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Date
8 June 2012

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Subject
Draft Network Code on Balancing for public consultation

Dear Sir, Madam,

GasTerra welcomes the opportunity to comment on the Draft Network Code on Balancing. We have filled in the Consultation form, which you have kindly provided. We would like to take this opportunity to also share some general comments with ENTSOG.

Before all, GasTerra would like to congratulate ENTSOG on the well balanced Network Code and on the transparent process of stakeholder involvement.

GasTerra is glad to observe that attention has been paid to the physical differences in the various transmission systems in Europe, as well as to the different stages of market development across Europe. Providing a set of robust principles meets the needs of those different systems and markets much better than a rigid one-size-fits-all model, while achieving a sufficient level of harmonisation in the European Union. There is definitely merit in leaving the details to local discretion whenever appropriate.

Regarding the principles of balancing, it shall always be the market that has the most important role to play. Each market party shall be incentivized to have its own portfolio balanced to the best extent possible. The actions of the TSO shall be minimized "to keep the Transmission System within its operational limits" and always be "economic and efficient". GasTerra welcomes the introduction of these criteria and believes that these should apply to every choice the TSO makes, especially in applying the merit order of Balancing Actions.

The principle of minimizing the Balancing Actions of the TSO shall also apply to the use of linepack and the trading in adjacent markets. The linepack shall not be used for commercial purposes and TSOs shall only be allowed to trade on adjacent markets when this does not require booking of capacity in advance.

The behaviour of the TSOs should always be fair, non-discriminatory and transparent.

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The provision of sufficient, well-timed and reliable information is vital to a market based balancing system. We welcome the introduction of a Cost Benefit Analysis, on the basis of which the optimal information provision frequency should be determined for each system.

GasTerra remains available for any further discussions. If you have any questions, please do not hesitate to contact Bert-Jan van Leeuwen at bert.jan.van.leeuwen@gasterra.nl or Ivelina Boneva at ivelina.boneva@gasterra.nl.

Yours sincerely,



Herbert van Zijl de Jong,
Chief Legal Officer

Responses to Consultation on Draft Code on Balancing

Please complete the fields below and send via email using the subject, Response to Consultation on the Draft Code on Balancing, to info@entsog.eu by 17:00CET on June 12th.

Please note that respondents are not required to respond to all questions below.

In sending your response submission by email, you are confirming that ENTSG can disregard any standard e-mail text about not disclosing email contents and attachments.

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ENTSO-G seeks to publish response once the consultation has ended. Please indicate here whether your response is confidential (in whole or part)

- ☐ In whole, meaning nothing to be published
- ☐ In part, meaning a version with your marked confidential sections excised by ENTSOG could be published

CHAPTER II. BALANCING SYSTEM

Question 1 – Do you concur that the inclusion of the Trade Notification and Allocation rules in the Balancing Network Code will contribute to the delivery of a properly functioning market? If not, please propose an alternative and provide justification.

Response: Yes, GasTerra concurs with the inclusion of trade notification and allocation rules in the Balancing Network Code. However, GasTerra considers the alternate use of the terms “trade notification” and “nomination” without a proper definition confusing. It should be noted that the concepts of trade notification/nomination exists in a more general setting (apart from the balancing process) when two parties confirm their intentions to trade gas. Therefore proper definitions should be added to the Balancing Network Code. In addition, introducing a new message type is not necessary. Nominations as already used (EDIG@S) can also be used for Balancing Activities in accordance with this Balancing Network Code. This should be elaborated on in the planned network code on interoperability.

Question 2 – In the context of the proposed Trade Notification and Allocation scheme, does the Draft Code provide sufficient harmonisation within? If not, what would be the preferred basis for any additional harmonisation?

Response: Yes, it does.

CHAPTER III. CROSS-BORDER COOPERATION

Question 3 - Do you agree that ENTSOG should issue the review on the harmonisation of balancing rules at the latest two year after the implementation of the network code and then biannually thereafter? If not, please propose an alternative and provide justification.

Response: Yes, GasTerra agrees.

Question 4 – Do you agree with the proposed review process (including the issuing of a report (in the public domain) proposed by ENTSOG? If not, please propose an alternative and provide justification.

Response: Yes, GasTerra agrees.

CHAPTER IV. OPERATIONAL BALANCING

Question 5 – Do you agree that TSOs should, under specific circumstances, be allowed to trade in adjacent markets? If so, please explain under what circumstances.

Response: In principle this should be left to market parties. TSOs shall be allowed to trade on adjacent markets only if this is more efficient and under the condition that the TSOs do not reserve any transmission capacity for this purpose.

Question 6 – Do you agree that the use of the expression ‘economic and efficient’ is a suitable criterion assessing TSO Balancing Actions? If not, please provide an alternative and an associated rationale.

Response: Yes, GasTerra agrees.

Question 7 – Do you agree with the choices in the Draft Code: (1) to limit standardised products for trading flexible gas to short-term products; and (2) to have only a small number of short-term standardised products? If not, please explain why.

Response: Yes, GasTerra agrees.

Question 8 – Do you agree that the Balancing Network Code should not prescribe exchange-based trading for the TSO and to leave this to the discretion of the TSO and the TPO? Should the network code provide criteria and factors to consider for the TSO to use an exchange based trading?

Response: GasTerra agrees that the Balancing Network Code should not prescribe exchange-based trading and we do not think that it is necessary to provide criteria to consider for the TSO to use exchange-based trading, since the type of trading platform used does not seem to be essential for realising the objectives of the Balancing Network Code. Where appropriate, further arrangements for trading on trading platforms may be considered on a regional or national basis.

Question 9 – Do you agree with the current level of services to be provided by a Trading Platform specified in the Draft Code? For example, the STSPs make no reference to a block size, meaning that this will be agreed on a local basis. If not, please explain where and why additional specification is needed.

Response: Yes, GasTerra agrees.

Question 10 – Do you agree with the current level specified in the Draft Code on contractual structure and arrangements between the different parties? What changes (if any) would you advocate?

Response: Yes, GasTerra agrees.

Question 11 – Do you agree with the choices in the Draft Code to put the obligation to (re)nominate on the originating party? If not, what would your preferred alternative be and what benefits would this alternative have over the mechanism proposed in the Draft Code?

Response: Yes, GasTerra agrees.

Question 12 – Do you concur with the sequence of the tools in the merit order and the level of guidance it gives the TSO in choosing the most appropriate tool? If not, which changes, if any, would you advocate and why?

Response: Yes. In general, TSOs should have a transparent merit order on the basis of which balancing products are used in line with principles of cost efficiency.

Question 13 – What is your view on: (1) the criteria to be considered by the TSO when procuring Balancing Services; and (2) the gradual reduction of the use of Balancing Services as the liquidity of the wholesale market increases? Please provide a reasoned response.

Response: GasTerra finds the criteria of Item 1 of Article 16 of the Network Code appropriate. In regard to the gradual reduction of the use of Balancing Services, we think that not only the liquidity of the wholesale market, but also the other criteria mentioned in Item 1 of Article 16, for instance gas quality issues, shall be taken into consideration. GasTerra therefore suggests that the gradual reduction of the use of Balancing Services should be judged by the TSO in respect to all mentioned criteria.

Question 14 – Do you agree with the mechanism that the TSO shall be enabled to submit an incentive mechanism to the NRA for approval? If not, please explain why.

Response: Yes, GasTerra agrees with the proposal that the TSO shall be enabled to submit an incentive mechanism to the NRA for approval.

The NRA itself, as well as market participants shall also be enabled to submit such a proposal. Allowing the NRA and the market participants to submit such a proposal in case they consider it appropriate and the TSO does not act, will reduce the danger of a suboptimally performing TSO.

CHAPTER V. NOMINATIONS

Question 15 – Do you consider that the procedures set out in the Draft Code (excluding timing, which is covered below) for the submission of nominations and re-nominations, and the criteria for their rejection, are reasonable? If no, please present and justify your preferred alternative.

Response: Most of these procedures seem to be reasonable, but the reasoning why Network Users should provide forecasts in addition to their nominations (Article 18.2) remains unclear. In addition, criteria for the determination of non-Interconnection Points that require nominations (Article 24) are missing and Article 24 Item 2 a) refers to “technical flexibility”, which is not further defined.

Question 16 – Do you agree with the schedule for initial day-ahead nominations set out in the Draft Code? If not, please give a reasoned alternative schedule.

Response: Yes, GasTerra agrees.

Question 17 – Do you agree with the schedule for re-nominations set out in the Draft Code? If not, please give a reasoned alternative schedule.

Response: Yes, GasTerra agrees, but also recognizes the inconsistency as identified by ENTSOG between certain provisions of the CAM Network Code and provisions in Article 21 of this Balancing Network Code.

Question 18 – What are your views on these specific features on nominations (respectively re-nominations) for transition, system integrity and daily-hourly regimes of the network code? Please provide a reasoned response.

Response: Regarding the possibility for a TSO to reject (re-)nominations for the sake of “Protecting System Integrity”, Article 23.2 should include the principle that any interventions by the TSOs have to be transparent and shall take account of potential effects in adjacent Balancing Zones.

CHAPTER VI. DAILY IMBALANCE CHARGES

Question 19 - Do you support the Daily Imbalance Quantity determination proposed in the Draft Code? If not, please indicate your preferred approach and supply further rationale and evidence of the benefits of Daily Imbalance Quantities being derived on information based during the Gas Day?

Response: Yes, GasTerra agrees, provided that the information provision according to chapter IX of this Balancing Network Code will allow Network Users to manage their risks and opportunities to a sufficient extent. The Daily Imbalance Quantity Calculation Methodology should therefore be subject to regular review. Any changes to this methodology shall be approved by the NRA.

Question 20 – Do you have alternative views as to whether Locational and/or Temporal Market Products should feed into the derivation of the Weighted Average Price? If so what is your rationale for a different approach and what do you see as the benefits?

Response: The choice which short term trades should be included in the determination of the Weighted Average Price should depend on the characteristics of each Transmission System and its Trading Platform and therefore should be left to local discretion, subject to approval by the NRA and taking into account the potential consequences for adjacent markets. On a general note, the more liquid particular short term trades are, the more appropriate it will be to include these in the determination of the Weighted Average Price.

Question 21 – Do you agree that day-ahead trades should feed into the determination of the Weighted Average Price, Marginal Buy Price and Marginal Sell Price? If so, then under what circumstances should they be used? Is there merit in allowing local discretion as to

whether day-ahead trades influence the setting of the prices?

Response: GasTerra finds it appropriate to allow local discretion as to whether day-ahead trades should feed into the determination of the Weighted Average Price, Marginal Buy Price and Marginal Sell Price.

Question 22 – Do you agree that the source of trades should be left to local discretion? What criteria should apply? Should there be an aspiration that the source of trades should be a single platform and if so why and how should the platform be determined? Please provide a rationale for your preferences.

Response: Yes, the source of trades and the applicable criteria should be left to local discretion. With respect to the questions 20, 21, 22, GasTerra does not think that local decisions regarding the inclusion or exclusion of certain types of short term trades in the various price calculations are likely to impede gas trading across Balancing Zones or greater market integration.

Question 23 – What should the effect of the small adjustment be: to encourage trading or to be sufficiently large to reflect a value for physical flexibility?

Response: GasTerra agrees in this regard with ENTSG's statement on Page 47 of the Supporting Document: "The Small Adjustment is designed to deliver an incentive to encourage Network Users to balance (...).".

Question 24 – Do you agree with the addition of cross border trade as a criterion to the derivation of the Small Adjustment? Are the criteria sufficient? If not, what else should be added? Please justify any proposals.

Response: Yes. GasTerra agrees with the addition of cross border trade as a criterion as it is done in the draft Network Code, i.e. as a negative criterion ("not have a detrimental impact on cross-border trade"). GasTerra considers it inappropriate to use the Small Adjustment to stimulate cross-border trade (Please, refer to GasTerra's answer to the previous question).
No further criteria are needed in this Balancing Network Code.

CHAPTER VII. WITHIN-DAY OBLIGATIONS

Question 25 – In your view, are the elaborations of the criteria in the Draft Code sufficient? If not, please indicate which ones and how.

Response: Yes. Notwithstanding GasTerra's agreement with a set of criteria that should be met in order to impose Within Day Obligations, we would like to emphasize that we consider the option to implement Within Day Obligations an essential element of the Balancing Network Code in order to comply with the principles of minimising the TSO's need to take Balancing Actions and minimising cross-subsidisation between Network Users.

Question 26 – Do you believe that additional criteria for assessing WDOs are warranted? If yes, please specify which and why.

Response: Currently, GasTerra doesn't. Changing market circumstances, in particular challenges posed by variable renewable power production in need of back-up from gas-fired power plants, may in the future well lead to an increasing need to implement Within Day Obligations. In general, this Balancing Network Code does not seem to reflect the link between electricity markets and gas markets, nor the relation, following from this link, between their respective balancing systems.

Question 27 – Do you find the respective roles of a TSO and relevant NRA(s) appropriate in the approval of any WDOs? If not, please explain why and how you would re-define the roles.

Response: Yes, GasTerra does.

Question 28 – Do you agree that a six-month period is appropriate for a TSO to make a proposal for approval of an existing WDO, including a recommendation document? If not, please propose an alternative and provide justification.

Response: Yes, GasTerra agrees.

Question 29 – Do you agree that a six-month period is appropriate for the NRA to conduct its assessment and approval process? If not, please propose an alternative and provide justification.

Response: Yes, GasTerra agrees. However, the period of obtaining approval should not be part of the six month period in which the TSO, according to Article 35, should not only consult and publish a recommendation, but also obtain regulatory approval.

CHAPTER VIII. NEUTRALITY ARRANGEMENTS

Question 30 – In your view, is the scope of the currently proposed neutrality section of the Draft Code appropriate? If not, please explain why.

Response: Yes, GasTerra finds it appropriate.

Question 31 – Do you find appropriate the proposed scope of the transparency elements of neutrality? If not, please explain your reasons why.

Response: GasTerra agrees with the provision that the TSOs shall publish the calculation methodology (Article 37 Item 1) and relevant data regarding aggregate Balancing Neutrality Charges (Article 37 Item 4). Moreover, GasTerra would like to stress the importance of Article 38 Item 2. The supporting information, provided for by this article shall enable the network users to assess the correctness of the neutrality invoice. In addition, the distinction between costs and revenues shall be made in both the invoice and the supporting information.

Question 32 – Please indicate the level of granularity you would expect in the context of the breakdown of net Balancing Neutrality Charges cash-flows from both a temporal (e.g. daily, monthly, annual) and cost/revenue element split.

Response: GasTerra finds an invoicing period of a month most appropriate (i.e. the TSO sends an invoice for Balancing Neutrality Charges per delivery month to each Network User). The publication of data regarding the calculation and apportionment of Balancing Neutrality Charges per delivery month may follow the same frequency. The information should split the costs and revenues incurred by the TSO in relation to its Balancing Activities for that month, where possible subdivided per Gas Day.

Question 33 – Do you agree that there would be potential benefits of attributing Balancing Neutrality Charges to different pots and of recovering them over different classes of network users? If yes, please explain why.

Response: A fair apportionment of Balancing Neutrality Charges is very much TSO-specific and should be left to local discretion, including the decision whether to use a concept of multiple neutrality pots. Therefore GasTerra does not concur with the prescriptive character of the apportionment principle provided for by Article 37.2. An apportionment scheme as function of imbalance performances of each individual Network User may lead to a better cost targeting than an apportionment scheme based on capacity holdings or actual Inputs and Off- takes of each individual Network User.

Question 34 – If you support multiple neutrality pots, how would these be defined? How could such different attribution processes be applied in practice?

Response: GasTerra supports leaving the choice for a neutrality mechanism to local discretion.

Question 35 – Is the level of specification in the Draft Code for cash-flow management appropriate? If not, how do you propose it be amended?

Response: GasTerra finds invoicing an important issue which requires harmonization on European level. We therefore propose that the Network Code provides for monthly invoicing as a binding standard.

Question 36 – An alternative to creating additional costs for invoicing systems and processes is to address neutrality sums via adjustment to transmission charges. Do you agree with such an alternative? If not, please explain why.

Response: GasTerra does not agree with this alternative as we think that transparency is essential when applying a Balancing Neutrality Mechanism. Furthermore this alternative increases the risk of cross-subsidization.

CHAPTER IX. INFORMATION PROVISION OBLIGATIONS

Question 37 – Do you agree with the information provision models for offtakes proposed in the Draft Code fulfil the requirements of the FGs? If not, please explain.

Response: Yes, GasTerra agrees.

Question 38 – Do you agree that prospective implementations of Variant 2 should be approved only after a consultation process? If not, please explain.

Response: Yes, GasTerra agrees.

Question 39 – Do you support the additional proposal that the cost-benefit analysis (CBA) should also examine the time taken to provide information to Network Users? Are there any other features that would strengthen the CBA process? If so, please explain why.

Response: Yes, GasTerra supports this proposal. The cost-benefit analysis should pay particular attention to the opportunities and consequences of smart metering.

Question 40 – Do you agree that the Balancing Network Code has to provide guidance on timing of information flows? If yes, do you agree with the proposals set out? If you do not agree with the Draft Code proposals what could the alternatives be and what would be the justification?

Response: Yes, GasTerra agrees. The Code should provide guidance on minimum timing intervals. In every Balancing System the optimal information provision frequency should be applied based on the outcome of Cost Benefit Analyses.

Question 41 – Do you consider that Transparency Guidelines requirements are sufficient to deal with system information? If not what should be included and what is the justification?

Response: Yes, GasTerra agrees.

Question 42 – Do you agree that the proposal is in line with input information requirements set out in the FGs? If not, please explain why?

Response: Yes, GasTerra agrees.

CHAPTER X. LINEPACK FLEXIBILITY SERVICE

Question 43 – Do the proposed additional criteria that a Linepack Flexibility Service has to meet complement those in the FGs to make a sufficient set of criteria? Or are additional criteria required? Please provide a reasoned response.

Response: GasTerra opposes to the selling of linepack not needed for maintaining system integrity. This linepack should be allocated in a non-discriminatory way to all network users, and should be provided free of charge. The proposed additional criteria should, however, be applied before the introduction of such free of charge allocation of linepack.

CHAPTER XI. IMPLEMENTATION, INTERIM MEASURES AND ENTRY INTO FORCE

Question 44 – How should the short-term balancing market be defined? What account of temporal and physical flow considerations needs to be made? What measures should be

used to assess liquidity in the short-term balancing markets?

Response: GasTerra thinks this should be left to local discretion.

Question 45 – What other measures might be contemplated to enable wider access to short term gas flexibility? Are any of these approaches appropriate for inclusion in the Balancing Network Code?

Response: GasTerra does not have any suggestions.

Question 46 – In your view, what would justify including LNG in the Balancing Zone in “small markets” and in short term transitional arrangements? Do you see any conflict with these reasons and the BTM to be established by the eventual Balancing Network Code?

Response: GasTerra is of the opinion that there is no intrinsic difference between a pipeline import and an LNG facility, as both can provide balancing services to some extent. Therefore, there is no need for any special treatment of LNG facilities. This implies that LNG facilities are part of the Balancing Zone in any case, not only for small markets or in short term transitional arrangements. Capacity owners of an LNG facility can offer flexibility to the market on a similar footing to other flexibility providers, and where there are specific arrangements involving the TSO such arrangements should be subject to the provisions in the Code.

Question 47 – Do you agree that the tolerance used should be a price based tolerance? If not please explain your rationale and provide your preferred approach.

Response: GasTerra thinks this should be left to local discretion.

Question 48 – In your view, should the reduced exposure involve the application of an average price? If not, please explain your rationale and provide your preferred approach.

Response: GasTerra thinks this should be left to local discretion.

Question 49 – Do you support the Draft Code including provisions for the accuracy of forecast information provision to ensure timely phase-out of tolerances? If yes, explain how this can be best established.

Response: No, these provisions should not be part of the Network Code.

Question 50 – Does the Draft Code provide an appropriate mitigation of risk involved in servicing NDM demand? If not, please indicate an alternative approach and its rationale.

Response: Yes, it does.

Question 51 – Do you agree that the Draft Code provides an adequate basis to support the release of surplus TSO flexibility as a stimulus to the market? If not, please explain why.

Response: Yes, GasTerra agrees.

Question 52 – Do you agree that there is merit in including a reference to Balancing Platform trades in the interim imbalance cash-out price determination part, as suggested in the Draft Code? If yes, how should the approach be formulated and what merits would it have?

Response: Yes, GasTerra thinks that the decision whether or not to derive Prices on the basis of Balancing Platform trades should be left to local discretion (Please, refer to our response to Question 22).

Question 53 – Are there any other interim steps that should be considered beyond those envisaged in the table above?

Response: GasTerra does not have any suggestions.

Question 54 – Are there any specific ENTSOG monitoring and reporting activities that should be explicitly captured in the Balancing Network Code. If so, please identify them and their rationale.

Response: GasTerra does not have any suggestions.

GENERAL ISSUES

Question 55 – Do you consider that the level of detail in the Draft Code, as it has been tailored according to the topics treated, is appropriate for EU legislation? If not, please explain why with reference to specific topic chapters (articles, paragraphs, etc.).

CHAPTER I. GENERAL PROVISIONS	Yes
CHAPTER II. BALANCING SYSTEM	Yes
CHAPTER III. CROSS-BORDER COOPERATION	Yes
CHAPTER IV. OPERATIONAL BALANCING	Yes
CHAPTER V. NOMINATIONS	Yes
CHAPTER VI. DAILY IMBALANCE CHARGES	Yes
CHAPTER VII. WITHIN-DAY OBLIGATIONS	Yes
CHAPTER VIII. NEUTRALITY ARRANGEMENTS	Yes
CHAPTER IX. INFORMATION PROVISION OBLIGATIONS	Yes
CHAPTER X. LINEPACK FLEXIBILITY SERVICE	Yes
CHAPTER XI. IMPLEMENTATION, INTERIM MEASURES AND ENTRY INTO FORCE	Yes

Question 56 – After reviewing and/or replying to Chapter 5 which follow, do you find that there are other material issues that ENTSOG should consider as it develops the Balancing Network Code?

Response: No, but a number of specific comments regarding the provisions of the Draft Code are set out in Annex 1 to these responses.

Question 57 – Do you find that this supporting document for the public consultation was ‘respondent-friendly’ in terms of its readability, style, etc.? Please explain how we can improve future consultations.

Response: GasTerra appreciates ENTSOG’s efforts to make the public consultation documents “respondent-friendly”. A suggestion we would like to make in this regard is to refer as much as possible to the corresponding articles in the Draft Network Code.

Annex 1

Specific comments regarding the provisions of the Draft Network Code on Gas Balancing

GasTerra would like to make a couple of specific comments on various articles of the Draft Network Code. We suggest that ENTSOG takes these comments into account when reviewing the Draft Network Code. GasTerra's comments follow hereunder in numerical order.

Article 10

Article 10 provides for stakeholder involvement at the beginning of the work on the proposals, but not when the decisions are made by the National Regulatory Authorities (NRAs). GasTerra finds it appropriate for the Network Code to provide for a consultation at the stage of decision-making by the NRAs.

Article 12 Item 1 b)

The wording of Article 12 Item 1 b) suggests that the aim of the Balancing Actions is to achieve a situation different from the one anticipated. "Different" by itself shall not be the aim. It shall be clear that the aim is to achieve an end of day Linepack position, consistent with the objectives of the daily balancing regime.

Article 12 Item 2 c)

Article 12 Item 2 provides for particular information, which has to be considered by the TSO. Letter c) of the same article, however, refers quite broadly to "distribution of gas". It is not clear what the particular information shall be.

Article 13

In Article 13 the possibility to use a Temporal Locational Product seems to have been omitted. This product should, according to GasTerra, be described in a separate Item under Article 13.

Article 15 Item 4 c)

Article 15 Item 4 c) provides for an hourly Notification Quantity to be applied for the remaining hours of the Gas Day. It is not clear what happens in the case of daily quantities. It should not be possible to deliver everything at once and this shall be made clear by the Network Code.

Article 26 Item 4

It is not clear which prices are referred to by Article 26 Item 4.

Article 41 Item (3) 2

Article 41 (3) 2 refers to a non-existing Item (2) 2 Article 43.

Article 43 Item (2) 1a

Article 43 Item (2) 1a is not clearly formulated.

Article 45 Item (1) 4

Article 45 Item (1) 4 leaves the initiative to propose an incentive to the TSO, DSO or Forecasting Party. GasTerra considers it appropriate for the NRA to have the same right of initiative itself to make a proposal.