

## **E-Control Regulation Commission Ordinance Setting the Natural Gas System Charges (Gas System Charges Ordinance 2013)**

In exercise of section 70 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBL*. (Federal Law Gazette [FLG]) I no 107/2011, in conjunction with section 12 para. 2 item 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as published in FLG I no 107/2011, the following Ordinance is issued:

### **Title 1**

#### **Principles**

##### **Regulatory Matter**

**Section 1.** The present Ordinance sets the following transmission system charges:

1. a system utilisation charge;
2. a system admission charge; and
3. a system provision charge.

##### **Definitions**

**Section 2.** (1) For the purpose of this Ordinance, the term

1. “dynamically allocable capacity” means capacity that can only be offered on a firm basis in combination with certain entry/exit points and functions as interruptible capacity in combination with all other entry/exit points and the virtual trading point (section 3 para. 2 item 2 *Gas-Marktmodell-Verordnung* [Gas Market Model Ordinance] 2012, FLG II no 171/2012);
2. “conversion calorific value” means the calorific value in kWh/Nm<sup>3</sup> (at 0 °C) used to calculate the capacity in kWh/h when converting existing, volume-based transport contracts into energy-based entry and exit contracts. In the eastern market area, it is 11.19 kWh/Nm<sup>3</sup> (at 0 °C).

(2) In addition to the above, the definitions in section 7 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, section 2 Gas Market Model Ordinance 2012 and Article 2 of Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, OJ L 211, 14.08.2009, apply.

### **Title 2**

#### **Transmission Network Charges**

##### **System Utilisation Charge for Injecting and Withdrawing Parties**

**Section 3.** (1) The system utilisation charges for feeding into and taking off from the transmission network take the shape of rates that are stated in EUR/kWh/h, unless explicitly provided otherwise, per year and per entry/exit point, and that include the costs for energy needed for compression. System users must pay such charges even if the booked capacity is not nominated or only partially nominated.

(2) The rates for system utilisation for entry into the transmission network at the below entry points payable for firm, freely allocable entry capacity booked by way of contracts with a term of at least one year are:

1. Baumgarten: 0.70
2. Oberkappel: 1.39
3. Überackern: 1.54
4. Arnoldstein: 1.39

(3) The rates for system utilisation for exits from the transmission network at the below exit points payable for firm, freely allocable exit capacity booked by way of contracts with a term of at least one year are:

1. Baumgarten: 1.15
2. Oberkappel: 4.21
3. Arnoldstein: 5.26
4. Murfeld: 4.16
5. Mosonmagyaróvár: 1.92
6. Petrzalka: 1.97

7. Distribution area: 0.65

8. Überackern: 4.21

(4) The rates for system utilisation for entry into the transmission network at the below entry points, at which injection is not physically possible and transports can only be offered on an interruptible basis, payable for entry capacity booked by way of contracts with a term of at least one year are:

1. Murfeld: 2.08

2. Mosonmagyaróvár: 1.92

3. Petrzalka: 1.97

(5) The rates for system utilisation for entry into the transmission network at the below entry points payable for dynamically allocable capacity (the exit points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of at least one year are:

1. Baumgarten (Oberkappel): 0.62

2. Baumgarten (Überackern): 0.62

3. Oberkappel (Überackern): 0.21

4. Oberkappel (Baumgarten): 1.24

5. Baumgarten (MAB storage facility): 0.21

6. Arnoldstein (distribution area): 0.56

7. Überackern (Oberkappel): 1.39

8. Arnoldstein (Murfeld): 0.56

(6) The rates for system utilisation for exits from the transmission network at the below exit points payable for dynamically allocable exit capacity (the entry points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of at least one year are:

1. Baumgarten (Oberkappel): 0.75

2. Baumgarten (MAB storage facility): 0.21

3. Oberkappel (Baumgarten): 3.75

4. Überackern (Oberkappel): 2.99

5. Oberkappel (Überackern): 0.21

6. Distribution area (Baumgarten): 0.63

7. Distribution area (Oberkappel): 0.63

(7) As a rule, the rates for interruptible capacity are the same as those for the corresponding firm capacity. System users shall be compensated if interruptions occur. Such compensations shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction ( $E_{Rm}$ ) is calculated by the transmission system operator by applying the formula in annex 1. There shall be no compensation in the case of interruptible transports on the basis of dynamically allocable capacity.

(8) The rates for system utilisation exclusively for transports between relevant points pursuant to section 39 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011 at interconnection points in the transmission network where several relevant points pursuant to section 39 Natural Gas Act 2011 meet payable for interruptible capacity (the points to be combined with are indicated in brackets) that has been booked by way of contracts with a term of at least one year are:

1. Überackern-SUDAL (Überackern-ABG): Entry: 0.14                      Exit: 0.14

2. Überackern-ABG (Überackern-SUDAL): Entry: 0.14                      Exit: 0.14

(9) The rates for system utilisation for entry into and exits from the transmission network payable for capacity booked by way of contracts with a term of less than one year are derived from the rates (E) in paras 2 to 8 above by applying the following formulae:

1. for quarterly products:  $(E/365) \cdot \text{number of days in the quarter} \cdot 1.25$ ;

2. for monthly products:  $(E/365) \cdot \text{number of days in the month} \cdot 1.5$ ;

3. for daily products:  $(E/365) \cdot 1.75$ .

4. for rest-of-the-day and within-day products:  $(E/8760) \cdot \text{number of (remaining) hours in the day} \cdot 1$ .

(10) In the event of transport restrictions caused by unplanned maintenance activities that the transmission system operator has not publicly announced 42 days in advance in line with point 3.3(1)(g) of Annex 1 to Regulation (EC) No 715/2009, the charges payable by system users shall be reduced in accordance with the duration and extent of the restriction. This shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction ( $E_{km}$ ) is calculated by the transmission system operator by applying the formula in annex 2. The hourly capacity to be used in the calculation is the one made available

by the transmission system operator, even if the system user does not use such capacity or does not use it to its full extent.

#### **System Utilisation Charge for Storage System Operators**

**Section 4.** (1) The system utilisation charges for exits from the transmission network into storage take the shape of rates that are stated in EUR/kWh/h, unless explicitly provided otherwise, per year and per entry or exit point, and that include the costs for energy needed for compression. Storage system operators must pay such charges even if the booked capacity is not nominated or only partially nominated.

(2) The rates for system utilisation for exits from the transmission network into storage at the below exit points payable for firm, freely allocable exit capacity booked by way of contracts with a term of one year are:

1. Storage facility 7-fields: 0.36
2. Storage facility MAB: 0.36

(3) The rates for system utilisation for exits from the transmission network into storage at the below exit points payable for dynamically allocable exit capacity (the entry points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of one year are:

1. Storage facility 7-fields (Oberkappel): 0.14
2. Storage facility MAB (Baumgarten): 0.14

(4) As a rule, the rates for interruptible capacity are the same as those for the corresponding firm capacity. System users shall be compensated if interruptions occur. Such compensations shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction ( $E_{Rm}$ ) is calculated by the transmission system operator by applying the formula in annex 1. There shall be no compensation in the case of interruptible transports on the basis of dynamically allocable capacity.

(5) In the event of transport restrictions caused by unplanned maintenance activities in line with the general terms and conditions for transmission network access approved pursuant to section 32 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, the charges payable by system users shall be reduced in accordance with the duration and extent of the restriction. This shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction ( $E_{km}$ ) is calculated by the transmission system operator by applying the formula in annex 2. The hourly capacity to be used in the calculation is the one made available by the transmission system operator, even if the system user does not use such capacity or does not use it to its full extent.

#### **Transmission System Admission Charge**

**Section 5.** The system admission charge compensates the transmission system operator for all reasonable cost, considering normal market prices, directly arising from connecting a facility to a transmission system for the first time or altering a connection to account for a system user's increased connection capacity. The system admission charge is a one-off payment; the system user shall be informed of how it is made up in a transparent and understandable manner. In cases where connection costs are borne by system users themselves, the system admission charge shall be reduced accordingly. The system admission charge shall be cost-reflective; the transmission system operator may set a uniform rate for similar system users.

#### **Transmission System Provision Charge**

**Section 6.** The system provision charge is payable at the time of first connection or increase of contracted maximum capacity as a one-off payment reflective of capacity and covers the past and future network development measures necessary to enable such connection. Its shall be a one-off payment whose amount reflects the agreed extent of system usage and which is billed for at the time of signature of a system access contract or increase of the contracted maximum capacity. The rate for system provision for load-metered facilities and storage facilities at transmission level is:

1. for firm capacity: 3.00 EUR/kWh/h;
2. for interruptible capacity: 1.50 EUR/kWh/h.

#### **Equalisation Payments**

**Section 7.** (1) The payments for equalisation among the transmission system operators are stated as net annual amounts payable in twelve equal instalments, one per month.

(2) The equalisation payments are:

1. Gas Connect Austria GmbH shall pay EUR 7 046 983.88 to BOG GmbH;
2. TAG GmbH shall pay EUR 8 366 148.02 to BOG GmbH.

### **Auctions**

**Section 8.** (1) Where capacity is to be auctioned pursuant to section 6 *Gas-Marktmodell-Verordnung* (Gas Market Model Ordinance) 2012, the rates stated in section 3 serve as the reserve price. Notwithstanding section 3 para. 9, the reserve price for day-ahead capacity pursuant to section 6 para. 3 Gas Market Model Ordinance 2012 at entry points to the eastern market area is 1/365 of the rate stated in section 3 para. 2 item 1 and that at exit points from the eastern market area is 1/365 of the relevant rate stated in section 3 para. 3.

(2) For capacity to be auctioned pursuant to section 6 para. 1 Gas Market Model Ordinance 2012, system users shall pay both the reserve price and the difference between the reserve price and the clearing price of the auction (premium) for the duration of their contract. If the rates according to section 3 change during the contract term, the payable price, consisting of the reserve price and the premium, shall be adjusted for the difference between the original and the revised reserve price.

(3) For bundled capacity at cross-border interconnection points, pursuant to section 4 Gas Market Model Ordinance 2012, the rates stated in section 3 form part of the reserve price. For bundled day-ahead capacity pursuant to section 6 para. 3 Gas Market Model Ordinance 2012, the rates stated in the second sentence in para. 1 above form part of the reserve price.

### **Entry Into Force**

**Section 9.** (1) This Ordinance shall come into force on 1 January 2013.

## **Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft Regulation Commission**

Chairman

Dr Schramm

Vienna, 18 September 2012

Annex 1 (concerning section 3 para. 7 and section 4 para. 4)

$$E_{Rm} = \left( \frac{E_m * rf}{h_m * q} \right) * \left( \sum_{R=1}^{h_R} q_{diffR} * h_R \right) \leq E_m$$

where:

$E_{Rm}$  = the reduction of the monthly charge

$E_m$  = the monthly charge

$rf$  = the compensation factor, with  $rf \geq 1$

$h_m$  = the total number of hours of the month during which the interruption occurs

$q$  = the hourly capacity offered

$h_R$  = the number of hours in the service month that were affected by the interruption

$q_{diffR}$  = the difference between the hourly capacity offered and the actually available hourly capacity during each hour affected by the interruption

Annex 2 (concerning section 3 para. 10 and section 4 para. 5)

$$E_{Km} = \left( \frac{E_m}{h_m * q} \right) * \left( \sum_{K=1}^{h_K} q_{diffK} * h_K \right)$$

where:

- $E_{Km}$  = the reduction of the monthly charge;
- $E_m$  = the monthly charge;
- $h_m$  = the total number of hours of the month during which the restriction occurs;
- $q$  = the contracted hourly capacity at the exit point;
- $q_{diffK}$  = the difference between the hourly capacity contracted at the exit point and the actually available hourly capacity at that point during each hour affected by the restriction;
- $h_K$  = the number of hours in the service month that were affected by the restriction.