic-Finnish region mainly from LNG-terminals and therefore the gas originates from different countries of the world, the quality requirements throughout the region should be aligned and be as broad as possible to allow access of LNG from all acceptable countries. We urge the four countries to agree and set in legislation unified and more broad quality requirements.	Proposal taken into account, but not within the scope of this regulation.TSOs and Ministries are already closely working on the solution of this issue.

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13	17.7 The TSO shall not be liable for any damage caused by malfunctioning of the Common IT Platform due to its improper use and/or incorrect data input actions by the network user. The network user shall indemnify and hold harmless the TSO against any potential damages incurred by the TSO and/or by third parties resulting from these circumstances.	According to sub-paragraph 17.7, the TSO shall not be liable for any damage caused by malfunctioning of the Common IT Platform used for performing actions /.../. Such reduction of its own liability cannot be acceptable. Holding the network user liable for improper actions is understandable, but the TSO should not escape the liability for actions or inactions of its own.	Taken into account. 17.7 The TSO shall not be liable for any damage caused by malfunctioning of the Common IT platform due to its improper use and/or incorrect data input actions by the network user. The network user shall indemnify and hold harmless the TSO against any potential damages incurred by the TSO and/or by third parties resulting from these circumstances.
14	5.7.3.3. The TSO's respective website shall published information regarding the trading platform(s) that offer implicit capacity allocation and the amount of capacity available for trading on those trading platform(s).	The sub-paragraph 5.7.3.3 requires the TSO to publish at its website the information on the capacity to be allocated to purchasers of natural gas from GET Baltic exchange. We have been able to identify such information from GET Baltic and Conexus website, but not from Elering website. We would be especially interested on receiving such updated data for Balticconnector capacities.	Elering has published how the amount of Balticconnector capacity given to GETBaltic is calculated. Please see <a href="https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Felering.ee%2Fsites%2Fdefault%2Ffiles%2F2019-12%2FBC%2520capacity%2520allocation_0.docx&amp;wdOrigin=BROWSELINK">https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Felering.ee%2Fsites%2Fdefault%2Ffiles%2F2019-12%2FBC%2520capacity%2520allocation_0.docx&amp;wdOrigin=BROWSELINK</a> . The capacities traded at GetBaltic are available at the exchange webpage.
15		In the file the specific clauses are mostly named as sub-paragraphs but on some occasion's subsections. As one of the aims of the amendment is to improve the wording, we suggest reviewing these terms.	Taken into account.
16	5.2 At the entry/exit point Balticconnector the capacity is allocated by implicit capacity allocation rules in accordance with sub-paragraph 5.6. of this Regulation;	In sub-paragraph 5.2 there's a reference to sub-paragraph 5.6. We believe sub-paragraph 5.7 was meant.	Taken into account. References corrected.