

Publisher: Parliament
Type of act: the law
Type of text: full text
Entry into force of the revision: 12.05.2024
Expiry of revision: 30.06.2024
Disclosure notice: RT I, 02.05.2024, 7

Natural Gas Act¹

Adopted 29.01.2003
RT I 2003, 21, 128
entry into force 01.07.2003

Amended by the following acts

Reception	Publication	Enforcement
10.03.2004	RT I 2004, 18, 131	15.04.2004
16.11.2005	RT I 2005, 64, 483	11.12.2005
07.12.2006	RT I 2006, 58, 439	01.01.2007
07.02.2007	RT I 2007, 17, 80	03/09/2007
22.11.2007	RT I 2007, 66, 408	01.01.2008
10.06.2009	RT I 2009, 34, 225	06.07.2009
15.06.2009	RT I 2009, 39, 262	24/07/2009
27.01.2010	RT I 2010, 9, 41	08.03.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision No. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
10.06.2010	RT I 2010, 41, 241	01.08.2010
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; effective date changed 01.07.2014 [RT I, 22.12.2013, 1]
06.06.2012	RT I, 28.06.2012, 2	08.07.2012, partially 01.11.2012, 01.01.2013, 01.01.2014 and 01.01.2015
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
26.03.2014	RT I, 09.04.2014, 6	10.04.2014, partially 01.01.2015
17.04.2014	RT I, 06.05.2014, 2	07.05.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ subsection 4 of the Government of the Republic Act.
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
02/08/2017	RT I, 03.03.2017, 1	01.07.2017
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
14.06.2017	RT I, 30.06.2017, 2	01.07.2017, partially 10.07.2017 and 01.01.2020
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
06.06.2018	RT I, 29.06.2018, 2	09.07.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
01.10.2020	RT I, 09.10.2020, 2	19.10.2020
17.12.2020	RT I, 31.12.2020, 1	10.01.2021
08.12.2021	RT I, 30.12.2021, 1	01.01.2022
23.02.2022	RT I, 15.03.2022, 2	25.03.2022
04/05/2022	RT I, 18.05.2022, 1	28/05/2022
19.07.2022	RT I, 09.08.2022, 1	19.08.2022, partially 01.05.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023
16.04.2024	RT I, 02.05.2024, 2	12.05.2024, partially 01.07.2024

Chapter 1 general settings

§ 1. Scope of the Act

(1) This Act regulates the activities related to the import, transmission, distribution and sale of natural gas (hereinafter *gas*) through the gas network (hereinafter referred to as the *network*), connection to the network and arrangements for the payment of the reserve

fee. [RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

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(1) The requirements for gas and liquefied natural gas provided in this law also apply to biomethane, gas obtained from biomass and other types of gas, if they meet the gas quality requirements and can be technically and safely introduced into the gas network and transmitted through it.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(2) The activities specified in subsection 1 of this section must be coordinated and comply with the principles of objectivity, equal treatment and transparency in order to ensure reliable, reliable, efficient, reasonable price gas supply that meets environmental requirements and consumer needs.

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(2) The entrepreneur pays the supervision fee on the basis and according to the procedure provided in the Competition Act.

[RT I, 30.12.2021, 1 - enters into force. 01.01.2022]

(3) The provisions of the Administrative Procedure Act apply to the administrative procedure provided for in this Act, taking into account the differences arising from this Act.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

§ 2. Definitions

In this law, the terms are used in the following sense:

1) network is a fixed functional set of gas pipelines and related buildings, which is necessary for the transmission or distribution of gas, with the exception of a separate network, consumer or producer installation and consumer or producer equipment;

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

2) [invalidated - RT I 2005, 64, 483 - entry into force. 11.12.2005] 3) a consumer installation is a functional set of interconnected gas pipelines for supplying the consumer with gas in one or more properties, buildings or a complex of functionally related buildings forming a single economic unit and on the land necessary for their service; [RT I, 30.06.2017, 2 - enters into force. 10.07.2017] 4) network area is a land area where a network owned or possessed by one network operator is located and developed; 5) operating area is the area determined by the operating license where the network operator operates; 6) the connection point is the connection point between the network and a consumer or producer installation, or between the network and a network belonging to another network operator; [RT I, 30.06.2017, 2 - enters into force. 10.07.2017] 7) the service limit of the network is the limit up to which the network operator manages the network on the basis of the contract; 8) consumer is a person who buys gas distributed through the network for his own use; 9) a network operator is an operator that provides a network service; 10) the seller is an entrepreneur who sells gas; 11) security of supply is the ability of the gas system to ensure the proper supply of gas to consumers, taking into account the existing demand and expected future demand; [RT I 2007, 17, 80 - entry into force. 09.03.2007] 12) a supply disruption is a reduction or interruption of gas supply through at least one connection that crosses the national border, as a result of which the proper functioning of the internal gas market and the supply of gas to consumers are put at risk; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 13) a liquefied gas terminal is a facility used for gas liquefaction or import, unloading and regasification of liquefied gas, together with supporting services belonging to it. The liquefied gas terminal does not include gas storage facilities; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 14) support services are services necessary for access to networks or liquefied gas terminal and gas storage or for their operation, including load balancing, mixing and addition of precious gases. Support services do not include services that are necessary to fulfill the obligations of the system administrator;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

15) gas storage is a facility owned or managed by a gas company, which is used for gas storage, including the part of the liquefied gas terminal used for liquefied gas storage. The part of the terminal used for the production of liquefied gas and the part of the facility used for the performance of the system manager's tasks are not included in the gas storage;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

16) gas transmission network is a functional set of gas pipelines with an operating pressure of over 16 bar and buildings securely connected to them, as well as control, protection, communication and measurement systems necessary for the operation, management and development of the transmission system, which is necessary for gas transmission and for creating connections or for the purpose of transit with the network of Estonia or another European Union member state or a third country to the external border of the territory of Estonia or another European Union member state or the external border of the territorial sea;

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

17) the manager of the storage network is a person who performs the task of gas storage and is responsible for the proper use of the gas storage;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

18) liquefied gas terminal manager is a person who performs the task of gas liquefaction, import, transshipment and regasification and is responsible for the proper use of the gas liquefaction station;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

19) a vertically integrated company is a gas company or companies over which one or more persons have a dominant influence within the meaning of the Competition Act and where at least one task of the relevant gas company or companies is the transfer, distribution, liquefaction or storage of natural gas and the other task is the production of natural gas or selling;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

20) a vulnerable consumer is a household consumer who has been assigned subsistence allowance on the basis of subsections 2 and 3 of § 131 of the Social Welfare Act;

[RT I, 30.12.2015, 5 - enters into force. 01.01.2016]

21) distribution network operator is a network operator that provides network service in a network with an operating pressure of less than 16 bar;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

22) isolated network is a gas distribution pipe that has no connection to the distribution network or the transmission network and is intended for transporting gas to a person not connected to the transmission network or distribution network;

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

23) biomethane is a gaseous substance that meets the quality requirements of natural gas and is produced from biodegradable waste, sewage and sewage sludge, waste of agricultural origin and biomass of different origins;

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

24) a producer installation is a permanently installed operational set consisting of equipment used for gas production.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

Chapter 2 GAS MARKET ORGANIZATION

Section 1 Gas market participants

§ 3. Market participant

The market participants are the gas company and the consumer.

§ 4. Gas company

A gas entrepreneur is an entrepreneur who operates in at least one field of activity, which is gas production, import, transfer, distribution, storage or sale, and who is responsible for solving commercial or maintenance issues related to this activity.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

§ 5. Free consumer of gas

(1) A free consumer of gas is a market participant who is not a household consumer.

(2) The free consumer of gas has the right to buy gas from any seller within the technical possibilities of the network.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

§ 6. Home consumer of gas

(1) A domestic consumer of gas is a consumer who consumes gas in a household.

(2) Until July 1, 2007, the home consumer buys gas from the network operator to whose network his consumer installation is connected, or from the seller named by the network operator.

(3) Starting from July 1, 2007, the home consumer has the right to buy gas from any seller within the technical possibilities of the network.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

Section 2 Organization of the gas market

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§ 6 . Consumer groups in ensuring security of supply in an emergency

(1) Article 11 of Regulation (EU) 2017/1938 of the European Parliament and of the Council, which deals with measures to ensure security of gas supply and which repeals Regulation (EU) No. 994/2010 (OJ L 280, 28.10.2017, pp. 1–56) in an emergency situation (hereinafter referred to as *an emergency situation*), the gas seller and the distribution network operator ensure the maintenance of gas supplies to consumer groups in the following order:

1) domestic consumers;

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2) other protected consumers within the meaning of § 26 subsection 2 point 2 of this Act;

3) emergency reserve power plant within the meaning of the Electricity Market Act;

4) consumers from providers of services necessary for the functioning of society, whose continuation of activity depends on the availability of gas supply;

5) other consumers for whom the expected gas supply interruption time is up to six hours;

6) other consumers for whom the time of interruption of gas supply is more than six hours.

(2) The determination of the consumer group provided for in subsection 1 of this section is carried out by the network operator making
2 of this Act.

entries on the data exchange platform specified in § 10

(3) The principles of assigning consumers to the consumer groups provided for in subsection 1 of this section shall be established by a regulation of the minister responsible for the field based on the principles of Regulation (EU) 2017/1938 of the European Parliament and of the Council .

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

§ 7. Import, transfer, distribution and sale of gas

(1) Import of gas is the application of the customs procedure for releasing gas into free circulation within the meaning of Regulation (EU) No. 952/2013 of the European Parliament and of the Council establishing the Customs Code of the Union (OJ L 269, 10.10.2013, pp. 1–101).

[RT I, 16.06.2017, 1 - enters into force. 01.07.2017]

(2) Gas transmission within the meaning of this Act is the transportation of gas via the transmission network to the agreed connection point or from the connection point to the transmission network. The use of pipelines or part of the transmission network for the local distribution of gas is not considered gas transmission.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(3) Distribution of gas within the meaning of this Act is the transportation of gas through regional or distribution pipelines to consumer installations, to an agreed connection point or from a connection point to a distribution pipeline, including the part of the transmission network that is used for local distribution of gas.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(4) The sale of gas within the meaning of this Act is the transfer of gas to a person for consideration.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

§ 8. Obligations of the gas company

(1) The gas company must ensure that the consumer is supplied with gas in accordance with this Act, the ancillary conditions of the operating license and the concluded contract.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

(2) In the internal rules of accounting, the gas company must establish the principles according to which accounting is kept for gas transmission, distribution, sale and business areas unrelated to these activities as if companies operating separately in these business areas were required to do so.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

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(2) [Repealed - RT I, 09.10.2020, 2 - entered into force. 19.10.2020]

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(2) The gas company must establish its own accounting rules regarding the distribution of assets and liabilities and income and expenses, which are followed in the accounting of the areas of activity specified in subsection 2 of this section.

(3) The gas company must allow the Competition Authority to check its accounts and provide the necessary explanations about its economic activity.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(4) The gas company submits to Statistics Estonia the data on the development of gas and network service prices in accordance with the procedure provided for in the National Statistics Act.

[RT I 2010, 41, 241 - entry into force. 01.08.2010]

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(4) A gas undertaking that is not obliged to publish its annual accounts shall keep one copy of the report available to the public at its place of business.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(4) The gas company keeps information on gas transactions for five years and submits it to the Competition Authority and the European Commission if necessary. The information includes the following data:

[RT I, 13.03.2019, 2 - entered into force. 15.03.2019]

1) transaction deadline and delivery and settlement terms;

2) volume of the transaction;

3) date and time of execution of the transaction by trading period;

4) transaction price;

5) details of the seller;

6) details of pending supply contracts.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(4) The information specified in subsection 4 of this section shall be deleted after five years have passed.

[RT I, 13.03.2019, 2 - enters into force. 15.03.2019]

(5) The gas company publishes coordinated prices, limits, methodologies, standard terms and conditions and information on consumer rights and dispute resolution options on its website and provides information about them to the person who requests it.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(5) If the consumer has expressed a wish to do so, the network operator shall provide the consumer with his consumption data according to the relevant form. There is no extra charge for submitting data.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

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1 of this section shall be established by a regulation

(5) The form of consumption data specified in subsection 5 of the minister responsible for the field .

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(6) The gas company organizes the preparation, presentation and publication of its annual report in accordance with the Accounting Act. If the audit is mandatory, the sworn auditor's report must, among other things, contain an assessment of the compliance of the gas company's annual report and its appendices with this Act.

[RT I 2010, 9, 41 - entry into force. 08.03.2010]

(7) At the request of the Competition Authority, the gas undertaking shall provide the Competition Authority with the information necessary to fulfill the obligation of the competent authority provided for in Regulation (EU) 2017/1938 of the European Parliament and of the Council.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

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§ 8 . Differentiation of activity

(1) A network operator that provides a transmission service may also be a distribution service provider, but may not be a seller at the same time, except in the case specified in subsection 5 (1) of § 26 of this Act .

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(2) A network operator with more than 100,000 consumers connected to the distribution network and who does not provide transmission services shall differentiate between gas distribution and sales in its activities by creating separate companies for distribution and sales as of July 1, 2007. If the number of consumers exceeds 100,000 after the specified deadline, the network operator must bring its operations into line with the requirements set forth in this paragraph within six months.

(3) A network operator whose distribution network is connected to less than 100,000 consumers and who does not provide a transmission service may be a seller at the same time.

(4) [Repealed - RT I, 28.06.2012, 2 - entered into force. 08.07.2012]

(5) The trademark of the distribution network operator must be clearly distinguishable from the trademark of the gas production or sales company belonging to the same group, if the number of consumers connected to the network of the distribution network operator is 100,000 or more.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 9. Sale of gas

(1) The gas seller with the largest market share in the network area is obliged to sell gas according to the technical capabilities of the network to all home consumers with a network connection in this network area, if the consumer so desires.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

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(1) The quantities of gas sold are expressed parallelly in cubic meters and kilowatt-hours.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) The sale price of gas does not include the price of the network service, except for the transmission fee specified in Commission Regulation (EU) No. 2017/460 establishing the network rule on the principles of the harmonized structure of gas transmission fees (OJ L 72, 17.03.2017, pp. 29–56).

[RT I, 29.06.2018, 2 - enters into force. 09.07.2018]

(3) [Repealed - RT I, 09.04.2014, 6 - entered into force. 10.04.2014]

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(3) [Repealed - RT I, 09.04.2014, 6 - entered into force. 10.04.2014]

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(3) [Repealed - RT I, 09.04.2014, 6 - entered into force. 10.04.2014]

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(3) [Repealed - RT I, 09.04.2014, 6 - entered into force. 10.04.2014]

(4) As of July 1, 2007, the gas company must submit a separate invoice for gas sales and network service or separate the mentioned activities on one invoice.

(5) The gas company shall present the consumer with an invoice for the consumed natural gas and network service at least once a month, unless otherwise agreed with the consumer. There is no extra charge for submitting an invoice.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(6) In case of a change of seller, the seller shall submit the final invoice to the consumer within six weeks after the end of the sales contract.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(7) The seller has the right to ask the network operator for the consumer's measurement data in a form that allows written reproduction of the consumer's consent. Measurement data is provided to the seller free of charge.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

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§ 9 . Incumbent gas company

[Repealed - RT I, 09.10.2020, 2 - entry into force. 19.10.2020]

§ 10. Sales price of gas for domestic consumers

[Repealed - RT I, 09.10.2020, 2 - entered into force. 19.10.2020]

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§ 10 . Contract terms

(1) Before concluding a subscription, network or sales contract, the individual consumer who is the other party to the contract must be given information about the basic terms of the contract and about other possible variants of the content of the contract.

(2) The following information shall be provided in the connection agreement, network agreement and sales agreement concluded in written or electronic form, or in a form that allows for written retransmission, or in some other more stringent formal requirements, or in their standard conditions:

- 1) in the case of a network agreement and connection agreement, the name of the network operator, in the case of a sales agreement, the name and business registry code of the network operator or seller, as well as the network operator or the seller's address and other contact details;
- 2) the description of the service provided on the basis of the network agreement and the connection agreement and the start time of the service provision or the main indicators of the natural gas sold on the basis of the sales agreement;
- 3) main indicators of the quality of the service provided on the basis of the network agreement or subscription agreement or a reference to an available document in which the main indicators are presented;
- 4) the time of the first connection to the network based on the connection agreement concluded for connection to the network or for changing the consumption or production conditions;
- 5) description of the maintenance services provided;
- 6) the method of obtaining relevant information about the fees paid on the basis of the contract and maintenance service fees;
- 7) conditions for changing the terms of the contract and terminating the contract, including free termination of the contract;
- 8) information on the conditions of how the consumer will be refunded, compensated or compensated in another way, if the quality of the services provided on the basis of the network contract, sales contract or subscription contract does not meet the conditions stipulated in the contract;
- 9) information on the procedure for handling complaints;
- 10) in the case of a network agreement and a sales agreement, the duration of the agreement together with the conditions for extending and terminating the agreement;
- 11) in case of non-notification of the consumption volume, the procedure for forecasting the consumption volume by the network operator;
- 12) payment options for the service.

(3) The contract may not contain restrictions on entering into a sales contract with more than one seller.

(4) The seller must publish on his website the standard terms and conditions of the home consumer gas sales contract, which stipulates, among other things:

[RT I, 30.06.2017, 2 - entry into force. 10.07.2017]

- 1) seller's name, business register code and address and other contact information;
- 2) description of the provided service;
- 3) basic indicators of the quality of the provided service or a reference to an available document in which the basic indicators are presented;
- 4) the procedure for notifying the consumer of the applicable fees;
- 5) duration of the contract, terms of contract extension, modification and termination;
- 6) conditions for free cancellation of the contract;
- 7) payment options for the service.

(5) The Competition Authority shall not approve a standard condition if the standard condition is not in accordance with this Act or if the content, expression or manner of presentation of the standard condition is unusual or incomprehensible within the meaning of § 37 subsection 3 of the Law of Obligations Act or if the standard condition unreasonably harms the other party within the meaning of § 42 of the Law of Obligations Act and is therefore a void standard condition.

(6) The type of supply must be specified in the gas sales contract, among other things.

(7) The home consumer's gas sales contract may also contain provisions of the network service provision agreement, which deal with the provision of network services necessary for the distribution of the sold gas.

(8) The seller must make it possible to terminate the open-ended gas sales contract in connection with changing the seller within fourteen days from the submission of the consumer's request, provided that the obligations arising from the contract to be terminated have been fulfilled. The new sales contract enters into force at the end of the calendar month.

[RT I, 15.03.2022, 2 - enters into force. 25.03.2022]

(9) The network operator or seller shall notify the consumer at least 30 days before changing the terms of the contract, including prices and tariffs. The notification shall state the proposed change, the basis for its implementation and the effective date of the change, and provide information that the consumer has the right to cancel the contract if he does not agree with the change.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(10) The seller may demand a fee for early termination of a fixed-term contract, provided that the fee is stipulated in the contract concluded with the consumer and the consumer has been clearly informed of the fee before concluding the contract. The early termination fee must be justified.

[RT I, 15.03.2022, 2 - enters into force. 25.03.2022]

§ 10 . Gas market data exchange

(1) In order for the gas market to function effectively, to promote competition between sellers and open supplier switching, the system manager creates a digital environment (hereinafter *the data exchange platform*) and enables market participants who have the legal obligation and right to submit and receive data on an equal basis. There is no charge for submitting and receiving data.

(2) The network operator submits the following data to the data exchange platform:

- 1) identifier of the market participant;
- 2) identifier of the measuring point;
- 3) measurement point data;
- 4) measurement data by measurement points;
- 5) validity period of the market participant's network contract;

1) the market participant's membership in the consumer group provided for in § 6 subsection 1 of this Act;

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

6) other data that are necessary to fulfill the objectives set forth in subsection 1 of this section.

(3) The open supplier transmits the validity period of the market participant's sales contract and the data of the open supplier to the data exchange platform.

(4) Data entered on the data exchange platform shall be stored for five years.

(5) The system administrator publishes the technical instructions for using the data exchange platform and joining it on its website.

(6) The procedure for submission of data to the data exchange platform, use of data and data exchange between market participants and the list of data specified in points 1–3 and 6 of subsection 2 of this section and subsection 3 shall be established by the minister responsible for the field in the network rules for the operation of the gas market established on the basis of subsection 7 of this section.

(7) The network rules for the operation of the gas market shall be established by a regulation of the minister responsible for the field .

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 10 . Certificate of origin

[Invalid - RT I, 18.05.2022, 1 - entry into force. 28.05.2022]

Section 3 Balance sheet liability

§ 11. Concepts related to balance sheet responsibility

(1) Balance within the meaning of this Act is the balance between the gas quantity agreed to the market participant for the balance period and the gas quantity delivered to the market participant during the balance period.

(2) The balance period is a 24-hour period that begins at 7:00 a.m. and ends at 7:00 a.m. the following day.

(3) The balance portfolio is the area of the balance manager's balance responsibility, which is determined by the measurement points of the market participants whose balance the balance manager guarantees.

(4) The balance manager is a market participant who delivers gas to the transmission network or to whom gas is delivered from the transmission network through the relevant connection points and who has signed a balance agreement with the system manager as the responsibility for the balance. The home consumer's balance manager is the seller or the seller named by the network operator, if the home consumer does not have an open supply contract.

(5) Open supply is the sale of gas to a market participant during the balance period on the basis of measurement data or the sale of missing gas as an imbalance or the purchase of surplus gas.

(6) An open supplier is a system manager providing open supply, a gas seller or, in the event of termination of an open supply contract, a seller appointed by the network operator to whose network the consumer's gas installation is connected.

(7) Balance contract is an open supply contract concluded between the system manager and the balance manager, on the basis of which the balance manager undertakes to guarantee the balance. An integral part of the balance agreement is the standard conditions of the balance agreement, which stipulate the rights and obligations of the system manager and the balance manager in ensuring balance responsibility.

(8) Specified delivery is the delivery of the gas quantity agreed with the market participant for the balance period.

(9) Balance responsibility is the obligation of the market participant to ensure the balance in each balance period.

(10) Balance gas is gas that the system manager sells to the balance manager or buys from the balance manager to cover the imbalance in the balance manager's balance portfolio during the balance period.

(11) Balancing gas is gas that entered or exited the transmission network during the balance period, which is purchased or sold by the system operator for the purpose of maintaining the operation of the transmission network. The amount of balancing gas bought or sold during the balance period is calculated in energy units as the difference between the amount of gas that entered the transmission network and the amount that left the transmission network during the balance period.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 12. Organization of balance sheet liability

(1) For the supply of gas through the transmission network, the market participant concludes a balance agreement with the system operator, unless the market participant has delegated the balance responsibility to another balance operator who has concluded a balance agreement with the system operator.

(2) The cross-border gas trade supply of the Estonian state must be reflected in the explanation of the balance sheet of the balance administrator.

(3) Each market participant has one open supplier. The network operator must have one open supplier for the purchase of gas used in the provision of network services in the calculation of network border points. The consumer and producer have one open supplier per metering point.

(4) The system manager develops and coordinates with the Competition Authority the standard conditions of the balance agreement and the methodology for determining the price of balance gas. The Competition Authority will not approve the methodology for determining the balance gas price if the methodology does not meet the requirements set forth in this Act or legislation issued on its basis.

(5) If, as a result of the balance clarification, the balance manager's balance is negative, it is considered that the system manager has sold the balance gas to the balance manager in the amount necessary to maintain the balance manager's balance during this period. If, as a result of the balance clarification, the balance manager's balance is positive, it is considered that the balance manager has sold the balance gas to the system manager in the amount necessary to maintain the balance manager's balance.

(6) In accordance with this Act and the balance agreement, the price of balance gas is determined by the system operator after the end of the balance period.

(7) The system manager designs the balance gas price in such a way that it enables him to:

- 1) cover the justified expenses incurred for balancing the system;
- 2) to cover justified expenses related to the purchase and sale of balance gas;
- 3) ensure reasonable profitability.

(8) The system operator is based on the principle of equal treatment and transparency when developing the standard conditions of the balance agreement and shaping the price of balance gas.

(9) The system operator publishes the methodology for determining the balance gas price agreed with the Competition Authority and the standard conditions of the balance agreement on its website at least 30 calendar days before their implementation.

(10) The accounting period based on balance-related financial settlements is a calendar month, unless otherwise agreed.

(11) The minister responsible for the field may establish requirements for the exchange of information related to balance responsibility with the network rules for the operation of the gas market.

(12) The procedure for balance responsibility shall be established by the minister responsible for the field with the network regulation for the operation of the gas market.

(13) The procedure for open exchange of suppliers is established by the minister responsible for the field with the network rules for the operation of the gas market.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

1

§ 12 . Rights and obligations of the balance manager

(1) The balance manager has the right to receive payment for the balance gas sold by him to the system manager in accordance with this Act and the balance agreement.

(2) The balance manager pays for the balance gas sold to him by the system manager in accordance with this Act and the balance contract.

(3) If the balance sheet manager's balance sheet is not in balance, he is obliged to show immediately, upon request of the system manager, how the balance sheet is ensured. At the request of the system manager, the balance manager must start an activity that balances his balance sheet.

(4) The balance manager must enter into gas supply contracts under conditions that enable him to guarantee his balance at any given time.

(5) The balance administrator shall determine the procedure by which he must be informed of the specified deliveries to the market participant whose balance sheet is kept by the balance administrator in accordance with this Act.

(6) The balance administrator publishes the conditions for guaranteeing balance liability and the methodology for determining the fee charged for deviation from the balance on its website and provides information about them to the person who requests it.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

2

§ 12 . Guarantees of the balance manager

(1) When concluding a balance agreement, the balance manager submits to the system manager a guarantee from a bank of Estonia or a country belonging to the European Union or the European Economic Area with an international investment level credit rating, which ensures that the balance manager fulfills its obligations to the system manager unconditionally. These guarantees are permanent and changeable guarantees.

(2) The amount of the balance manager's change guarantee is determined by the system manager.

(3) The amount of the balance manager's permanent guarantee and the conditions for submitting guarantees and determining their amount shall be established by the minister responsible for the field with the network rules for the operation of the gas market.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

Section 4

Gas system and system liability

§ 13. Gas system

A gas system within the meaning of this Act is a technical system consisting of a gas transmission network located on the territory of Estonia with relevant control, protection, communication and measurement systems, distribution networks connected to the transmission network with relevant control, protection, communication and measurement systems and connected to the transmission and distribution network consumers, producers, liquefied gas terminals and gas storages.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 14. System responsibility

System responsibility is the obligation of the system operator to ensure the security of supply and balance of the gas system at any moment in accordance with the signed contracts.

§ 15. System administrator

(1) A system operator within the meaning of this Act is a network operator that provides transmission services and owns or manages gas measurement systems at the state border.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

1

(1) The system operator provides gas transmission service or both transmission and distribution service at the same time.

[RT I, 28.06.2012, 2 - enters into force. 01.01.2015]

(2) The system operator must exercise the rights and fulfill the obligations arising from this chapter in a manner that is impartial to other gas companies and network users and follows the principle of equal treatment.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

1

§ 15 . Ensuring the independence of the system administrator

(1) The person responsible for the management of the system operator cannot at the same time be a member of the board of another gas company or otherwise be responsible for the day-to-day economic activities of another gas company.

(2) The system manager must have the necessary resources for maintaining and developing the network, including technical, physical, financial and human resources. This does not prevent the parent company from exercising economic and managerial supervision over the subsidiary, which primarily includes the right to give consent to the system manager's annual financing plan and the upper limit of the subsidiary's debts. The parent company may not interfere in the day-to-day economic activities of the subsidiary or in decisions related to the construction or renewal of the network, which does not exceed the approved financing plan.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(3) [Repealed - RT I, 30.06.2017, 2 - entered into force. 10.07.2017]

(4) [Repealed - RT I, 30.06.2017, 2 - entered into force. 10.07.2017]

(5) The system operator, which is the owner of the transmission system, and its subsidiaries may not use joint services, except for administrative or information technology services.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(6) In case of separation of an undertaking providing gas transmission services from a vertically integrated undertaking, the undertaking providing gas transmission services may not transfer the trade secret in its possession to the undertaking engaged in production or sales, and the employees of such undertaking providing gas transmission services may not, during the separation process, take up employment in the undertaking engaged in production or sales .

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 16. Responsibilities of the system administrator

(1) In order to fulfill the obligation stipulated in § 14 of this Act, the system manager:

1) ensures the security of supply of the gas system;

1

1) creates, in cooperation with market participants, the capacity to receive liquefied natural gas in Estonia, if it is necessary to improve the security of supply of the gas system;

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

2) plans and manages gas supply in the gas system, gas distribution in the network and gas consumption, taking into account the technical limitations of the gas system;

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2) fulfills Regulation (EC) No. 715/2009 of the European Parliament and Council on the conditions for access to natural gas transmission networks and which repeals Regulation (EC) No. 1775/2005 (OJ L 211, 14.08.2009, pp. 36–54) of the transmission network requirements set for the operator regarding capacity allocation principles, congestion management rules, balancing rules, capacity trading, transparency requirements and data retention;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

2

2) ensures access to the transmission network for third parties in accordance with the requirements set forth in Regulation (EC) No. 715/2009 of the European Parliament and of the Council for the transmission network manager;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

3

2) fulfills the requirements set forth in Regulation (EU) 2017/1938 of the European Parliament and of the Council for the transmission network operator;

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

4

2) cooperates within the network of European natural gas transmission system managers at the regional and European Union level

for the effective functioning of the natural gas market in accordance with the requirements set forth in Regulation (EC) No. 715/2009 of the European Parliament and of the Council;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

5

2) submits an investment plan to the Competition Authority, which ensures the necessary measures to ensure the infrastructure standard set forth in Article 6 of Regulation (EU) 2017/1938 of the European Parliament and of the Council from December 3, 2014, or proves the fulfillment of the infrastructure standard with relevant market measures;

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

6

2) submits Council Regulation (EU, Euratom) No. 617/2010, which deals with the notification to the Commission of European Community energy infrastructure investment projects and which repeals Regulation (EC) No. 736/96 (OJ L 180, 15.07.2010, pp. 7-13), in Article 3 the specified data to the Competition Authority every two years in the form provided in Commission Regulation (EU, Euratom) No. 833/2010 implementing Council Regulation (EU, Euratom) No. 617/2010 (OJ L 248, 22.09.2010, pp. 36-56) according to;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

3) ensures cooperation with the gas systems of neighboring countries, taking into account the technical limitations of these systems in real time;

4) explains the balance of the gas system and the balance of the balance managers on the basis of the data provided to him and buys and sells the balance gas with the aim of ensuring the effective functioning of the gas market, the fair distribution of the expenses incurred to ensure the balance of the gas system between the balance managers in accordance with this Act, the legislation established on the basis of this Act and the agreements concluded between the system manager and the balance manager;

[RT I 2007, 17, 80 - entry into force. 09.03.2007]

1

4) submits invoices to the balance administrator based on data related to balance clarification and other relevant data for each accounting period regarding the fee to be paid for the balance gas purchased by the balance administrator and other fees due to the system administrator resulting from legislation or the contract and collects the amounts due on the basis of the invoices from the balance administrator;

[RT I 2007, 17, 80 - entry into force. 09.03.2007]

2

4) calculates, on the basis of the data related to the balance clarification and other relevant data, the amount of the balance gas that the balance manager has sold to him during the accounting period, and pays the balance manager for this amount;

[RT I 2007, 17, 80 - entry into force. 09.03.2007]

5) concludes balance agreements;

6) performs other tasks arising from this Act.

(2) Using transparent procedures, the system operator must purchase services to fulfill its obligations under conditions that do not differentiate between different gas companies and do not contain unreasonable restrictions.

(3) The system administrator may not disclose confidential information obtained in connection with the performance of its tasks to third parties, unless the disclosure of information is prescribed by law or if the transmission of information is necessary for the fulfillment of obligations arising from this law.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

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(3) The system administrator shall inform the Competition Authority of each planned transaction in which it may be necessary to

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review the company's compliance with the requirements of § 29 of this Act , or of any circumstances in which a person from a country outside the European Union (hereinafter a *third country*) could acquire control of the transmission network or over the system manager.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(4) The system manager must submit data to the Competition Authority for the preparation of a security of supply report.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(5) Regulation (EC) No. 715/2009 of the European Parliament and the Council stipulates the duties of the system operator related to the provision of gas transmission service and the determination of the fee charged for gas transmission service.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(6) The system administrator must ensure the use of commercially useful information about its activities based on the principle of equal treatment.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(7) The system administrator discloses information necessary for effective competition and the efficient functioning of the market, except for business secrets.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(8) The system manager does not pass on trade secrets to the gas company performing production and sales tasks.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(9) The system operator may not, through an enterprise over which the system operator has a dominant influence within the meaning of the Competition Act, when selling or buying gas, abuse a trade secret that it has received from a third party when organizing access to the network.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(10) The system manager, in cooperation with the transmission system managers of other member states, ensures power allocation and network security control through an integrated system.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 17. Rights of the system administrator

(1) In order to fulfill its obligations, the system operator has the right to demand from the balance manager an increase or decrease of gas supplies in accordance with the concluded balance agreement.
[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(2) The system operator has the right to issue mandatory orders to market participants to limit or interrupt gas consumption by consumers, which is necessary to mitigate the impact of a supply disruption. The basis of the arrangements must be the contract concluded with the consumer allowing the restriction and interruption of gas consumption or the decision of the Government of the

2 2

Republic specified in § 26 subsection 2 of this Act .

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(3) The system manager has the right to establish technical restrictions on the use of the gas system in order to fulfill system responsibility.

(4) The system manager has the right to demand from all market participants and the local government the information necessary to fulfill its obligations.

(5) The system manager has the right to require the balance manager to comply with the requirements and obligations stipulated in legislation and concluded contracts, and in case of non-fulfilment of these requirements or breach of obligations, to refuse to enter into a contract with the balance manager, to terminate the contract or to use other legal remedies prescribed by the contract or legislation.

(6) The system administrator has the right to require the balance administrator to cover the expenses related to the balance sheet explanation.

1

(6) The system manager has the right to buy and sell balance gas and balancing gas to ensure the operation of the gas system and security of supply. An operating license is not required from the system operator for the import and sale of balance gas and balancing gas.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(7) The system administrator shall not compensate for damages or expenses resulting from the execution of the activities and orders specified in subsections 1–3 and 5 of this section, unless the system administrator's actions or orders have been unlawful.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(8) Regulation (EC) No. 715/2009 of the European Parliament and the Council stipulates the rights of the system operator related to the provision of the gas transmission service and the determination of the fee charged for the gas transmission service.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

1

§ 17 . Liquefied gas terminal manager duties

(1) The gas company that owns the liquefied gas terminal appoints the manager of the liquefied gas terminal. The owner of the liquefied gas terminal can appoint himself or another company as the manager of the liquefied gas terminal. The owner of the liquefied gas terminal informs the Competition Authority about the appointment of the terminal manager.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) The terminal manager performs the following tasks:

1) maintains and develops the liquefied gas terminal in order to ensure the obligation to provide the service;

2) ensures access to third parties in accordance with the requirements set forth in Regulation (EC) No. 715/2009 of the European Parliament and of the Council;

3) fulfills the obligations of the liquefied gas terminal manager stipulated in Regulation (EC) No. 715/2009 of the European Parliament and of the Council regarding capacity allocation principles, congestion management rules, capacity trading, transparency requirements and data storage;

4) follows the principle of equal treatment of market participants;

5) provides the system manager, other terminal managers and other network operators with the necessary information to ensure gas transfer in accordance with the reliable and efficient use of connected networks.

1

1 point 2 of the Emergency Act.

(2) The terminal manager is a vital service provider specified in § 36 subsection 1

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(3) The terminal manager may not disclose to third parties a business secret that has become known during the performance of his duties, unless the disclosure of information is intended to fulfill obligations arising from the law.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(4) The terminal manager coordinates the standard conditions of the contract for the use of the terminal and the tariff calculation methodology with the Competition Authority.

(5) Tariffs for the use of the liquefied gas terminal are designed in such a way as to ensure:

1) coverage of the necessary operating costs;

2) investments to fulfill operational and development obligations;

3) fulfillment of environmental requirements;

4) fulfillment of quality and safety requirements;

5) justified profitability.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

2

§ 17 . Responsibilities of the storage network manager

(1) The gas company that owns the gas storage facility appoints the manager of the storage network. The owner of the gas storage can appoint his own or another company as the manager of the storage network. The owner of the gas storage facility informs the Competition Authority about the appointment of the storage network manager.

(2) The manager of the storage network performs the following tasks:

- 1) maintains and develops the storage network in order to fulfill the obligation to provide gas storage services;
- 2) ensures access to third parties in accordance with the requirements set forth in Regulation (EC) No. 715/2009 of the European Parliament and of the Council;
- 3) fulfills the obligations of the repository administrator provided for in Regulation (EC) No. 715/2009 of the European Parliament and of the Council;
- 4) follows the principle of equal treatment of market participants;
- 5) provides the system manager, network operators, other storage managers and terminal managers with the necessary information to ensure gas transportation and storage in accordance with the reliable and efficient use of connected networks;
- 6) discloses information necessary for effective competition and the effective functioning of the market, with the exception of trade secrets.

(3) The manager of the storage network may not disclose to third parties a business secret learned during the performance of his duties, unless the disclosure of information is intended to fulfill obligations arising from the law.

(4) The manager of the storage network shall coordinate the standard conditions of the contract for the use of the storage and the methodology for calculating tariffs with the Competition Authority.

(5) The Competition Authority consults network users when coordinating the methodology for calculating storage tariffs.

(6) Tariffs for the use of the warehouse are designed in such a way as to ensure:

- 1) coverage of the necessary operating costs;
- 2) investments to fulfill operational and development obligations;
- 3) fulfillment of environmental requirements;
- 4) fulfillment of quality and safety requirements;
- 5) justified profitability.

(7) The standard conditions and tariffs for the use of the repository are published on the website of the repository network manager.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

3

§ 17 . Gas and biomethane quality requirements

(1) The gas and biomethane quality requirements stipulate the limits of the physical and chemical properties and composition of the gas and biomethane to be introduced into the transmission network owned by the system operator and transmitted through it.

(2) The quality requirements for gas and biomethane shall be established by the minister responsible for the field with the network regulation for the operation of the gas market.

(3) When establishing quality requirements, the minister responsible for the field is based on the gas quality requirements set for gas systems connected to the Estonian gas system, the technical requirements of gas installations and the technical requirements of the gas system.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

Chapter 3 OPERATION OF THE NETWORK

§ 18. Joining the network

(1) Connection to the network within the meaning of this Act is the connection of a consumer installation, a gas production device, a network belonging to another network operator or a liquefied gas terminal to the network.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(2) *The network operator has the obligation to connect to the network all persons located in the network area of the network operator who have submitted a corresponding request (hereinafter the subscriber), within the limits of the network's technical capabilities, if this does not endanger the security of supply of previous subscribers.*

(3) The network operator must justify the rejection of the subscriber's request in writing within 30 days from the receipt of the request.

(4) On the basis of the subscriber's request, the network operator issues the conditions for connection to the network (hereinafter *the conditions for connection*).

(5) The conditions of membership must be:

- 1) transparent and unambiguous;
- 2) follow the principle of equal treatment of similar subscribers;
- 3) take into account the technical and economic conditions of a specific connection;
- 4) consider the interests of network development and stability;
- 5) consider the technical capabilities of the network.

(6) The following are determined in the joining conditions:

- 1) joining point;

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- 1) gas consumption mode at the connection point;
- 2) location of the measuring system and type of measuring instruments;
- 3) network service limit;
- 4) obligations of the subscriber and network operator;

- 5) connection fee calculation;
- 6) term of validity of the subscription conditions;
- 7) other special conditions.

(7) In the event of a change of a consumer installation connected to the network or its owner, no connection fee is charged if the following conditions are simultaneously met:

- 1) the connection to the existing consumer installation takes place in such a way that the location of the connection point does not change;
- 2) no request is made to change the total consumption capacity or consumption regime specified in the contract concluded by the former consumer;
- 3) the technical conditions for connecting the subscriber's consumer installation have been preserved.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

1

§ 18 . Gas pipeline crossing the national border

(1) The construction of a gas pipeline crossing the state border (hereinafter *connection*) is permitted only with the permission of the Government of the Republic.

(2) The permit application specified in subsection 1 of this section must contain the following information:

- 1) name and address of the applicant;
- 2) data on the location of the connection;
- 3) technical data of the connection (pressure, capacity, diameter, length, etc.);
- 4) planned construction time;
- 5) estimated cost of construction;
- 6) justification of the necessity of the connection;
- 7) results of environmental impact assessment.

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

2

§ 18 . Third party network access

(1) The Competition Authority may grant a temporary exception for third-party access to a new connection crossing a national border, including a significant increase in the capacity of an existing connection or part of it, a liquefied gas terminal and a gas storage facility,

upon request, in which case §§ of this Act may not apply to the gas company or the terminal manager 18, 23, 23², 29¹, 29³ and 29⁴

and the provisions of § 37 subsection 3 point 20.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) Third party access to the network within the meaning of this Act is the right of a market participant to join the network or use a network service.

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(3) A new association within the meaning of this Act is an association for the construction of which the permit specified in § 18¹ of this Act has been granted after July 15, 2003.

(4) The minister responsible for the field shall establish the list of data contained in the application for exemption and the decision of the Competition Authority .

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(5) The Competition Authority forwards copies of the request for exemption and the decision made on the basis of the request for exemption to the European Commission immediately after the request is received and the decision is made. The decision will be published on the website of the Competition Authority.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(6) The Competition Authority implements the European Commission's decision on the amendment or cancellation of the exception decision within one month and informs the European Commission of the new decision.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

3

§ 18 . Conditions for granting a temporary exemption

(1) A temporary exemption may be requested if the new connection meets the following conditions:

- 1) the investment must increase competition in gas supplies and improve security of supply;

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

- 2) according to the degree of risk associated with the investment, the investment would not be made if an exception is not granted;

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

- 3) the owner of the connection must be a natural or legal person who, at least in terms of legal form, operates separately from the network operators to whose networks the connection in question is made;

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

- 4) users of the connection are charged a fee;

[RT I 2005, 64, 483 - entry into force. 11.12.2005]

- 5) the temporary exception does not harm competition, the efficient functioning of the internal gas market, the security of the gas supply of the European Union, or the functioning of the regulated network to which the connection is connected.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

(2) When applying for a temporary exception in the event of a significant increase in existing capacity, the conditions specified in subsection 1 of this section apply, and the increase in capacity must enable the use of new supply sources.
[RT I 2005, 64, 483 - entry into force. 11.12.2005]

(3) When making a temporary exception, it is considered in each case separately whether it is necessary to establish additional conditions regarding the duration of the exception and ensuring non-discriminatory access to the connection. When deciding on these conditions, the additional capacity to be built and the modification of the existing capacity, the term of the project and the prevailing gas market conditions in the Member State are taken into account in particular.
[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

1 2
(3) Before granting the exception specified in subsection 1 of § 18 of this Act , the Competition Authority consults:
1) the regulatory authority of the European Union member state whose gas market operation is affected by the connection, and
2) the relevant authority of a third country, if the exception is granted between the Republic of Estonia and a third country to build or change the transmission network.
[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

2 1
(3) With the consultations specified in subsection 3 of this section , the Competition Authority will find out the possibilities of applying the requirements set forth in this Act to the gas connection.
[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

3 1 point 2 of this section at least three months from
(3) The Competition Authority shall give the authority specified in subsection 3 the date of receipt of the notice to respond.
[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

2
(4) If the association specified in subsection 1 of § 18 of this Act is located in the territory of more than one member state, the Competition Authority may forward its advisory opinion to the regulatory authority of the relevant member state within two months of receiving the exemption request specified in subsection 1 of this section from the regulatory authority of the relevant member state.
[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(5) Within six months from the date on which the request for exemption was received from the last relevant regulatory authority, the Competition Authority shall notify the Cooperation Board of Energy Sector Regulatory Authorities of the decision to reach an agreement regarding the request for exemption. In the case of a justified need, the Competition Authority may request an extension of the notification deadline by three months from the Cooperation Board of Energy Sector Regulatory Authorities.
[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

2
(6) The Competition Authority shall not make the decision referred to in § 18 subsection 1 of this Act until the applicant for the exemption has identified the new connection, the significantly increased capacity or the possible interest of the users of this part.
[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 19. Signing a network connection agreement

(1) In order to connect to the network, the network operator and the owner of the consumer or producer installation to be connected to the network or his authorized representative enter into a written contract.
[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(2) The contract specifies, among other things:
1) connection point;
1
1) gas consumption or production mode at the connection point;
[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]
2) location of the measuring system and type of measuring instruments;
3) network service limit;
4) the amount of the subscription fee;
5) [invalidated - RT I 2005, 64, 483 - entry into force. 11.12.2005] 6) deadline for performance of the contract.

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(2) The data specified in points 1-3 of subsection 2 of this section shall be deemed to be the technical conditions for joining.
(3) The Competition Authority has the right to check the justification of the refusal to join, the joining fee and the terms of the contract.
[RT I 2007, 66, 408 - entered into force. 01.01.2008]

§ 20. Calculation of the subscription fee

(1) The network operator has the right to charge a justified connection fee from the network subscriber.
(2) The calculation of the connection fee is based on the fact that the reasonable expenses necessary for a specific connection are covered, among others:
1) investments, including the construction of a measurement system;
2) fulfillment of environmental requirements;
3) fulfillment of quality and safety requirements.
(3) The amount of the connection fee is calculated by the network operator based on the methodology for calculating the connection fee.

1

(3) The network operator must coordinate the methodology for calculating the connection fee with the Competition Authority.
[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(4) If the technical conditions of connection at the connection point are changed at the initiative of the network operator, the costs shall be paid by the network operator.

(5) The network operator may charge a reasonable fee for changing the technical conditions of gas consumption or production, which takes place at the initiative of the consumer, producer or another gas operator.
[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 21. Area of operation of the network operator

(1) The network operator defines its network area.

(2) A network operator may have several network areas, which together form the operating area specified in the network operator's license.

(3) The areas of operation of different network operators may overlap.

(4) If the network operators mutually agree on the mutual change of the operating areas, the entire territory where the network operators operate must be covered by the operating areas even after the area has been changed.

(5) The network operators must notify the Competition Authority of the mutual change of the areas of activity specified in subsection 4 of this section and attach to the notification the agreement concluded between them on the division of activities and responsibilities.
[RT I 2007, 66, 408 - entered into force. 01.01.2008]

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§ 21 . Network planning and construction

The requirements established for the planning and construction of buildings are applied to the planning and construction of the network.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

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§ 21 . Network development plan

(1) After consultation with market participants, the system manager prepares a ten-year network development plan (hereinafter *the network development plan*) and submits it to the Competition Authority.
[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) When developing the network development plan, the system manager is based on the existing and forecasted demand, taking into account the investment plans to be made in regional and European Union networks and liquefied gas terminals.

(3) The network development plan includes measures to ensure sufficient capacity and security of supply of the gas system during the next ten years. The network development plan includes, in particular:

- 1) a plan for the construction or renewal of the main transmission infrastructure;
- 2) technical parameters of planned investment projects;
- 3) schedule of investment projects.

(4) The system manager submits a report to the Competition Authority on the implementation of the network development plan and possible changes by March 3 of each year, supplementing the network development plan with regard to investments for the next three years.

(5) The system manager publishes the network development plan on its website.

(6) The Competition Authority monitors and evaluates the investments made for the implementation of the network development plan, based on their compliance with the pan-European network plan, and submits an assessment of the system manager's investment plans in its annual report. The assessment may include recommendations for changes to investment plans.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

§ 22. Rights and obligations of the network operator

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(1) The network operator is obliged to ensure the supply of gas to persons having a network connection in accordance with this Act, the ancillary conditions of the operating license and the concluded contract.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

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(1) If the network operator is not a seller himself, he appoints a seller in his network area if there are no other gas sellers from whom the consumer could buy gas.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(2) The network operator is responsible for the operation and orderliness of the network owned or controlled by him.

(3) The network operator is obliged to develop the network in such a way that the connection of consumer installations in its network area to the network is guaranteed.

(4) [Repealed - RT I, 28.06.2012, 2 - entered into force. 08.07.2012]

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(4) The network operator publishes gas quality indicators, including the lower and upper calorific value, on its website.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(5) The network operator is obliged to provide all other network operators with the necessary information to ensure the distribution and sale of gas in a manner that is consistent with the secure and efficient use of interconnected networks.

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(5) The network operator may not disclose confidential information obtained in connection with the performance of its tasks to third parties, unless the disclosure of information is prescribed by law or if the information must be transmitted to fulfill the obligations arising from this law.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(6) A network operator may terminate its operations only if it has transferred the obligations arising from this section to another network operator.

(7) At least 12 months before the termination of its activities, the network operator must inform the Competition Authority in writing about the termination date and plan and provide a sufficient overview of the circumstances that ensure compliance with the requirements set forth in this section.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

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(8) The network operator specified in § 8 subsection 2 of this Act is obliged to fulfill the requirements set forth in § 15 .

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(9) When providing network services, the network operator follows the principle of equal treatment of market participants.

(10) The network operator has the right to refuse to provide the network service if:

- 1) the gas installation of the user of the network service does not comply with the requirements of legislation or the technical conditions submitted by the network operator for connection to the network;
- 2) the network does not have the necessary capacity to provide the network service.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(11) The network operator justifies the refusal to provide the network service. The reason for the refusal must refer to the legal basis for the refusal. The network operator shall notify the Competition Authority of the refusal on the basis provided in point 2 of paragraph 10 of this section.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(12) The network operator must disclose the services it offers together with the terms of their provision and the fee charged for them or the methodology for its calculation on its website.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(13) The network operator is obliged to provide the balance manager and the system manager with the measurement data that is necessary to explain the balance.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

(14) The network operator must ensure the use of commercially useful information about its activities based on the principle of equal treatment.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

1

(15) The provider of the vital service specified in § 36 subsection 1 point 2 of the Emergency Act is:

[RT I, 30.06.2023, 1 - entry into force. 01.07.2023]

- 1) an entrepreneur who provides transmission services in the gas network;
- 2) an entrepreneur with more than 10,000 consumers connected to the distribution network.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

1

(15) The network operator submits to the Competition Authority the conditions for access to the cross-border infrastructure and the methodology for distributing capacity and dealing with congestion. The network operator changes the mentioned conditions and methodology on the justified proposal of the Competition Authority.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(16) A network operator is a general interest service provider within the meaning of the law of the general part of the Code of Economic Activities.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 23. Network service and its price

(1) Network service within the meaning of this Act is the provision of gas transmission or distribution service via the network.

(2) The prices of network services must be justified, based on the expenses necessary for the functioning and development of the network, reliability of operation and supply, the measurement of gas distributed through the network and the transmission and calculation of measurement data, as well as reasonable profitability in such a way as to ensure uninterrupted supply of gas to the consumer.

(3) The prices of network services must be designed in such a way as to ensure:

- 1) coverage of the necessary operating costs;
- 2) investments to ensure security of supply and fulfill operational and development obligations;

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

- 3) fulfillment of environmental requirements;
- 4) fulfillment of quality and safety requirements;
- 5) justified return on the invested capital of the entrepreneur;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

6) the price of the network service must cover the justified costs of purchasing the gas used in the provision of the network service.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

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(3) The basis for the calculation of the justified profitability provided for in point 5 of subsection 3 of this section is the invested capital of the enterprise and the weighted average cost of capital.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(3) [Repealed - RT I, 18.05.2022, 1 - entered into force. 28.05.2022]

(4) The network operator must submit the prices of network services and the basis for their establishment to the Competition Board for approval and, at the request of the Competition Board, justify the formation of prices.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

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(4) The Competition Authority shall develop a unified methodology for calculating the prices of online services based on the

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requirements set forth in §§ 23 and 23 of this Act .

[RT I, 28.06.2012, 2 - enters into force. 01.11.2012]

2

(4) The Competition Authority publishes the unified methodology for calculating the price of online services and bases it on coordinating the price of online services.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(5) The Competition Authority makes the approval decision provided for in subsection 4 of this section within 30 days from the submission of a proper application. When processing a labor-intensive approval request, the Competition Authority may extend this deadline to 60 days by notifying the applicant of the deadline extension before the initial deadline expires.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

1

(5) If the subject of the request is to change the price of the network service for the network operator due to a change in the price of the gas transmission or distribution service to be purchased, the Competition Authority will make a decision on the coordination of the price of the network service within ten working days from the submission of the proper request.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

2

(5) The deadline for processing the application specified in subsections 5 and 5 of this section shall stop if the Competition Authority has not been provided with the information required by it, which is necessary for deciding whether to approve the application.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

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(6) The network operator providing the transmission service publishes the coordinated prices of the network service on its website and informs the consumer and the distribution network operator of the new prices at least three months in advance. The distribution network operator publishes the coordinated prices of the network service on its website and informs the consumer of the new prices at least two months in advance.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

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§ 23 . Network service agreement

(1) In order to provide a network service, a network operator concludes a network service provision contract with a market participant requesting network use (hereinafter *network contract*).

(2) A network operator may conclude separate network contracts with a market participant for the provision of various network services.

(3) The network operator coordinates the standard conditions of the network contract with the Competition Authority.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(4) The Competition Authority shall not approve the standard conditions of the network agreement if their content does not correspond to the balance of the rights and obligations of the network service user, which was the basis for the approval of the price of the network service.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(5) The standard conditions of the network contract may be deviated from by agreement of the parties.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

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§ 23 . Principles of network service price calculation

(1) The calculation of the price of the network service is based on the arithmetic average sales volume of the last three calendar years. If necessary, additional analysis is performed to find the sales volume.

(2) The following cost items are not included in the price:

1) the cost of unlikely receivables;

2) sponsorship, gifts and donations;

3) expenses not related to the core business;

4) fines and delays assigned to the entrepreneur based on legislation;

5) financial costs;

6) dividend income tax expense;

7) other expenses that are not necessary for the fulfillment of obligations imposed on the entrepreneur by law.

- (3) The costs included in the price must be justified, be based on cost efficiency and enable the entrepreneur to fulfill the tasks stipulated by law. The assessment of justified operating costs is based on the following principles:
- 1) monitoring the dynamics of costs over time and comparing it with the dynamics of the consumer price index;
 - 2) in-depth analysis of the justification of various cost components (including expert assessments);
 - 3) comparing the company's costs and the statistical indicators calculated on their basis with the costs of other similar companies.
- (4) The calculation of the reasonable return on investment and the depreciation of fixed assets is based on the fixed assets necessary for the provision of network services.
- (5) Fixed assets do not include:
- 1) long-term financial investments;
 - 2) intangible assets, with the exception of computer software licenses;
 - 3) fixed assets acquired within the framework of non-refundable aid (including targeted financing);
 - 4) fixed assets acquired from subscription fees;
 - 5) fixed assets that the company does not use for the provision of network services.
- (6) The calculation of the value of fixed assets is consistent and continues even when the ownership of the company or property changes.
- (7) The calculation of the justified profitability is based on the principle that the value of fixed assets required for the provision of network services, to which the amount of working capital is added, is multiplied by the weighted average cost of capital.
- (8) The amount of working capital specified in subsection 7 of this section is five percent of the arithmetic average of the turnover of the last three calendar years. If necessary, additional analysis is performed to find the amount of working capital.
- (9) The depreciation of fixed assets is calculated based on the value of the fixed assets needed to provide the network service and the depreciation rate that corresponds to the useful technical life of the fixed assets.
- [RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

§ 24. Measurement and installation of measurement systems

- (1) The network operator ensures the measurement, collection and processing of gas quantities consumed from the network and keeps records accordingly.
- [RT I, 28.06.2012, 2 - enters into force. 08.07.2012]
- 1
- (1) The network operator converts the measured gas quantities into energy units. The kilowatt-hour (kWh) is used as the unit of energy.
- [RT I, 28.06.2012, 2 - enters into force. 01.01.2013]
- 2
- (1) The methodology for converting gas quantities into energy units is established by the minister responsible for the field with the network regulation for gas market operation.
- [RT I, 30.06.2017, 2 - enters into force. 10.07.2017]
- 3
- (1) The network operator must ensure that all measuring points through which at least 750 cubic meters of gas are consumed from the network operator's network per year are equipped with a measurement system that takes into account the gas temperature in the measurement system when measuring the amount of gas and enables the function of remote reading of measurement data.
- [RT I, 30.06.2017, 2 - enters into force. 01.01.2020]
- 4
- (1) If gas is consumed at a pressure above 20 millibars, the measuring system must take pressure and temperature into account when measuring gas and enable the function of remote reading of measurement data.
- [RT I, 30.06.2017, 2 - enters into force. 01.01.2020]
- (2) [Repealed - RT I 2005, 64, 483 - entry into force. 11.12.2005]
- (3) The network operator installs a project-specific measurement system with the necessary additional equipment as close as possible to the point of consumption in the network it owns, at its own expense, unless otherwise stipulated in the contract.
- (4) If the existing measurement system of the consumer does not meet the valid technical requirements, the network operator shall replace it at its own expense, unless otherwise stipulated in the contract.
- (5) If the consumer or the producer wishes to change the capacity of the consumer installation or the producer installation, the network operator shall replace or set up the measuring system and devices limiting the consumption or production capacity. The costs related to reconfiguration shall be covered by the consumer or producer who has expressed a request for reconfiguration.
- [RT I, 30.06.2017, 2 - enters into force. 10.07.2017]
- (6) The obligation, deadline and procedure for the transition to the remote reading function of the metering system shall be established by the minister responsible for the field with the network regulation for gas market operation.
- [RT I, 30.06.2017, 2 - enters into force. 10.07.2017]
- (7) When establishing the principles specified in subsection 6 of this section, the minister responsible for the field is based on the economic justification of using a remote reading device.
- [RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 25. Illegal use

- (1) The use of gas and network service is illegal if there is no legal basis for it or if the requirements arising from this law are violated, in particular if:
- 1) the amount actually consumed is hidden or reduced by tampering with accounting devices, distorting the reading, tampering with

the measuring system or its parts or the shut-off valve;

- 2) is consumed from an unmeasured network connection without the permission of the gas company;
- 3) is consumed without a valid written contract.

(2) The absence of a written contract between the gas company and the consumer cannot be considered a case of illegal consumption specified in Clause 1, Clause 3 of this section, if the gas company regularly issues invoices to the consumer for the gas consumed and the consumer has paid the invoices on time.

(3) The market participant shall compensate the network operator and the seller for the cost of illegally used gas and network service, as well as the damage caused by the illegal use of gas and network service, as well as the reasonable expenses incurred to determine its amount.

(4) The principles for determining the amount of illegally used gas and network service and its cost shall be established by the minister responsible for the field.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

§ 26. Interruption and restoration of gas supply

(1) The network operator has the right to disconnect the network connection without prior notice to the consumer, if the life, health, property or environment of people are at risk.

(2) The network operator has the right to disconnect the network connection without delay:

- 1) to a market participant using gas illegally;
- 2) in an emergency, open delivery to a market participant without a contract, with the exception of the consumer specified in clauses

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1-3 of § 6

(1) of this Act; 3) for a market participant who has violated the mandatory gas demand reduction measure established in an emergency situation.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(3) The network operator has the right to interrupt the gas supply by notifying it at least seven days in advance, if:

1) a consumer installation or a producer installation worsens the gas supply of another consumer or the technical parameters of the network;

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

2) access of the network operator to the measuring system located in the territory owned or held by the consumer or producer is prevented in order to check or replace it or to perform work necessary for the operation of the consumer's or producer's installation;

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

3) the contracts concluded on the basis of this Act or the conditions stipulated in this Act have been violated.

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(3) If the domestic consumer has failed to pay the fee specified in the contract concluded with the seller and the domestic consumer uses gas to heat the living space used as a permanent residence, the gas supply may be interrupted in the period from October 1 to May 1 only after 90 years have passed since receiving the notification specified in subsection 4 of this section. days.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(4) Before interrupting the gas supply in the cases provided for in subsection 3 of this section, the network operator is obliged to give the consumer or producer a reasonable period of time to eliminate the deficiency and to notify in writing about the interruption of the network connection. The notice must include:

1) the reason for the interruption of the gas supply;

2) deadline for eliminating the deficiency.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(5) The network connection and gas supply interrupted for the reasons specified in subsection 3 of this section shall be restored after the consumer or the producer has paid the justified interruption and reconnection costs, provided that the contract has not been terminated.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

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§ 26 . Minimum security of supply requirements

(1) Ensuring security of supply in the event of a supply disruption must be based on the requirements set forth in Regulation (EU) 2017/1938 of the European Parliament and of the Council.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(2) The protected consumer to whom the security of supply norm provided for in Article 8 of Regulation (EU) 2017/1938 of the European Parliament and of the Council is applied is:

[RT I, 09.08.2022, 1 - entry into force. 19.08.2022]

1) home consumer whose consumer installation is connected to the distribution network;

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

2) a heat company that produces heat for heating residential premises with a district heating facility that cannot use a fuel other than gas, and in whose ownership or possession it is not possible to produce heat in the district heating network used for heat distribution with a district heating facility that uses a fuel other than gas.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(3) [Repealed - RT I, 28.06.2012, 2 - entered into force. 08.07.2012]

(4) [Repealed - RT I, 28.06.2012, 2 - entered into force. 08.07.2012]

(5) The consecutive duration of the gas supply interruption caused by faults may not be longer than 72 hours and the annual total duration of the interruption may not be longer than 130 hours. The network operator keeps track of the duration of interruptions.

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§ 26 . Ensuring security of supply in an emergency

[RT I, 09.08.2022, 1 - entered into force. 19.08.2022]

(1) If the system manager has reliable information that an event may occur, as a result of which an emergency situation may arise, he shall immediately inform the Ministry of Climate and the Competition Authority of this and of his planned measures.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) Together with the Competition Authority, the Ministry of Climate analyzes the information received and the implemented market measures. If, as a result of the analysis, it appears that it is necessary to introduce mandatory gas demand reduction measures to ensure security of supply, the Government of the Republic, on the proposal of the Ministry of Climate, adopts a decision to apply the

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measures specified in subsection 3 of this section, based on the plan specified in subsection 3 of § 26 of this Act. The maximum extent of mandatory gas demand reduction measures is determined by the minister responsible for the field at the proposal of the system manager, according to the current situation of the gas system. Instructions and orders to limit consumption, which are necessary for the implementation of the measures, given directly by the system manager or through the seller or the distribution network operator, are mandatory for the market participant.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

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(2) If the European Commission has made a decision to implement measures to ensure the security of supply of the entire European Union or a certain region thereof, the Ministry of Climate informs the Crisis Committee of the Government of the Republic about the decision of the European Commission and the planned measures and, if necessary, proposes to the Government of the Republic to allow the use of measures to reduce gas demand.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

2

(2) The decision of the Government of the Republic must include:

- 1) the reason for introducing the measures;
- 2) expected duration of use of measures in days;
- 3) list of measures to be introduced.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(3) In the case specified in subsection 2 of this section, the following measures may be implemented, among others:

- 1) restrict gas supply and consumption by persons who use gas for purposes other than heat production;
- 2) limit gas supply to heat-producing companies;
- 3) reduce the temperature of water supplied for heating residential buildings;
- 4) oblige heat producing companies to use reserve fuel as fuel;

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5) to allow the temporary price set by the seller to be applied when selling gas to the consumers specified in § 6 1) points 4–6 of this Act, with which the consumer has the right to cancel the sales contract by giving three working days' notice in case of disagreement.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(4) The Competition Authority shall immediately notify the European Commission of the situation arising in subsection 1 of this section and the measures to resolve it.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(4) If security of supply has been restored, the system manager will notify the Ministry of Climate and the Competition Authority. The Ministry of Climate informs the Crisis Committee of the Government of the Republic and the Government of the Republic about the situation.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(5) [Repealed - RT I 2009, 39, 262 - entry into force. 24.07.2009]

(6) [Repealed - RT I, 28.06.2012, 2 - entered into force. 08.07.2012]

(7) Ensuring security of supply is supervised by the Competition Authority, which prepares and publishes a report on the state of security of supply every year.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(8) If the extent of the emergency situation does not allow the gas demand of all consumers to be satisfied, and the Government of the Republic has granted permission to restrict the supply of gas on the basis of subsection 3 of this section, the seller shall reduce the

supply of gas to the consumers specified in clauses 4-6 of § 6 1) of this Act, which are part of his portfolio, based on § 6 1 of the

principles stated in subsection 1 and of the measures specified in § 26 subsection 2.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(9) In an emergency situation, the seller has the right to acquire gas from the strategic gas reserve formed as part of the state's

operating reserve on the basis of § 18 1 (3) of the Emergency Act (hereinafter

strategic gas reserve), based on the procedure provided

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for in the regulation established on the basis of § 18 4) of the Emergency Act. The seller sells the acquired gas to the consumer at the purchase price and distinguishes between the amount allocated to the consumer from the acquired gas from the strategic gas

reserve and its price on the invoices specified in § 9 subsection 4 of this Act. The seller distributes the gas reserve among all its consumers proportionally according to the shortfall in its portfolio. The seller informs the consumers in advance about the use of the strategic gas reserve.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

1

(9) The reserve manager sells the reserve to be put into use from the strategic gas reserve at the price of the balance gas of the balance period or at the weighted average purchase price, depending on which one is higher.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

2

(9) The seller is prohibited from reselling gas purchased from the strategic gas reserve to the consumer at a price higher than its purchase price.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(10) In an emergency situation, a consumer who is the subject of a mandatory gas demand reduction measure is obliged to limit his gas consumption based on the measures specified in subsection 2 of this section. If the consumer does not do this, the seller informs the distribution network operator, who disconnects the consumer's network connection.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(11) The conditions for balancing gas pricing in an emergency are established by the system manager, who publishes them on his website. When establishing the conditions, the system manager is based on Commission Regulation (EU) No. 312/2014, which establishes the network rule for balancing gas supply in transmission systems (OJ L 91, 27.03.2014, pp. 15–35).

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

(12) The conditions for notifying the seller, the distribution network operator and the consumer about an emergency situation and the limitation of gas consumption in an emergency situation are established by the system manager, who publishes them on his website.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

3

§ 26 . Security of supply plans

(1) The Competition Authority submits a preventive action plan to reduce risks affecting the security of gas supply and a plan for coping with a supply disruption to the Ministry of Climate according to Regulation (EU) 2017/1938 of the European Parliament and of the Council.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The minister responsible for the field approves the plan specified in subsection 1 of this section by directive and forwards it to the Crisis Committee of the Government of the Republic for information.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(3) The Competition Authority publishes the plans specified in subsection 1 of this section on its website to the extent that ensures the confidentiality of sensitive business secrets.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

4

§ 26 . Protected consumers' gas supply

[RT I, 02.05.2024, 2 - entered into force. 12.05.2024]

(1) The amount of protected consumers' gas reserve (hereinafter *referred to as reserve*) must be kept continuously in the calculation of calendar months as the amount that ensures the gas supply of the protected consumer in accordance with Regulation (EU) 2017/1938 of the European Parliament and of the Council.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(2) The stock is formed and managed by the system administrator, and its storage is organized in a way that ensures the stock's availability in the event of a supply disruption.

(3) The system administrator may keep the reserve in a member state of the European Union.

(4) The system manager may keep the stock himself or have it kept by another legal entity in accordance with the contract concluded with him.

(5) The Competition Authority has the right to check the existence of the stock, its storage, reacquisition and compliance with the gas

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quality requirements established on the basis of § 17 of this Act .

(6) Reasonable costs associated with inventory management shall be borne by the user of the network service through the price of the network service.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

5

§ 26 . Stock usage

(1) The reserve is used to ensure security of supply for the protected consumer in the event of a supply disruption after the strategic gas reserve has been exhausted. When the reserve is put into use, the requirements set forth in this Act for gas sales and gas sellers do not apply to the system manager.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

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(2) After the introduction of the gas demand reduction measure specified in subsection 2, subsection 3 of § 26 of this Act, the system operator shall analyze the security of supply of the protected consumer. If, as a result of the analysis, it turns out that the security of

supply of the protected consumer is not guaranteed, the system manager takes the reserve into use. The system manager informs the Competition Board of the decision to use the stock as soon as possible and publishes the decision on its website on the day of its adoption.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(3) The decision to use the stock must include:

- 1) the reason for using the stock;
- 2) the expected duration of the supply disruption in calendar days during which the stock to be put into service is used;
- 3) a description of the actions necessary to restore the stock;
- 4) the amount of stock to be put into use.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(4) The system manager sells the stocked gas to the seller at the weighted average purchase price of the stock, to which the costs of storage, management and transit of the stock are added. The seller sells the gas acquired from the stock to the consumer at the price at which he acquired it from the system operator.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

6

§ 26 . Sale of stock outside of a supply disruption

(1) The system administrator has the right to sell the stock to reduce the stock, if the existing quantity of the stock exceeds the value of the mandatory stock quantity by at least five percent. In order to reduce inventory, inventory can be sold at market price.

(2) When reducing stock, it must be ensured that the obligation to keep stock is fulfilled at all times.

(3) Stock reduction means a situation where, when deciding to sell a quantity exceeding the mandatory stock, there is no plan to reacquire the stock. It is not a matter of reducing the reserve if, when deciding to sell a quantity exceeding the mandatory reserve amount, it is decided to reacquire the reserve, and the gas price risk is hedged during the sale and repurchase of the reserve.

(4) In the event of a supply disruption, the sale of stock is not permitted for the purposes set forth in subsection 1 of this section.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

7

§ 26 . Costs of managing the strategic gas reserve

(1) The costs of managing the strategic gas reserve are covered by the strategic gas reserve payment paid by the payer of the reserve tax (hereinafter *reserve payment*).

[RT I, 09.08.2022, 1 - enters into force. 01.05.2023]

(2) The costs of managing the strategic gas reserve are:

- 1) the cost related to the storage of the strategic gas reserve;
- 2) the cost of securing the strategic gas reserve;
- 3) the cost of checking the quantity of the strategic gas reserve and the compliance of the reserve with the requirements;
- 4) operational costs of the manager of the strategic gas reserve;
- 5) the financial cost of the manager of the strategic gas reserve;
- 6) other costs arising from this Act related to the fulfillment of the obligation to maintain a strategic gas reserve, with the exception of the acquisition of a strategic gas reserve.

[RT I, 09.08.2022, 1 - enters into force. 01.05.2023]

1

(3) The manager of the strategic gas reserve is the person specified in § 18 subsection 1 of the Emergency Act.

[RT I, 09.08.2022, 1 - enters into force. 01.05.2023]

(4) The payer of the reserve payment is the consumer.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(5) The reserve payment is collected from consumers by the network operator. The network operator pays the collected reserve payment to the reserve manager. The network operator is obliged to consider the reserve payment collected in excess of the prescribed amount as the consumer's advance payment for the payment of the reserve payment arising in the future. If the consumer fails to pay the reserve payment, the network operator is obliged to collect the unpaid reserve payment from the consumer.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(6) The obligation to pay the reserve fee arises for the consumer when he consumes gas.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(7) The reserve payment calculation period is a calendar month. The network operator shall provide the reserve manager with information on the amount of gas delivered to consumers in the previous calendar month by the 15th at the latest. The reserve manager submits a reserve payment to the network operator in the amount of the invoice, which corresponds to the amount of gas delivered to consumers by the network operator in the previous calendar month and the current reserve payment rate. The network operator shall pay the invoice submitted by the reserve manager by the 20th at the latest.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(8) If the network operator does not pay the bill in accordance with subsection 7 of this section, the reserve manager shall submit a notice of reserve payment to the network operator. The deadline for payment of the reserve payment based on the notice is ten days from the date of receipt of the reserve payment notice. The notification of the reserve payment to be paid is an administrative act for the fulfillment of a financial obligation under public law within the meaning of § 2 (1) point 21 of the Code of Enforcement Procedures.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(9) If the network operator has not paid the reserve payment by the due date specified in subsection 7 of this section, he is obliged to pay a late fee of 0.06 percent per day on the unpaid amount by the due date, but in total not more than the amount of the reserve

payment due.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(10) Regarding the delay, the reserve manager submits a claim to the network operator, which indicates the number of days delayed, the rate of the delay, the amount of the delay to be paid and the payment deadline. A demand for arrears is an administrative act for the fulfillment of a financial obligation under public law within the meaning of § 2 subsection 1 point 21 of the Code of Enforcement Procedures.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

8

§ 26 . Reserve payment rate

(1) The minimum rate of reserve payment is 0.1 euros and the maximum rate is 2.5 euros per megawatt-hour of gas sold to the consumer.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(2) The reserve payment rate expressed in euros per megawatt-hour of gas sold is established one month before it comes into effect.

(3) The basis for establishing the reserve payment rate is the expected cost required for managing the amount of strategic gas reserve in the next calendar year and the expected amount of gas sold in the next calendar year.

(4) The reserve payment rate can be changed according to the actual costs of managing the reserve and the gas sales volume. The change must be made if it is not possible to cover the management costs from the received and expected reserve payment based on the current reserve payment rate. The revised reserve payment rate will come into effect the following month from the month of its introduction.

(5) If the total amount of reserve payment paid in the period from May 1 to April 30 exceeds or is less than the cost of managing the strategic gas reserve of the corresponding period, it will be taken into account when establishing the next reserve payment rate.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

(6) The reserve payment rate shall be established by regulation of the minister responsible for the field at the proposal of the reserve administrator .

[RT I, 09.08.2022, 1 - enters into force. 01.05.2023]

9

§ 26 . Reporting

(1) The Tax and Customs Board shall submit to the reserve manager, by the last day of each month at the latest, data on the amount of gas indicated on the excise declaration submitted by the network operator for the previous month.

(2) The network system manager submits data on the market share of gas sellers to the reserve manager by the last day of each month.

[RT I, 02.05.2024, 2 - enters into force. 12.05.2024]

Chapter 4

NOTIFICATION AND AUTHORIZATION OBLIGATION OF THE ENTREPRENEUR

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

10

§ 26 . Notification obligation

[RT I, 02.05.2024, 2 - entered into force. 12.05.2024 - changed section number 26.9 to number 26.10]

In order to operate as a gas seller, an entrepreneur must submit an economic activity notification to the Competition Authority.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

§ 27. Licensing obligation

[RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

(1) The entrepreneur must have an activity license to operate in the following areas of activity:

1) [invalidated - RT I, 30.06.2017, 2 - entered into force. 10.07.2017] 2) provision of gas transmission service; 3) provision of gas distribution service; 4) import of gas; 5) liquefied gas terminal management; [RT I, 29.06.2014, 1 - enters into force. 01.07.2014] 6) provision of gas storage service. [RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

(2) A person who sells gas only to his members, lessees or tenants is not required to obtain a permit, if such sale is not his main activity and takes place within the limits of one property or movable building and the land necessary for its service.

[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

§ 28. Application for an activity permit

[RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

(1) The application for an activity license is resolved by the Competition Authority.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

(2) The following data and documents shall be submitted in the application for an activity license in addition to the data provided in the General Part of the Code of Economic Activities:

- 1) the requested area of activity, except for the areas of activity of gas sales and import;
- 2) [invalidated - RT I, 09.08.2022, 1 - entered into force. 19.08.2022] 3) location plan and description of the networks located in the area of operation, except in the areas of operation specified in clauses 1 and 4 of § 27 (1) of this Act. [RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

§ 29. Inspection object of activity permit

[RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

An entrepreneur is granted an activity license if:

- 1) he has the technical capabilities and personnel with the necessary skills to properly operate in the field of activity indicated in the application;
- 2) he has the economic and organizational prerequisites and conditions for the activity for which he is applying for an activity permit;
- 3) the share or share capital of an enterprise that is a distribution network operator is at least 31,950 euros;
- 4) the share capital of the company providing the gas transmission service is at least 128,000 euros;
- 5) the share capital of the company providing the liquefied gas terminal operating service is at least 128,000 euros;
- 6) the share or share capital of an enterprise providing gas storage services is at least 128,000 euros.

[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

1

§ 29 . Management of an enterprise providing gas transmission services

(1) A person who has a dominant influence over an undertaking providing gas transmission service may not have a dominant influence over an undertaking producing or selling gas or electricity or exercise other rights in relation to it. A person who has a dominant influence over an undertaking producing or selling gas may not have a dominant influence over an undertaking providing gas transmission services or a system manager, or a main grid operator of an electricity system, or exercise other rights in relation to them.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

1

(1) An undertaking engaged in production or sales may not have a dominant influence within the meaning of the Competition Act over an undertaking providing gas transmission services in that European Union member state that applies the requirement of ownership differentiation to an undertaking providing gas transmission services from an undertaking engaged in production and sales.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

2

(1) The other rights specified in subsection 1 of this section primarily mean the right to vote, the right to appoint members of the company's supervisory board or management board or the body legally representing the company, and the ownership of the majority of shares or parts or the use or disposal of a significant part of other assets.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) [Repealed - RT I, 09.04.2014, 6 - entered into force. 10.04.2014]

(3) A person who appoints the members of the council, management board or legally representative body of an undertaking providing a transmission service may not have a dominant influence over an undertaking producing or selling gas or electricity or exercise other rights in relation to it.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(4) A member of the council or management board of an undertaking providing gas transmission service may not be a member of the council or management board of an undertaking producing or selling gas or a body legally representing the undertaking.

(5) If the person specified in subsections 1 and 3 of this section is the state, the company providing the gas transmission service may not be controlled by the same government agency that controls the company producing or selling gas.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

2

§ 29 . Preliminary inspection for the acquisition of the gas transmission network

(1) An entrepreneur who wishes to acquire a gas transmission network shall, before acquiring the gas transmission network, request an assessment of its compliance with the internal security of the state. The application is submitted to the Ministry of the Interior.

(2) The Ministry of the Interior assesses possible threats to the country's internal security in the acquisition of the gas transmission network, based on the foundations of Estonian security policy.

(3) The Ministry of the Interior may request documents and information necessary for the evaluation from other state institutions, persons and the applicant company. The Ministry of the Interior performs a preliminary inspection and makes a reasoned decision within 90 days from the submission of the entrepreneur's application or receipt of additional documents or information.

(4) In the decision, a positive or negative opinion is presented on the applicant's compliance with the internal security of the country in case of acquisition of the gas transmission network. The decision is binding on the owner of the gas transmission network, the decision-maker or approver of the sale of the gas transmission network, and the company wishing to purchase the gas transmission network.

(5) A negative position is presented in the decision if:

- 1) the acquisition of the gas transmission network by the undertaking applying for preliminary inspection may harm the internal security of the country;
- 2) the applicant has not submitted the data or documents required under paragraph 3 of this section by the deadline required by the Ministry of the Interior;
- 3) the data or documents provided by the applicant are incorrect, misleading or forged.

(6) A transaction for the acquisition of a transmission network concluded with a person who has not been recognized as appropriate within the framework of the preliminary inspection provided for in this section is null and void.

(7) The decision shall be submitted to the applicant and the owner of the transmission network within three working days of its making.
[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

3

§ 29 . Assessment of the suitability of an undertaking providing gas transmission services

(1) The Competition Authority initiates an assessment of the suitability of an undertaking providing a gas transmission service against a person who applies for an activity license to provide a gas transmission service.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(2) The Competition Authority assesses the compliance of the person specified in subsection 1 of this section with the requirements¹ set out in § 29 of this Act , in compliance with this section and Article 3 of Regulation (EC) No. 715/2009 of the European Parliament and of the Council.

[RT I, 28.06.2012, 2 - by force. 08.07.2012]

(3) A person who applies for an activity license for the provision of gas transmission services shall inform the Competition Authority of¹ each planned transaction in which it may be necessary to reassess the company's compliance with the requirements set forth in § 29 of this Act .

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(4) In the course of assessing the suitability of an undertaking providing gas transmission services, the Competition Authority may request information from the undertaking which is necessary for the performance of the tasks set out in this section.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(5) The Competition Authority prepares a draft of the decision on conformity assessment within four months from the receipt of the license application or information and forwards the draft of the decision together with the relevant information to the European Commission for an opinion without delay.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(6) The Competition Authority makes a decision on the compliance assessment within two months after receiving the opinion of the European Commission or after four months have passed since the request for the opinion. When making a decision, the Competition Authority takes into account the opinion of the European Commission as much as possible.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(7) The Competition Authority publishes the decision in the Official Journal of the European Union. If the Competition Board's decision differs from the European Commission's opinion, the Competition Board will publish its decision in the Official Journal of the European Union together with the reasons and the European Commission's opinion.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(8) If the Competition Authority has not made a decision on compliance assessment by the deadline specified in subsection 6 of this¹ section, it is considered that the undertaking meets the requirements set forth in § 29 of this Act .

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

4

§ 29 . Assessment of the suitability of an undertaking providing a gas transmission service related to a person from a third country

(1) If the owner or system manager of a transmission network controlled by a person or persons from a third country applies for an operating license to provide gas transmission services, the Competition Authority shall immediately notify the European Commission. The Competition Authority also immediately informs the European Commission of a circumstance that allows a person from a third country to acquire control over a transmission network or an undertaking providing gas transmission services.

(2) The person specified in subsection 1 of this section must prove that his or the person controlling him does not endanger the security of supply of Estonia or the European Union.

(3) When assessing the security of supply specified in subsection 2 of this section, the Competition Authority takes into account:

1) the rights and obligations that the European Union has towards the relevant third country and which result from international law, including security of supply agreements concluded with one or more third countries to which the European Union is a party;

2) the rights and obligations that the state has in relation to the relevant third country and which result from the agreements concluded with this third country to the extent that they are in accordance with the law of the European Union;

3) other circumstances related to the conformity assessment or the relevant third country.

¹

(3) Before the assessment referred to in subsection 3 of this section, the Competition Authority submits a request to the European¹ Commission to obtain an opinion on whether the undertaking meets the requirements set out in § 29 of this Act and whether it endangers the security of gas supply of the European Union.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(4) The Competition Authority has the right to make a negative decision regarding the legality of an undertaking providing gas transmission services, if this may endanger the security of supply of Estonia or another member state of the European Union.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

§ 29 . Separation of management of the distribution system operator

(1) If more than 100,000 consumers are connected to the distribution network operator's network, a member of its management board may not simultaneously be a member of the board of a gas company related to the same distribution network company through a dominant influence or otherwise be responsible for the day-to-day economic activities of a gas company related to the same distribution network company through a dominant influence.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

(2) [Repealed - RT I, 30.06.2017, 2 - entered into force. 10.07.2017]

(3) The fee paid to a member of the management board of a distribution network operator or any other benefit provided to him may not depend on the success of the economic activity of another gas undertaking or the success of the economic activity of the person who has a dominant influence over this gas undertaking.

(4) The distribution system operator must have the necessary resources for maintaining and developing the network, including technical, physical, financial and human resources. This does not prevent the parent company from exercising economic and management supervision over the subsidiary, which primarily includes the right to give consent to the annual financing plan of the distribution network operator and the upper limit of the subsidiary's debts. The parent company may not interfere in the day-to-day economic activities of the subsidiary or in decisions related to the construction or renewal of the network, which does not exceed the approved financing plan.

(5) The distribution network operator develops and implements a plan, which stipulates measures for equal treatment of other gas operators and consumers, and the obligations imposed on the employees of the distribution network operator to achieve this goal. The distribution network operator submits the plan to the Competition Authority and publishes it on its website.

(6) The plan specified in subsection 5 of this section is drawn up, its implementation is checked, and the annual report on the measures implemented for its implementation is drawn up by an employee appointed by a member of the management board of the distribution network operator and under his direct authority, who is independent in drawing up the plan and who has access to all the information necessary for the performance of his task of the distribution network operator and the same group as him belonging to another gas company's data.

(7) A distribution network operator operating as part of a vertically integrated undertaking may not be the same person who provides a service that is not related to the distribution service.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 29 . Separation of storage network manager control

(1) The person responsible for managing the storage network may not be a member of the board of another gas company at the same time or otherwise be responsible for the day-to-day economic activities of another gas company.

(2) The fee paid to a member of the management board of the storage network operator or any other benefit provided to him may not depend on the success of the economic activities of another gas company or the success of the economic activities of the person who has a dominant influence over this gas company.

(3) The storage network manager must have the necessary resources for maintaining and developing the network, including technical, physical, financial and human resources. This does not prevent the parent company from exercising economic and managerial supervision over the subsidiary, which primarily includes the right to give consent to the annual financing plan of the storage network manager and the upper limit of the subsidiary's debts. The parent company may not interfere in the day-to-day economic activities of the subsidiary or in decisions related to the construction or renewal of the network, which does not exceed the approved financing plan.

(4) The manager of the storage network develops and implements a plan, which stipulates measures for equal treatment of other gas companies and consumers, and the obligations imposed on employees of the storage network to achieve this goal. The manager of the storage network submits an annual report on the implementation of the plan to the Competition Authority, which publishes it.

(5) The plan specified in subsection 4 of this section is drawn up, its implementation is checked, and the annual report on the measures implemented for its implementation is drawn up by an employee appointed by a member of the management board of the storage network manager and under his direct authority, who is independent in the preparation of the plan and who has access to all information necessary for the performance of his tasks with the storage network manager and him to the data of another gas company belonging to the same group.

(6) The manager of a storage network operating as part of a vertically integrated enterprise may not be the same person who provides a service that is not related to storage.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

§ 30. Deciding to grant an activity license

[Repealed - RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 30 . Issuance of an activity license for the provision of gas transmission services

(1) An activity permit for the provision of gas transmission service is granted to a person who owns a transmission network, owns or

manages measurement systems at the state border, meets the requirements set forth in §§ 29¹ and 29⁴ of this Act and fulfills the conditions specified in § 29.

(1¹) There is no conflict with paragraph 1 of this section if an undertaking providing transmission services forms a joint venture with an undertaking owning a transmission network and operating as a system operator in another Member State, or with an undertaking which is in another Member State in accordance with Directive 2009/73/EC of the European Parliament and of the Council concerning

common rules for the internal market of natural gas, and which repeals Directive 2003/55/EC (OJ L 211, 14.08.2009, pp. 94–136), an independent system operator recognized under Article 14 or an independent network operator within the meaning of Chapter IV of the same directive.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) Only one network operator shall be granted an operating license for the provision of gas transmission services.

(3) The decision to grant or refuse to grant an activity permit for the provision of gas transmission service shall be made within ten³

months from the date of receipt of the application specified in § 29 subsection 1 of this Act and the data proving compliance with the requirements of this Act. The decision must be justified.

(4) The Competition Authority notifies the European Commission of the decision to grant an activity license for the provision of gas transmission services and the appointment of the owner of the activity license as the system manager, and publishes the decision in the Official Journal of the European Union.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

§ 31. Refusal to grant an activity license

[Repealed - RT I, 25.03.2011, 1 - entry into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 32. Additional conditions of the activity permit

The following additional conditions are added to the activity permit:

1) the requirements applicable to the import of gas take into account the technical possibilities and security of supply of the gas system presented by the system operator in accordance with the provisions of § 28 (2) point 2 of this Act;

2) development obligation according to § 22 of this Act;

3) other ancillary conditions, if it is necessary to ensure security of supply or to fulfill the obligations arising from this Act and the legislation established on its basis or to achieve goals, or considering the specific nature of a specific activity.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 33. – § 36. [Repealed - RT I, 29.06.2014, 1 - entered into force. 01.07.2014]

1

4 . chapter

AGREEMENT BETWEEN THE REPUBLIC OF ESTONIA AND A THIRD COUNTRY CONCERNING THE OPERATION OF THE TRANSMISSION NETWORK OR PRODUCTION STAGE PIPELINE

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

1

§ 36 . Notification of the intention to enter into or change the contract regarding the operation of the transmission network or pipeline of the production stage and obtaining permission

(1) The Ministry of Climate informs the European Commission of its wish to enter into or amend an agreement between the Republic of Estonia and a third country regarding the operation of the transmission network or pipelines of the production stage, if the area of activity regulated by it falls under Directive (EU) 2019/692 of the European Parliament and of the Council amending Directive 2009/73/EC , which deals with the common rules of the natural gas internal market (OJ L 117, 03.05.2019, pp. 1–7), to the scope of regulation.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The notification procedure specified in subsection 1 of this section shall be established by the minister responsible for the field in the network regulations for the operation of the gas market.

(3) The Ministry of Climate shall start negotiations for the conclusion or amendment of the agreement specified in subsection 1 of this section after receiving the relevant permission from the European Commission.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(4) The contract specified in subsection 1 of this section can be concluded after receiving the appropriate permission from the European Commission.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

2

4 . chapter

CONCLUSION AND PERFORMANCE OF THE SOLIDARITY AGREEMENT

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

2

§ 36 . Signing a solidarity agreement

The minister responsible for the field concludes an agreement (hereinafter referred to as *the solidarity agreement*) with a neighboring country from a member state of the European Union connected to the Estonian gas system and countries belonging to the common gas market with Estonia in order to fulfill the solidarity measure specified in Article 13 of Regulation (EU) 2017/1938 of the European Parliament and of the Council.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

3

§ 36 . Execution of the solidarity agreement

(1) The Government of the Republic submits a request for assistance to the party to the solidarity agreement in the event of disruption of the security of gas supply.

(2) The minister responsible for the sector organizes the execution of the solidarity agreement in accordance with the procedure laid down in Regulation (EU) 2017/1938 of the European Parliament and of the Council and determines the procedure for the execution of the agreement in the network regulations for the operation of the gas market, based on the principles laid down in the aforementioned regulation.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

Chapter 5

STATE SUPERVISION

§ 37. State supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(1) State supervision over the fulfillment of the requirements set forth in this Act and the legislation established on its basis is performed by the Competition Authority. The Competition Authority is independent in the performance of tasks arising from this Act and exercises its powers impartially.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(2) The Competition Authority ensures that the business secret of the entrepreneur is kept and uses the information at its disposal only for the performance of tasks arising from this Act.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(3) The Competition Authority performs the following tasks on the basis of this Act:

[RT I, 13.03.2014, 4 - entry into force. 01.07.2014]

1) [invalidated - RT I, 09.10.2020, 2 - entry into force. 19.10.2020] ¹) [invalid - RT I, 09.10.2020, 2 - entry into force. 19.10.2020] 2) checks the conditions of the balance sheet agreement specified in § 11 subsection 2 of this Act and the prices for the provision of the balance sheet responsibility service; 3) approves the methodology for calculating the connection fee specified in § 20 subsection 3 ¹ of this Act; 4) approves the prices of the network service specified in § 23 subsection 4 of this Act; 5) issues and revokes operating licenses, establishes and changes the conditions of operating licenses and controls their fulfillment; 6) processes applications for the temporary exemption specified in subsection 1 of § 18 ² of this Act, makes a corresponding decision and forwards it to the European Commission; 7) prepares, publishes and submits to the European Commission by July 31 every year a report on the security of supply situation; 8) checks the conformity of the use and management of the capacity of the interstate connection with the requirements of competition and effective operation of the market; 9) checks whether the market participants comply with the requirements prescribed by this Act and the legislation established on the basis thereof and fulfill the relevant obligations (speciality of accounting, independence of the network operator, publication of information, etc.); 9 ¹) monitors the time taken by the network operator to connect to the network and to repair the network; [RT I 2007, 17, 80 - entry into force. 09.03.2007] 9 ²) monitors the level of competition in the gas market and the compliance of the market with the principles of transparency; [RT I 2007, 17, 80 - entry into force. 09.03.2007] 9 ³) analyzes the balance of gas supply and demand and expected future demand, existing supply possibilities, planned and under-construction connections, network maintenance level and measures to satisfy forecasted peak demand and measures implemented to ensure security of supply; [RT I 2007, 17, 80 - entry into force. 09.03.2007] 10) submits an annual report on its activities, performance of tasks and achieved results to the relevant authorities of the member states, the Cooperation Agency of Energy Sector Regulatory Authorities and the European Commission, and publishes the report on its website; [RT I, 09.04.2014, 6 - enters into force. 10.04.2014] 11)

publishes the prices and fees agreed on the basis of this law on its website;

12) resolves disputes between market participants in accordance with the procedure provided for in this Act;

13) [invalidated - RT I, 28.06.2012, 2 - entered into force. 08.07.2012] 14) supervises compliance with the requirements of the system operator and liquefied gas terminal operator in Regulation (EC) No. 715/2009 of the European Parliament and the Council and the guidelines adopted in accordance with Article 23 of the same regulation; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 15) fulfills other obligations imposed on him by this Act and Regulation (EC) No. 715/2009 of the European Parliament and of the Council; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 16) assesses the compliance of the person applying for a gas transmission network

license with the requirements set forth in § 29 ¹ of this Act, following the provisions of § 29 ³ and 29 ⁴ of this Act; [RT I, 28.06.2012, 2

- enters into force. 08.07.2012] 17) consults with the organizations representing gas companies and the Consumer Protection and Technical Supervision Board when developing methodologies; [RT I, 12.12.2018, 3 - enters into force. 01.01.2019] 18) verifies that there is no cross-subsidization in the case of transmission, distribution and supply activities and handling of liquefied natural gas; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 19) evaluates and monitors the investments made for the implementation of the network development plan and, if necessary, makes recommendations for changing the investment plan; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 20) coordinates the standard conditions of the contract for the use of the terminal and the methodology for calculating tariffs; [RT I, 09.08.2022, 1 - enters into force. 19.08.2022] 21) publishes information on the consumer's rights, applicable legislation and dispute resolution options on its website; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 22) fulfills the obligations assigned to the competent authority specified in Regulation (EU) 2017/1938 of the European Parliament and of the Council; [RT I, 09.08.2022, 1 - enters into force. 19.08.2022] 23) forwards the data specified in Article 3 of Council Regulation (EU, Euratom) No. 617/2010 to the European Commission; [RT I, 28.06.2012, 2 - enters into force. 08.07.2012] 24) fulfills and implements all relevant legally binding decisions of the Energy Sector Regulatory Authorities Cooperation Board and the European Commission; [

RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

25) publishes at least once a year recommendations on the pricing of gas sold;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

26) monitors compliance with the requirements of integrity and transparency of the gas wholesale market by market participants;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

27) submits, if necessary, a proposal to change the methodology of dealing with overloading and capacity allocation of the system manager;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

28) ensures access to consumers' consumption data;

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

29) resolves disputes between the contracting parties arising from the execution of the solidarity agreement.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

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(3) The Competition Authority may establish a temporary gas transfer or distribution price and the storage and terminal use price for a maximum of two months in situations where the transfer or distribution price or the storage and terminal use price is not justified or the price has not been determined and the gas company does not comply with the Competition Board's instructions. The excess income earned by the gas company during the unjustified use of the transfer or allocation price is deducted from the sales income when coordinating the prices of network services.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

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(3) At the justified request of a market participant, the Competition Authority publishes the data specified in subsection 4 of § 8 of this Act to the extent that it does not contain business secrets.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(4) The Competition Authority cooperates with the Cooperation Board of the Energy Sector Regulatory Authorities established on the basis of Regulation (EC) No. 713/2009 of the European Parliament and of the Council, the European Commission and the regulatory authorities of other member states in order to:

1) [invalid - RT I, 09.04.2014, 6 - in force . 10.04.2014] 2) [invalidated - RT I, 09.04.2014, 6 - entered into force. 10.04.2014] 3) abolish gas trade restrictions between member states, including developing cross-border connections necessary to satisfy demand and strengthen the integration of domestic markets; 4) develop safe, reliable, efficient and non-discriminatory consumer-oriented systems in a cost-effective manner and promote them in accordance with the general goals of the energy policy; 5) encourage new supply sources to access the network; 6) ensure the provision of appropriate incentives to market participants for system efficiency and market integration; 7) to ensure that consumers benefit from the efficient operation of the market, to promote competition and consumer protection. [RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(5) In order to regulate cross-border issues, the Competition Authority cooperates and exchanges the information necessary for the performance of the tasks set out in this Act and other legislation with the supervisory authorities of the European Union member states and the cooperation board of the energy sector regulatory authorities in order to:

- 1) enable optimal management of the network;
- 2) promote the creation of a European gas exchange;
- 3) optimize the distribution of cross-border capacities;
- 4) achieve a sufficient level of network interconnection capacity to enable the development of competition and the improvement of security of supply, avoiding discrimination between different market participants;
- 5) coordinate the development of network regulations;
- 6) coordinate the development of congestion management rules.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

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(5) When granting the exception specified in subsection 1 of § 18 of this Act, the Competition Authority shall cooperate with the relevant authority of another country in order to apply the requirements set forth in this Act to the gas connection located in Estonia.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

(6) In order to fulfill its tasks, the Competition Authority cooperates with the system administrator, market participants and, if necessary, the relevant authorities of other European Union member states.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

(7) If, in case of cross-border disputes, the gas connection remains under the jurisdiction of one or more European Union member states in addition to Estonia, the Competition Authority consults with the relevant authorities of all member states involved in the dispute when resolving the dispute, in order to ensure that in Directives (EU) 2019/692 and 2009/73/EC of the European Parliament and of the Council application of the stated principles.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

(8) If the pipeline of the production stage starts in a third country and is connected to the gas network of at least one other member state of the European Union in addition to Estonia, the Competition Authority consults with the relevant authorities of the other member states of the location of the pipeline in order to find a solution to the dispute concerning the pipeline of the production stage.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

(9) If, in the case specified in subsection 8 of this section, the first connection point of the pipeline of the production stage after the place of gas production is located in Estonia, the Competition Authority, when resolving the dispute, consults with the relevant authority of the third country where the pipeline of the production stage begins, in order to ensure that the pipeline is in accordance with the directives of the European Parliament and of the Council (EU) 2019 /692 and 2009/73/EC application of the principles.

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]

1

§ 37 . Tasks of the Competition Authority in assessing the compliance of the system administrator

The Competition Authority monitors the system operator's compliance with the requirements set forth in § 29¹ of this Act and initiates³ an assessment of the compliance of the undertaking providing the gas transmission service, in accordance with the provisions of § 29⁴ and 29⁴, if:

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- 1) it has received the notification specified in § 16 subsection 3¹ of this Act ;
- 2) it has become known to him that the proposed change of the rights or influence of the person directly or indirectly controlling the

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system administrator may lead to a violation of the requirements set forth in § 29¹ of this Act , or if he has reason to believe that such a violation has already occurred;

3) he has become aware of a circumstance that allows a person from a country outside the European Union to acquire control over the system administrator;

4) The European Commission has submitted a justified request.

[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

2

§ 37 . Integrity and transparency of the wholesale gas market

(1) Market participants involved in the trading of wholesale products shall comply with the requirements stipulated in Regulation (EU) No. 1227/2011 of the European Parliament and of the Council on the integrity and transparency of the wholesale energy market (OJ L 326, 08.12.2011, pp. 1–16).

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(2) In fulfilling the task specified in subsection 1 of this section, the Competition Authority cooperates with the regulatory authorities of the member states of the European Union and with the cooperation board of the energy sector regulatory authorities.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

(3) [Repealed - RT I, 30.06.2017, 2 - entered into force. 10.07.2017]

§ 38. Special measures of state supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

The Competition Authority may apply the special measures of state supervision provided for in §§ 30, 31, 32 and 50 of the Law on Law and Order on the basis and according to the procedure provided for in the Law on Law and Order in order to carry out the state supervision provided for in this Act.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

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§ 38 . Peculiarities of state supervision

(1) The Competition Authority has the right to establish a temporary gas transfer or distribution price for up to two months in a situation where the transfer or distribution price is not justified and the gas company does not comply with the order issued by the law enforcement body.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) The Competition Authority has the right to issue an injunction to a market participant regarding mandatory gas demand reduction measures introduced in an emergency, instructions and orders issued by the system operator to limit consumption on the basis of § 26 2 subsection 2 of this Act, or § 6 1

2

subsection 1 of the seller's portfolio on the basis of § 26 subsections 8 and 9 in order to fulfill the obligation to limit gas supply to consumers specified in points 4-6. [RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

2

§ 38 . Extortion rate

In the event of failure to comply with the precept, the Competition Authority may implement substitute enforcement or penalty payment in accordance with the procedure provided for in the Substitute Enforcement and Payment of Forced Payment Act. The maximum amount of extortion money is 1,300 euros for a natural person and 100,000 euros for a legal person.

[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

§ 39. Injunction of the Competition Authority

[Repealed - RT I, 30.06.2017, 2 - entered into force. 10.07.2017]

1

§ 39 . Resolution of complaints

(1) Another market participant may submit a written complaint to the Competition Authority against the actions or inactions of a market participant, which are contrary to this Act or legislation established on the basis thereof.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(2) The Competition Authority examines the complaint specified in subsection 1 of this section and makes a decision on it within 30 days from the receipt of the complaint.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(3) If the Competition Authority requests information necessary to resolve the complaint, the period specified in subsection 2 of this section shall be suspended until the information is received, but not for longer than 30 days.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

(4) In the case of cross-border disputes, the complaint will be resolved by the supervisor in whose jurisdiction the complaint has been filed against the enterprise located.

[RT I 2007, 17, 80 - entry into force. 03/09/2007]

§ 40. Acquisition and expropriation of property in the public interest

[RT I, 29.06.2018, 1 - entered into force. 01.07.2018]

(1) In addition to the grounds provided in the Act on acquisition of immovable property in the public interest, the Competition Authority may request the acquisition of the following assets or real rights in the public interest, including expropriation:

1) property used in the activity specified in the activity license, if the person acting on the basis of the activity license does not fulfill the obligation to continue;

2) property used in the activity specified in the activity permit, if the activity permit has expired or the activity permit has been declared invalid and the continuation of the activity based on this property in accordance with this law is not guaranteed, and this may endanger the security of supply of the gas system;

3) the network and the limited property right enabling its use, if the network owner does not fulfill the obligations stipulated in § 22 of this Act or if the network operator who is the owner or user of the network does not have an operating license in accordance with this Act.

(2) The Competition Authority may, on the grounds provided for in subsection 1 of this section, request the acquisition of property in the public interest, including expropriation, only if it has previously given the owner of the property a reasonable deadline to eliminate the circumstance and the owner of the property has not eliminated the circumstance within that deadline.

(3) The Competition Authority does not have the obligation to grant the deadline prescribed in subsection 2 of this section in the event that the fulfillment of this obligation may jeopardize security of supply.

(4) Acquisition of property in the public interest, including expropriation, shall be carried out in accordance with the procedure provided for in the Act on the Acquisition of Immovable Property in the Public Interest. When conducting the procedure, the deadlines stipulated in the said law do not have to be followed, and the owner of the property is not paid additional benefits in addition to the fee.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

Chapter 6 RESPONSIBILITY

§ 41. Failure to report data changes

[Repealed - RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 42. Failure to fulfill ancillary conditions of the activity permit

Failure by a legal entity to comply with the ancillary conditions of the activity permit - is punished with a fine of up to 3,200 euros.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 43. – § 44. [Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

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§ 44 . Failure to meet the conditions for third party access to the transmission network

(1) Failure to meet the conditions for third-party access to the transmission network provided for in Regulation (EC) No. 715/2009 of the European Parliament and of the Council -

shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine, which is up to ten percent of the turnover of the last audited financial year of the system manager or vertically integrated enterprise.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

2

§ 44 . Violation of the conditions of the wholesale energy market

(1) Failure to comply with the requirements set forth in Articles 3-5 of Regulation (EU) No. 1227/2011 of the European Parliament and of the Council -

shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 32,000 euros.

[RT I, 09.04.2014, 6 - enters into force. 10.04.2014]

3

§ 44 . Provision of transfer service at an uncoordinated price

(1) For the provision of a transmission service at an uncoordinated price of a network service - a fine of up to 300 fine units is imposed.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine, which is up to ten percent of the turnover of the last audited financial year of the system manager or vertically integrated enterprise.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

4

§ 44 . Denying access to consumption data

1

(1) Failure to fulfill the obligation specified in § 8 subsection 5 of this Act - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine, which is up to ten percent of the annual turnover of the last audited financial year of the system manager or vertically integrated enterprise.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

5

§ 44 . Violation of system administrator independence requirements

1

(1) Failure to comply with the requirements specified in § 29 of this Act - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine, which is up to ten percent of the turnover of the last audited financial year of the system manager or vertically integrated enterprise.

[RT I, 30.06.2017, 2 - enters into force. 10.07.2017]

6

§ 44 . Violation of the requirements set for the system administrator and the vertically integrated company

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Violation of the requirements set forth in § 16 subsection 3, § 17 subsections 2 and 3, § 18 subsection 2 and § 22 subsection 5 by the system operator or vertically integrated enterprise of this Act - shall be punished with a fine, which is up to ten percent of the system operator's or vertically integrated enterprise's last of the annual turnover of the audited financial year.

[RT I, 29.06.2018, 2 - enters into force. 09.07.2018]

7

§ 44 . Violation of the requirements for the sale of strategic gas reserves

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 100,000 euros.

[RT I. 02.05.2024. 2 - enters into force. 12.05.2024]

The out-of-court procedure for misdemeanors stipulated in this chapter is the Competition Authority.
[RT I, 12.07.2014, 1 - enters into force. 01.01.2015]

§ 46. Due date of the contract concluded with the state on the basis of the Energy Act

§ 47. Validity of market permit and activity permit

(1) The market permit granted on the basis of the Energy Act is valid until the due date specified in the market permit.

[RT I 2007, 66, 408 - entered into force. 01.01.2008]

specified in § 30 subsection 1 of this Act is issued or until January 1, 2015.

§ 48. Bringing the entrepreneur's activities into line with the requirements set forth in the law

(2) A network operator operating on the basis of subsection 1 (1) of § 8 of this Act bring its operations into compliance with the requirements set forth in this Act by January 1, 2006.

§ 48 . The deadline for submitting a description of emergency situations and an emergency plan

The incumbent gas company submits a request to the Competition Authority for approval of the limit of the sales margin by October 1, 2009. Until the approval of the limit of the sales margin specified in § 10 subsection 3 of this Act, the market-dominant gas company shall use the sales margin, which is the basis for the calculation of gas limit prices approved in advance by the Competition Authority, the amount of which the Competition Authority shall submit to the market-dominant gas company by August 1, 2009.

(1) The system administrator submits the investment plan specified in § 16 (1) point 2 of this Act to the Competition Authority by December 1, 2012 at the latest.

(3) The system administrator shall submit to the Competition Authority the data specified in § 16 (1) point 2 of this Act by January 1, 2013.

(1) By January 1, 2015 at the latest, the system operator shall bring its activities in line with the requirements submitted to the system operator that come into effect on January 1, 2015, according to which the system operator is a network operator that owns a

transmission network, owns or manages measurement systems at the state border and owns, in accordance with subsection 1 of § 30¹ of this Act the mentioned activity license for the provision of gas transmission service.

(2) By January 1, 2013, the system administrator shall submit to the Competition Authority information on the schedule of activities performed and planned for compliance with the requirements applicable to the system administrator since January 1, 2015. Completion of the schedule is controlled by the Competition Authority.

(3) The gas transmission network may be transferred as a complete asset to an undertaking recognized as appropriate within the² framework of the preliminary inspection provided for in § 29² of this Act .
[RT I, 28.06.2012, 2 - enters into force. 08.07.2012]

5

§ 48 . Creation of a data exchange platform and an electronic database of certificates of origin

[Repealed - RT I, 18.05.2022, 1 - entered into force. 28.05.2022]

6

§ 48 . Defining consumer groups on the data exchange platform

The network operator defines the consumer groups specified in § 6¹ subsection 1 of this Act on the data exchange platform within two months after the entry into force of the said provision.
[RT I, 09.08.2022, 1 - enters into force. 19.08.2022]

§ 49. Amendment of the State Fees Act

[Omitted from this text.]

§ 50. Entry into force of the law

This Act enters into force on July 1, 2003.

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Directive 2009/73/EC of the European Parliament and of the Council concerning common rules for the internal market of natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.08.2009, pp. 94–136), amended by Directive (EU) 2019/692 (OJ L 117, 03.05.2019, pp. 1–7);

Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy produced from renewable energy sources and on the amendment and subsequent repeal of Directives 2001/77/EC and 2003/30/EC (OJ L 140, 05.06.2009, pp. 16–62) ;

Directive 2012/27/EU of the European Parliament and of the Council dealing with energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11. 2012, pp. 1–56), amended by Directives 2013/12/EU (OJ L 141, 28.05.2013, pp. 28–29), (EU) 2018/844 (OJ L 156, 19.06.2018, pp. 75–91) , (EU) 2018/2002 (OJ L 328, 21.12.2018, pp. 210–230) and (EU) 2019/944 (OJ L 158, 14.06.2019, pp. 125–199) and with regulations (EU) 2018/1999 (OJ L 328, 21.12.2018, pp. 1–77) and (EU) 2019/826 (OJ L 137, 23.05.2019, pp. 3–9).

[RT I, 31.12.2020, 1 - enters into force. 10.01.2021]