



Shell Energy Europe Limited

4 York Road

London, SE1 7NW

United Kingdom

Tel + 44 20 7546 5117

Fax + 44 20 7546 5253

Email: davide.rubini@shell.com

Internet: <http://www.shell.com>

Energie-Control Austria

Rudolfsplatz 13a

A-1010 Wien

Tel: +43 1 24724-0

Fax: +43 1 24724-900

E-Mail: tarife@e-control.at

Cc:

European Agency for the Cooperation of Energy Regulators (ACER)

Trg republike 3

1000 Ljubljana, Slovenia

Tel: +386 1 421 22 55

Head of the Gas Department – Dennis Hesseling

Dennis.Hesseling@acer.europa.eu

22.05.2020

Subject: *proposed change in the recast GSNE-VO entry into force for the implementation of the network code on harmonised transmission tariff structures (COMMISSION REGULATION (EU) 2017/460)*

Dear Sir/Madam,

This is the third consultation E-Control has brought to the attention of consumers and network users on a matter that could have been closed already one year ago.

These consultations have not helped to critically improve the level of transparency on Austrian TSOs' revenues, despite the repeated appeals of the Agency for the Cooperation of Energy Regulators (ACER) in this sense. Differently, they have given the impression that the tariff setting process in Austria is the result of a negotiation, rather than the outcome of an objective application of European legislation.

This final request for opinions comes only a few days before a final decision is supposed to be taken to allow the ordinate occurrence of the next yearly CAM auctions. Therefore, we hope that no further material change is brought to the substance of the previous consultation document, as the views of market participants should have been clear by now.

Specifically, on the question asked and on whether the start date for the new tariffs should be 01.01.2021 rather than 01.10.2020, as initially indicated, we believe that the proposed change would further increase the regulatory risk associated with operating on the Austrian market leaving unaddressed the transparency issues that have been signalled by market participants and by ACER.

The Austrian gas market requires stable and predictable regulation. Therefore, while we acknowledge that the tariff year and the gas year do not match in some Member States, we would prefer not to complicate the Austrian tariff setting process any further and retain the originally proposed entry into force on 01.10.2020. We also think that aligning the tariff year to the gas year *per se* adds to clarity which is why we lauded the initial proposal.

We also take this opportunity to invite E-Control to urgently engage with the Austrian Government to work on an amendment of section 69.3 of the Gaswirtschaftsgesetz (Natural Gas Act) 2011 which states that "Prior to taking a final decision on the allowed cost, the Wirtschaftskammer Österreich (Federal Economic Chamber), the Landwirtschaftskammer Österreich (Federal Chamber of Agriculture), the Bundesarbeiterkammer (Federal Chamber of Labour) and the Österreichischer Gewerkschaftsbund (Austrian Trade Union Federation) shall have the opportunity to comment".

This article limits network users' access to important information on TSOs' revenues and therefore their ability to comment or take a view on this matter, making the Austrian gas market an *unicum* in the European context. Until this peculiarity of Austrian legislation is not resolved, the level of transparency on Austrian gas transmission tariffs will remain partial and insufficient.

We look forward to your final decision.

Sincerely,



Davide Rubini

Regulatory Affairs Team Lead - South and East Europe

Shell Energy - Europe and Environmental Products