

**Annex A**

Autorità di regolazione per Energia, Reti e Ambiente (ARERA, Italy)

Enti Rregullator i Energjise (ERE, Albania)

Ρυθμιστική Αρχή Αποβλήτων, Ενέργειας και Υδάτων (RAAEY, Greece)

Approval of an amendment to

*“TAP Network Code”*

and

*“TAP Tariff Code”*

Proposed by TAP AG on 29 October 2024

Whereas<sup>1</sup>:

On August 29th 2011, TAP AG submitted to the Italian Ministry of Economic Development and on August 31st 2011 to the Regulatory Authority for Energy [former RAE of Greece, recently renamed to Regulatory Authority for Energy, Waste and Water, (RAAEY)] an “Exemption Application for Trans Adriatic Pipeline”, as foreseen by Article 36 of the Gas Directive 2009/73/EC. On September 1st 2011, TAP AG submitted to the Energy Regulatory Entity (ERE) of Albania an “Exemption Application for Trans Adriatic Pipeline”, in accordance with Article 22 of the Gas Directive 2003/55/EC.

In June 2013 the Italian Ministry, RAE and ERE took the decision on the exemption, adopting the *Final Joint Opinion* (hereafter: “the FJO”), a document jointly written by ARERA, ERE and RAE (hereafter: “the Authorities”) and amended to comply with the Commission Decision [C(2013)2949 final] dated 16th of May 2013 and to take note of the Opinion 1/2013 of the Energy Community Secretariat dated 14<sup>th</sup> of May 2013.

In the aforementioned document an exemption from the provisions of Articles 9 (Unbundling), 32 (TPA) for the Initial Capacity of 10bcm/y, and 41.6, 41.8, 41.10 (Regulated Tariffs) of the Gas Directive has been granted to TAP AG for a period of 25 years starting from the beginning of the Commercial Operation Date, under several conditions.

Among others:

- according to Article 4.2.1 of the FJO, TAP AG shall publish the *TAP Tariff Code* (hereafter: “TTC”) on its website and shall obtain regulatory approval before implementing any amendment of the same Code.
- according to Article 4.7.1 of the FJO, TAP AG is obliged to submit for approval to the Authorities the *TAP Network Code* no later than 12 months prior to its Commercial Operation Date. The TNC shall be compatible with the European regulatory framework on gas, provided that it is not in conflict with the terms of the FJO.

The TNC and TTC shall be applicable to all Shippers on a non-discriminatory basis, both Shippers who hold Initial Capacity and possible future Shippers for the Expansion Capacity.

Following FJO obligations, after the public consultation, the Network Code was first approved by the Authorities in 2020 (ARERA Deliberation 218/2020/R/gas, ERE Decision N. 97 dated 15.06.2020) RAE (Decision 1036/2020 - Government Gazette B’ 2928/17.07.2020).

The TAP Network Code was approved with the provision of future developments based on the Transporter's operational experience gained since the Commercial Operations Date.

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<sup>1</sup> Hereafter the definitions of the *Final Joint Opinion* and of EU Regulation 2017/459 apply.

The developments foreseen from the beginning are listed in Appendix 5. Among them, TAP AG “*will, at least annually commencing two years after the Commercial Operations Date, review whether there is sufficient demand for the provision of within-day products and, if so, will assess (a) the other operational impacts of providing within-day products and (b) the products that can be offered by Adjacent TSOs in the Interconnected Systems. If it subsequently decides it is appropriate, the Transporter will prepare a Revision Proposal in accordance with Section 22.4 to incorporate within-day products within the Capacity Products offered.*”.

With letter dated 29 October 2024, (TAP’s reference: LT-TAP-00062) TAP AG requested to the Authorities the approval of amendments to the TNC and TTC as set out in the attached TAP AG’s Final Decision and its annexes.

TAP undertook a public consultation between 12 July and 12 August 2024 on the Revision Proposal for the TNC and the TAP Tariff Code. This Revision Proposal seeks to introduce a Within-Day (WD) product in TAP and improve the registration process. TAP AG has not received any comments under the public consultation.

The main intended revisions of TNC and TTC are summarised hereafter:

- a. *Implementation of within-day products*: the offer of Forward Firm Within-Day Capacity made available for the transportation of Natural Gas for the remaining period of hours in a Gas Day, up to the full Gas Day, and that Capacity Product is booked before or during the relevant Gas Day but following the close of the Day-Ahead auctions for that Gas Day;
- b. *Within-day products multiplier*: table of multipliers (used by the TAP AG to determine the reserve price of the auction for products of shorter term than one year) for quarterly, monthly and daily charges has been updated adding a within-day multiplier of 1.4;
- c. *Operation fee for within-day product*: an operation fee in Euro shall be paid to the TAP AG for each booking of Forward Firm Within-Day Capacity successfully made by a Registered Party; the operation fee applicable to Forward Firm Within-Day Capacity is designed to remunerate the TAP AG for additional operational costs incurred as a result of introducing and offering Forward Firm Within-Day Capacity and as such it does not form part of, and will be treated separately from, the Tariff. This means that revenues from such fee will not be treated as additional revenues to be redistributed under par. 4.7.10 of the FJO;
- d. *Update of the registration procedure*: the *Registration Confirmation* procedure set out in par. 3.1(f) (normally lasting 30 days) is extended by a reasonable period determined at the TAP AG's discretion under particular circumstances; moreover, it is clarified that TAP may require, at its discretion, that the Registered Party resubmits responses to the Integrity Due Diligence questionnaire.

Whereas:

The proposed TAP Network Code and TAP Tariff Code amendments are compliant with the FJO and with relevant provisions of European Gas Network Codes, as required by Article 4.7.1 of the FJO

the Authorities jointly

approve, to the extent applicable, the amended “*TAP Network Code*” and “*TAP Tariff Code*” proposed by TAP AG with letter 29 October 2024 and attached as Annex B and Annex C.