

Pursuant to the fourth paragraph of Article 90 relating to Article 155 of the Gas Supply Act (Official Gazette of the Republic of Slovenia No 204/21, 29/22 - Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices and 121/22) and in accordance with the Act on mandatory content of the system operating instructions for the natural gas transmission network (Official Gazette of the Republic of Slovenia, No 17/15, 66/17 and 204/21 - PDO), and upon obtaining the consent of the Council of the Energy Agency no. 73-4/2023/8 of March 23<sup>rd</sup> 2023, the transmission system operator PLINOVODI d.o.o., hereby issues

**the Act on Amendments and Supplements to the Network Code for the natural gas  
transmission network**

Article 1

In the Network Code for the natural gas transmission network (Official Gazette of the Republic of Slovenia No 55/15, 80/17, 152/20, 204/21-PDO and 136/22), the third paragraph of Article 42 is amended to read as follows:

“(3) The transmission system operator publishes the request form on their website.”

Article 2

In the third indent of the second paragraph of Article 90, the text “with the second sentence of the fourth paragraph” is replaced by the text “with point b) of the second paragraph”.

In the second sentence of the third paragraph of Article 90, the text “with the second sentence of the fourth paragraph” is replaced by the text “with point b) of the second paragraph”.

Article 3

The new Chapter “VIIa” shall be added after Chapter VII. DEVIATION BALANCING WITH EMERGENCY GAS DURING EMERGENCY PERIOD AND MEASURES OF INVOLUNTARY REDUCTION OR INTERRUPTION OF CONSUMPTION”, which governs the undertaking of balancing actions with emergency gas during emergency period and measures of involuntary reduction or interruption of gas consumption and reads as follows:

**“VIIa. DEVIATION BALANCING WITH EMERGENCY GAS DURING EMERGENCY PERIOD AND  
MEASURES OF INVOLUNTARY REDUCTION OR INTERRUPTION OF CONSUMPTION**

1. Implementation of measures during emergency period and involuntary reduction or interruption of consumption

**Article 125a**  
**(declaration of the level of emergency and measures of involuntary reduction or interruption of consumption)**

(1) The provisions of this Chapter shall apply upon declaration of an emergency situation period in accordance with Article 11 of Regulation 2017/1938/EU and when the emergency plan has been declared by competent body (hereinafter: emergency situation period) and simultaneously with other measures fail to provide sufficient gas quantities in relation to the total estimated consumption and system operators, based on the general decision of the competent authority for the implementation of measures at the level of emergency, reduce or interrupt gas consumption at the consumption points of consumers by individual groups and sub-groups specified in Article 13 of the Gas Emergency Plan Act (Official Gazette of the Republic of Slovenia, No. 136/22).

(2) The transmission system operator submits the general decision of the competent authority from the previous paragraph to the consumers via the transmission system it manages, that, depending on the type of gas consumption from the system, the decision refers to. Additionally, the transmission system operator shall inform the gas suppliers of these consumers on the content of the decision. The transmission system operator submits the general decision by means of electronic communication.

**Article 125b**  
**(emergency gas quantities)**

(1) Gas released in the system during an emergency period due to the implementation of measures to involuntarily reduce or interrupt gas supply in accordance with the emergency plan, is emergency gas. Emergency gas is intended for the supply of consumers who, in accordance with the decision of the competent authority, are not yet obliged to reduce or interrupt gas consumption and is used by the transmission system operator for balancing deviations of the balancing group holders, who supply the remaining groups of consumers in accordance with the foreseen measures of involuntary reduction or interruption of consumption. All gas used for balancing by the transmission system operator during emergency period and the implementation of involuntary reduction or interruption of consumption is considered as emergency gas.

(2) During emergency period and implementation of involuntary measures to reduce or interrupt consumption, deviations are balanced with emergency gas.

## Article 125c

### (price of emergency gas for calculating deviation balancing during a period of emergency and involuntary reduction or interruption of consumption)

(1) The price for emergency gas is set as:

- the price of gas in the event of an involuntary reduction or interruption of gas consumption and compensation, which is calculated exclusively for the quantities of emergency gas that were released in the system on a particular day in the event of an involuntary reduction or interruption of gas consumption to individual groups of consumers, for the purpose of supplying protected consumers or other consumers, from which a reduction or interruption of gas consumption has not yet been requested, and is calculated according to the equation for each particular day:

$$C_{KP,D} = C_{NZPO,D} + N_{KP,D} [EUR/MWh]$$

with items representing:

$C_{KP,D}$	price for emergency gas for day D
$C_{NZPO,D}$	gas price during involuntary reduction or interruption of gas consumption for day D
$N_{KP,D}$	compensation for day D.

(2) Based on the provisions of the Act on the methodology for calculating the price of gas in the event of an involuntary reduction or interruption of gas consumption (Official Gazette of the RS, no. 136/22), the transmission system operator calculates the price of gas in the event of an involuntary reduction or interruption of consumption from the previous paragraph and publishes it on its website no later than by 8:00 a.m. every day when the general decision on involuntary reduction or interruption of consumption is in effect. The first day the measures of involuntary reduction or interruption of consumption become effective, the transmission system operator publishes the price of gas in the event of involuntary reduction or interruption of consumption no later than two hours after the competent authority issues a general decision ordering the involuntary reduction or interruption of consumption.

(3) The gas price calculation in the event of an involuntary reduction or interruption of gas consumption, when trading at trading points is interrupted, shall be published by the transmission system operator on its website immediately after the adoption of the decision by the competent authority.

(4) Compensation shall be charged only to computed individual consumer groups only for crisis quantities of gas, which were on individual day at involuntary reduction or interruption of gas

consumption released in system. These quantities are submitted to holders of balancing groups for individual days, when they have positive deviations in conformity with Article 125e of this Act.

2. Expense calculation for daily deviations balancing during a period of emergency and involuntary reduction or interruption of consumption.

#### **Article 125č**

**(the emergence of the obligation to pay for the expenses of daily deviation during an emergency period and the implementation of an involuntary reduction or interruption of consumption)**

(1) The balancing group holders who, at the end of the accounting day for the supply day “D” have an unbalanced position of their balancing group during an emergency period and implementation of involuntary reduction or interruption of consumption, are obliged to pay the amount of negative daily deviations to the transmission system operator in accordance to the emergency gas price for negative deviations, or for the determined amount of positive daily deviations, are entitled to payment or to receive credit at the emergency gas price for positive deviations.

(2) Quantitative deviations of the intake and off-take of gas for each balancing group, even during the period of emergency and implementation of involuntary reduction or interruption of consumption, shall be determined based on the difference between the amounts received at the intake points and the off-take amounts at the off-take points, which are included in this balancing group.

(3) The amount of the daily deviation that shall be paid, or to which the holder of the balancing group is entitled to, shall be calculated by the transmission system operator by multiplying the amount of the daily deviation identified for each balancing group by the applicable price for the daily deviation expenses of emergency gas determined pursuant to Article 125d of this Act.

#### **Article 125d**

**(the methodology for determining the valid price for calculating expenses of daily deviation during an emergency period and the implementation of an involuntary reduction or interruption of consumption)**

1) The valid price at which the transmission system operator calculates liabilities for daily deviation expenses, shall be determined as the emergency gas price.

(2) The price of crisis gas at involuntary reduction or interruption of consumption is determined for each computation consumption day pursuant to Act on methodology for computation of gas price at involuntary reduction or interruption of gas consumption and the Act on the methodology for calculating compensation in the event of an involuntary reduction or interruption of consumption.

#### **Article 125e**

##### **(monitoring of quantitative deviations during emergency period and involuntary reduction or interruption of consumption)**

(1) Upon conclusion of the accounting day for the supply day "D", the transmission system operator shall determine and by 10:00 a.m. on the day "D+1" provide the balancing group holders with temporary information, as defined in the first paragraph of Article 112.

(2) Upon conclusion of the month "M", the transmission system operator shall determine and, within 10 working days from the conclusion of the month "M", provide the balancing group holders with separate data, as defined in the second paragraph of Article 112, for the days when normal operation was enabled, and separately for the days when the decision of the competent authority declared the state of involuntary measures to reduce or interrupt consumption.

(3) Within two working days after receiving the received data from the previous paragraph, or no later than on the 12<sup>th</sup> working day following the conclusion of month "M", the balancing groups holders with positive deviations are obliged to submit to the transmission system operator the distribution of quantities by groups of consumers in accordance with the Act on the methodology for calculating compensation in the event of an involuntary reduction or interruption of consumption among business consumers, industrial consumers and power plants, separately for each day of imbalance in the emergency period and involuntary reduction or interruption of consumption.

(4) In case the balancing group holders fail to provide the distribution of the quantities referred to in the third paragraph of this Article, those quantities shall be presumed to have been intended for consumers eligible for the lowest applicable compensation published on the Agency's website.

(5) It shall be considered that the findings and measurements realised and reported on the 14<sup>th</sup> working day upon the conclusion of month "M" are final and shall be used as final for each

calculation of gas transmission during the emergency period and implementation of involuntary reduction or interruption of consumption.

#### Article 125f

##### (method for calculating expenses of daily deviation in the event of declared emergency and implementation of involuntary reduction or interruption of consumption)

(1) The expenses of daily deviations calculated in accordance with this Act during the period of emergency and implementation of involuntary reduction or interruption of consumption shall be applied as follows:

- the balancing group holder is deemed to have sold to the transmission system operator at a valid price determined for emergency gas in accordance with Article 125d of this Act, a quantity of gas equal to the positive daily deviation quantity on “D” day of delivery of the gas, and is for that reason entitled to have the transmission system operator cover the expenses for the positive daily deviation quantities in the amount determined by the following formula:

$$Z_{PDO,D} = C_{KP,D} \cdot \Delta Q_{PDO,D} \text{ (in EUR)}$$

with items representing:

$Z_{PDO,D}$  amount of positive daily deviation,

$C_{KP,D}$  price of emergency gas for the day D, determined in accordance with Article 125d of this Act,

$\Delta Q_{PDO,D}$  quantity of positive daily deviation on the day of delivery “D”;

- the balancing group holder is deemed to have bought from to the transmission system operator, at a valid price determined for emergency gas in accordance with Article 125d of this Act, a quantity of gas equal to the daily deviation quantity on day “D” of delivery of the gas, and is for that reason obliged to cover the transmission system operator’s expenses for the negative daily deviation quantities in the amount determined by the following formula:

$$Z_{NDO,D} = C_{KP,D} \cdot \Delta Q_{NDO,D} \text{ (in EUR)}$$

with items representing:

$Z_{NDO,D}$  amount of negative daily deviation,

$C_{KP,D}$  price of emergency gas for the day D, determined in accordance with Article 125d of this Act,

$\Delta Q_{NDO,D}$  quantity of negative daily deviation on the delivery day “D”;

(2) The balance of the daily deviation expenses determined via the method referred to in the previous paragraph shall be calculated by the transmission system operator once per month for

the past accounting month, separately for days of normal operation in accordance with Article 113 and separately for days during the emergency period and implementation of involuntary reduction or interruption of consumption. The balance of items for all days of the accounting month for the days when there was a declared state of emergency during the period of involuntary reduction or interruption of consumption, represents the final amount that the transmission system operator charges or pays to the balancing group holder and is determined according to the following formula:

$$Z_O = \sum_{D=1}^n Z_{PDO,D} - \sum_{D=1}^n Z_{NDO,D} \text{ (in EUR)}$$

with symbols representing:

$Z_O$  the amount that the transmission system operator charges or pays to the balancing group holder for the days in a period of emergency and implementation of the involuntary reduction or interruption of consumption,

$n$  number of days in the period of emergency and implementation of involuntary reduction or interruption of consumption in a particular month.

### 3. System differences in the event of declared emergency and implementation of involuntary reduction or interruption of consumption

#### **Article 125g**

**(system differences during emergency period and involuntary reduction or interruption of consumption)**

(1) The provisions of Article 114 of the Network Code for the natural gas transmission network are fully applicable even during the period of emergency and implementation of involuntary reduction or interruption of consumption at the consumption points of consumers by individual groups and subgroups.

### 4. Calculation of balancing neutrality expenses during the period of emergency and implementation of involuntary reduction or interruption of consumption

#### **Article 125h**

**(monthly calculation of balancing neutrality expenses during the period of emergency and implementation of involuntary reduction or interruption of consumption)**

(1) The monthly calculation of neutrality expenses shall be carried out for last preceding month, separately for the days when normal operation was enabled, and separately for

the days during the period of emergency and implementation of involuntary reduction or interruption of consumption.

(2) In the event, when the transmission system operator, within emergency situation period and implementation of involuntary reduction or interruption of consumption related to balancing deviations, at end of each month during this period records higher revenue, than it had expenses pursuing from:

- a) Expenses for computing daily deviations,
- b) Expenses for implemented balancing measures,
- c) Weighted average capital expenses prior to taxing, computed in conformity with general act of Energy Agency or methodology for determination of network fee and criteria for determining justified expenses for land gas, which are computed to average value of quantity of land gas for balancing,

amount of surplus of revenue over expenses referred shall be reimbursed to those balancing group holders for which, in emergency situation period and during implementation of involuntary reduction or interruption of consumption during the last month balancing of daily deviation was implemented, their revenue was higher than expenses under title of implementing deviation balancing of their balancing group.

(3) In the event the transmission system operator, in relation to balancing deviations in emergency situation period and of implementing involuntary reduction or interruption of consumption in month, records higher expenses referred in paragraph two of this Article than it had revenue, transmission system operator shall charge deficit in the subsequent month period to those holders balance groups balancing of daily deviations was conducted and their expenses were higher than revenue under title of implementing balancing deviations of their balancing group.

(4) In the event the transmission system operator, in relation to balancing deviations in emergency situation period and of implementing involuntary reduction or interruption of consumption in last preceding month records higher revenue under paragraph two of this Article, than it bore expenses in relation to, and simultaneously with all bearers of balancing groups their expenses were higher than revenue under title of implementing balancing of deviations of their balancing group, the operator of transmission system shall reimburse surplus of revenue above expenses referred to holders of balancing groups for which in emergency situation period and of implementing involuntary reduction or interruption of consumption in preceding month balancing of daily deviations was implemented.



(5) In the event the transmission system operator in relation to balancing deviations in emergency situation period and of implementing involuntary reduction or interruption of consumption in the last preceding month recorded higher expenses under paragraph two of this Article, than it had revenue, and simultaneously with all bearers of balancing groups their revenue was higher than expenses under title of implementing balancing deviations of their balancing group, operator of transmission system shall charge deficit in subsequent month period to holders of those balancing groups for which in the emergency situation period at issue and of implementing involuntary reductions or interruptions of consumption in preceding month was implemented with daily correction of deviation.

(6) The surplus i.e. the deficit determined, as referred in this Article shall be distributed among legitimate holders of balancing groups in proportion with sum of deviation amounts charged of holders of balancing groups in emergency situation period and of implementing involuntary reduction or interruption of consumption in last preceding month, where revenue shall be considered with positive prefix, whereas expenses shall be considered with a negative prefix.

5. Charging the expenses of balancing deviations and the method of issuing invoices during the period of emergency and the implementation of involuntary reduction or interruption of consumption

#### **Article 125i**

**(charging expenses of balancing deviations during the period of emergency and involuntary reduction or interruption of consumption)**

(1) The transmission system operator shall no later than 18 days upon the conclusion of the accounting month to which the accounting relates, separately charge or allocate the following expenses to the balancing group holder for the days when normal operation was enabled and separately for the days when a decision of the competent authority declared a state of involuntary reduction or interruption of consumption:

- the amount of the balance of daily deviation expenses determined in accordance with Article 113 of the Network Code for the natural gas transmission network and Article 125f of this Act,
- the amount of surplus or deficit neutrality expenses, determined in accordance with Article 116 of the Network Code for the natural gas transmission network and Article 125h of this Act.

(2) The transmission system operator shall declare the individual items of the charged expenses from the previous paragraph separately on the invoice and attach to the invoice the appropriate specification.

#### **Article 125j**

**(the due date of the obligations arising from the balancing expenses during the period of emergency and the implementation of involuntary reduction or interruption of consumption and payments to the trust account)**

(1) The transmission system operator issues an invoice for the amount of the balance of the daily deviation expenses, determined in accordance with Article 125f of this Act and for the amount of the surplus or deficit of expenses for neutrality, determined in accordance with Article 125h of this Act, due 30 days after the claim has arisen, or the last day of the month for the month of February, to a trust account open specifically for this purpose. The last day of the accounting month which the invoice refers to shall be considered as the date on which the claim arose.

(2) In the event that the balancing group holder fails to pay their obligations to the trust account up to and including the due date of the account, the transmission system operator shall charge them legal default interest from and including the next day after the due date and until the completion of payment.

(3) All deposits and withdrawals relating to emergency gas during the period of emergency and implementation of involuntary reduction or interruption of consumption shall be made to and from the trust account, which is a special and separate bank account managed by the transmission system operator.

(4) The transmission system operator shall carry out the payment, or shall pay the credits upon receiving the funds to the trust account. At time of commitments due, should at fiduciary/trust account there not be sufficient funds for payment of all commitments, payments to holders of balancing groups shall be implemented proportionately. Subsequent payments, if any, to fiduciary/trust account for individual computation month shall be proportionately distributed among legitimate bearers of balancing groups.

In case of insufficient funds in the trust account at the time the receivables are due, payments to the balancing group holders shall be made proportionally.

**Article 125k**  
**(application of provisions in the event of solidarity aid)**

(1) During emergency situation period, when decision of competent body is in effect and the provisions of this Chapter shall apply as appropriate to balance deviations. The transmission system operator shall carry out balancing and charging in the same manner as provided for in this Act during the period of emergency and involuntary reduction or interruption of consumption.”

**FINAL PROVISION**

**Article 4**  
**(entry into force)**

This Act shall enter into force fifteen days after its publication in the Official Gazette of the Republic of Slovenia.

No. SKR/MZ/2023-90  
in Ljubljana, date 23<sup>rd</sup> March 2023  
EVA 2023-2570-0003

PLINOVODI d.o.o.

General Manager  
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