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- Front page (this page)
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24.3.2022

Public Utilities Commission
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Statement regarding Public Utilities Commission's (PUC) Public consultation on the amendments to the Regulations on the Use of the Inčukalns Underground Gas Storage Facility

Finnish Energy Authority would like to thank the Public Utilities Commission (PUC) for the opportunity to provide comments on the amendments to the regulatory framework of the Inčukalns gas storage facility. With this statement Finnish Energy Authority expresses its view to the consultation.

In the briefing of the public consultation document, it is stated: "In addition, the draft amendments clarify the application of regulatory enactments in case any of the crisis levels in the natural gas supply sector specified in the European Union Regulation concerning measures to safeguard the security of gas supply has been announced in Latvia. According to the amendments, if the competent national administrative authority has imposed special security of supply obligations, the system operator and system users must comply with them even if the obligations do not comply with the Regulations on the use of the storage facility."

Finnish Energy Authority would like to emphasize that EU's common gas market regulation relay on market-based mechanisms also in the case any of the crisis levels in the natural gas supply sector specified in the European Union Regulation concerning measures to safeguard the security of gas supply has been announced.

Finnish Energy Authority refers particularly to the following points in the regulation:

Directive 2009/73/EC concerning common rules for the internal market in natural gas:

- Recital (55)
 - o In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, first and foremost on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.
- Article 46 Safeguard measures
 - o 1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may temporarily take the necessary safeguard measures.



- 2. Such measures shall cause the least possible disturbance to the functioning of the internal market and shall be no wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply:

- Recital (7)
 - An internal gas market that operates smoothly is the best guarantee of the security of gas supply across the Union and to reduce the exposure of individual Member States to the harmful effects of disruptions of gas supply. Where a Member State's security of gas supply is threatened, there is a risk that measures developed unilaterally by that Member State may jeopardise the proper functioning of the internal gas market and damage the gas supply to customers in other Member States. To allow the internal gas market to function even in the face of a shortage of supply, provision must be made for solidarity and coordination in the response to supply crises, as regards both preventive action and the reaction to actual disruptions of gas supply.
- Article 11 Declaration of a crisis
 - 6. The Member States and, in particular, the competent authorities shall ensure that: (a) no measures are introduced which unduly restrict the flow of gas within the internal market at any time; (b) no measures are introduced that are likely seriously to endanger the gas supply situation in another Member State; and (c) cross-border access to infrastructure in accordance with Regulation (EC) No 715/2009 is maintained as far as technically and safely possible, in accordance with the emergency plan.
- Article 8 Establishment of preventive action plans and emergency plans
 - 1. The measures to ensure the security of gas supply contained in a preventive action plan and an emergency plan shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable, shall not unduly distort competition or the effective functioning of the internal market in gas and shall not endanger the security of gas supply of other Member States or of the Union.

Energy Authority emphasizes the importance of taking into account above mentioned market rules/market regulation when formulating the decision regarding Regulations on the Use of the Inčukalns Underground Gas Storage Facility.

Especially, Finnish Energy Authority emphasizes that all disturbances to the Finnish-Baltic gas market should be minimized and any possible restrictions and preventive actions introduced by the authorities or system operators for the use of the Inčukalns underground storage facility should be limited only to level where it is justified. Further, Finnish Energy Authority highlights that the regulations for use of the Inčukalns underground storage facility should be transparent and ensure equal and undiscriminated access for all market actors operating in the Finnish-Baltic gas markets.