

Answers to comments received during public consultations regarding the natural gas balancing of the
transmission system (12.06.2025-02.07.2025)

Nr.	Related paragraph from agreement	Question/ Comment	Response
1	1.2.1. to both gas transmission systems and the distribution system connected to the transmission system (hereinafter - transmission system) in the territory of the Republic of Estonia and the Republic of Latvia;	Proposed amendment in sub-paragraph on 1.2.1 requires greater clarity. Specifically, it must be clearly stated whether all provisions of the Regulation will apply to distribution systems connected to the transmission system. If the Regulation is intended to apply in full to distribution systems, we ask the TSOs to clarify on what legal basis they are authorised to establish balancing rules for distribution networks, including whether such authority is provided for in national legislations or EU law. If not all provisions are intended to apply, the exact scope of applicability should be specified.	It appears there may have been a misunderstanding regarding the purpose of the clause. The specific clause is merely a clarification of an existing setup that has been in operation for a long time. No new balancing zone will be created.
2	18.3. TSOs monitor the gas market with a view to ensuring that all activities on the gas market are conducted in accordance with this Regulation and applicable law.	Do not support the proposed additions in sub-paragraphs. The right granted to TSOs does not derive from Article 15 of REMIT, and it is unclear what the national legal basis for such a provision would be.	We acknowledge your comment and will withdraw the proposed amendment. As the Transmission System Operator (TSO) is the operator of the organised marketplace (OMP) and is responsible for the allocation of entry-exit capacities, the principles of market surveillance to ensure compliance with REMIT obligations and rights are addressed in the relevant Common Regulations for the Use of the Natural Gas Transmission System.
3	18.4. The network user is obliged to provide all such information that the TSO considers relevant either in the context of the performance of its monitoring role or in the context of any investigation of any suspected breach of REMIT as soon as possible following a written request from the TSO.	Do not support the proposed additions in sub-paragraphs. Sub-paragraph 18.4 of the Regulation imposes a broad obligation on network users to provide information upon TSO request. Substance of sub-paragraph 18.4 does not relate to confidentiality, but rather to data provision obligations imposed on network users. As such, placing these provisions under the Confidentiality section of the Regulations is structurally inappropriate and may lead to confusion regarding their legal scope and purpose.	Taken into account
4	18.4. The network user is obliged to provide all such	The clause is overly broad and lacks legal certainty. It grants	We acknowledge your comment and will withdraw the proposed amendment. As the

	<p>information that the TSO considers relevant either in the context of the performance of its monitoring role or in the context of any investigation of any suspected breach of REMIT as soon as possible following a written request from the TSO.</p>	<p>the TSO unilateral discretion to determine what information is "relevant," without clear limits, safeguards, or proportionality criteria. The absence of defined timelines and confidentiality protections creates legal and commercial risks for the network user. A revised clause should ensure that information requests are specific, necessary, time-bound, and respect the user's legitimate interests, including data protection and privilege.</p>	<p>Transmission System Operator (TSO) is the operator of the organised marketplace (OMP) and is responsible for the allocation of entry-exit capacities, the principles of market surveillance to ensure compliance with REMIT obligations and rights are addressed in the relevant Common Regulations for the Use of the Natural Gas Transmission System.</p>
5	<p>18.5. Information received in accordance with sub-paragraph 18.4 shall only be used for the purpose of monitoring under this Regulation and applicable law, including the investigation of suspected breaches. Any information received may be shared between the TSOs and with relevant regulatory authorities, whether or not required by law. 18.6. The TSO shall be entitled to provide information pertaining to the performance of the balancing agreement obligations to other system operators insofar as necessary for a proper compliance with the Regulation and the balancing agreement.</p>	<p>Do not support the proposed additions in sub-paragraphs. It is unclear which legal mandates would permit TSOs to conduct investigations or use such data beyond REMIT-based reporting. Substance of sub-paragraph 18.5 does not relate to confidentiality, but rather to data provision obligations imposed on network users. As such, placing these provisions under the Confidentiality section of the Regulations is structurally inappropriate and may lead to confusion regarding their legal scope and purpose.</p>	<p>Taken into account</p>