

From 1 January, 2023, the standard terms and conditions of the connection contract will change

By amending the standard terms and conditions, for the purpose of clarity and comprehensibility, the limitation of liability and the resolution of disagreements and the guarantee of the use of the network connection by the network operator under the conditions agreed in the connection contract have been specified.

MOST IMPORTANT CHANGES IN STANDARD TERMS AND CONDITIONS AS FROM 1 JANUARY ARE AS FOLLOWS:

SETTLEMENT OF DISAGREEMENTS, LIABILITY

In order to avoid misunderstandings, the standard terms and conditions specify which legal remedies the parties can use. The obligation to give the other party the opportunity to remedy the breach before using a legal remedy was added, unless the remedy is not possible or if the obligation was violated intentionally or due to gross negligence (clause 6.5). The definition of other damages that are not subject to compensation has been specified. To ensure clarity and comprehensibility, it has been specified that the limitation of liability does not apply in a situation where the obligation was violated intentionally or due to gross negligence. The procedure for reporting damages was added (clause 6.5).

A clause was added stating that disputes arising from certain clauses will only be resolved in the Consumer Disputes Commission and/or the county court, depending on the content of the dispute, in the event of failure to reach an agreement. The added clarification informs that the disputes arising from the clauses referred to are subject to civil law and cannot be resolved by the Competition Authority in administrative proceedings (clause 9.5.).

The condition related to jurisdiction was updated in such a way that disputes which the parties cannot resolve through negotiations will be resolved in the Harju County Court. There remains the possibility to rely on the exceptions established in the legislation, in particular the consumer's right to appeal to the court of his or her place of residence (clause 9.4.).

GUARANTEE OF THE USE OF THE NETWORK CONNECTION BY THE NETWORK OPERATOR UNDER THE TERMS AGREED IN THE CONNECTION CONTRACT

The clause of the standard terms and conditions was specified in such a way that the connectee has the right to start using the network connection under the conditions agreed in the connection contract within 3 (three) years as from the completion of the network connection. After 3 (three) years have passed, the network operator no longer has the obligation to guarantee the network connection to the connectee under the conditions agreed in the connection contract. The purpose of the amendment is to ensure that the existing free network resource can be used by connectees to the maximum extent possible (clause 3.9.).