

Draft

E-Control Regulation Commission Ordinance Amending the Gas System Charges Ordinance 2013 (2nd Gas System Charges [Amendment] Ordinance 2020)

In exercise of

1. sections 24, 70 and 82 *Gaswirtschaftsgesetz* (Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG I no 108/2017, in conjunction with section 12 para. 2 item 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as amended by FLG I no 108/2017, and
2. Article 6(1) and Article 27(4) Commission Regulation (EU) 2017/460 establishing a network code on harmonised transmission tariff structures for gas, OJ L 72/29, 17.03.2017,

the following Ordinance is issued:

The E-Control Regulation Commission Ordinance Setting the Gas System Charges (Gas System Charges Ordinance 2013), FLG II no 309/2012, as amended by the ordinance in FLG II no 423/2019, is amended as follows:

1. Section 3 para. 1 sentence one reads:

“The system utilisation charges for feeding into and taking off from the transmission network are determined applying the reference price methodology as per annex 3 and 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.”

2. Section 3 para. 1 items 1 through 8 read:

- “1. Baumgarten: 0.85
2. Oberkappel: 0.97
3. Überackern: 0.97
4. Arnoldstein: 0.97
5. Mosonmagyaróvár: 0.85
6. Murfeld: 0.97
7. Petrzalka: 0.85
8. Reintal: 0.85”

3. Section 3 para. 3 items 1 through 10 read:

- “1. Baumgarten: 1.23
2. Oberkappel: 3.26
3. Überackern: 3.26
4. Arnoldstein: 4.35
5. Mosonmagyaróvár: 1.23

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6. Murfeld: 1.90
7. Petrzalka: 1.23
8. Reintal: 1.23
9. Distribution area: 0.42
10. Carinthia distribution area: 3.85”

4. Section 3 para. 4 item 1 is deleted.

5. Section 3 para. 5 item 4 is deleted. Items 1 through 3 read:

- “1. Überackern (Oberkappel): 0.88
2. Arnoldstein (distribution area): 0.68
3. Arnoldstein (Murfeld): 0.68”

6. Section 3 para. 6 item 4 is deleted. Items 1 through 3 read:

- “1. Überackern (Oberkappel): 2.93
2. Distribution area (Baumgarten): 0.38
3. Distribution area (Oberkappel): 0.38”

7. Section 3 para. 7 sentence one reads:

“Unless explicitly stated otherwise in para. 7a, the rates for interruptible capacity are the same as those for the corresponding firm capacity.”

8. After section 3 para. 7 the following para. 7a is added:

“(7a) Notwithstanding section 3 para. 7, a discount of 12% on the grid utilisation charge for firm, freely allocable entry capacity at the Oberkappel or Überackern points applies for interruptible entry capacity at these points. This rule holds for all capacities, regardless of their contract duration.”

9. Section 3 para. 9 items 1 through 4 read:

- “1. for quarterly products: $(E/365) \times \text{number of days in the quarter} \times 1.15$;
2. for monthly products: $(E/365) \times \text{number of days in the month} \times 1.3$;
3. for daily products: $(E/365) \times 1.5$;
4. for rest-of-the-day and within-day products: $(E/8760) \times \text{number of (remaining) hours in the day} \times 2$.”

10. Section 3 para. 9a items 1 through 4 read:

- “1. for quarterly products: $(E/365) \times \text{number of days in the quarter} \times 1.15$;
2. for monthly products: $(E/365) \times \text{number of days in the month} \times 1.3$;
3. for daily products: $(E/365) \times 1.5$;
4. for rest-of-the-day and within-day products: $(E/8760) \times \text{number of (remaining) hours in the day} \times 2$.”

11. In section 3 para. 10, after the words “in line with point 3.3(1)(g) of Annex 1 to Regulation (EC) No 715/2009,”, the following phrase is added: “and in the event of transport restrictions at and entry/exit point that exceed a total duration of 360 hours during a gas year.”

12. Section 4 para. 1 sentence one reads:

“The system utilisation charges for exits from the transmission network into storage are determined applying the reference price methodology as per annex 3 and take the shape of rates that are stated in EUR/kWh/h, unless explicitly provided otherwise, per year and per exit point, and that include the costs for energy needed for compression.”

13. Section 4 para. 2 items 1 and 2 read:

- “1. Storage facility 7-fields: 0.44
2. Storage facility MAB: 0.44”

14. In section 4 para. 5, after the words “approved pursuant to section 32 *Gaswirtschaftsgesetz* (Gas Act) 2011,”, the following phrase is added: “and in the event of transport restrictions at and entry/exit point that exceed a total duration of 360 hours during a gas year.”

15. Section 4 para. 6 items 1 and 2 read:

- “1. Storage facility 7-fields: 0.77
2. Storage facility MAB: 0.22”

16. Section 4 para. 7 items 1 and 2 read:

- “1. Storage facility 7-fields: 0.27
2. Storage facility MAB: 0.23”

17. Section 7 para. 2 reads:

“(2) Gas Connect Austria GmbH shall make equalisation payments in the amount of EUR 14,930,464 to TAG GmbH.”

18. In section 8 para. 3, the words “para. 4” are replaced by the words “para. 5”.

21. In section 12 para. 4, the number “0.83” is replaced by the number “0.77”.

22. In section 12 para. 5, the number “para. 0.36” is replaced by the number “0.27”.

19. After section 21 para. 15 the following para. 16 is added:

“(16) The provisions of the 2nd Gas System Charges (Amendment) Ordinance 2020, FLG II no xxx/2020, come into force at the beginning of the gas on 1 October 2020.”

20. Annex 1 reads:

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

$$E_{Rm} = (D_{rf} * F_R) * AvgC_{int} \leq F_m$$

Where:

E_{Rm} is the compensation of the interruptible capacity product interruption in line with section 3 para. 7 and section 4 para. 4. The compensation is due for the day during which an interruption occurs.

D_{rf} is:

- (a) in the case of an interruptible capacity product interruption in line with section 3 para. 7, the grid utilisation charge for daily products pursuant to section 3 para. 9 or 9a, as applicable, or
- (b) in the case of an interruptible capacity product interruption in line with section 4 para. 4, the prorated grid utilisation charge for the day of the interruption pursuant to section 4 para. 2.

F_R is the compensation factor:

- (a) in the case of an interruptible capacity product interruption in line with section 3 para. 7, it corresponds to 3;
- (b) in the case of an interruptible capacity product interruption in line with section 4 para. 4, it corresponds to 1.5.

$AvgC_{int}$ is the average interruptible capacity interrupted in the relevant day, calculated as

$$AvgC_{int} = \left(\frac{\sum_{i=1}^{h_R} c_{diff,i}}{h_R} \right), \text{ where}$$

$c_{diff,i}$ is the actual interrupted capacity of the product calculated as the difference between the hourly capacity offered and the actually available hourly capacity during each hour affected by the interruption;

h_R is the number of hours of a gas day;

i is the relevant hour where an interruption occurs;

F_m is the grid utilisation charge that would apply if there were no interruption.

21. After annex 2 the following annex 3 is added:

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

Reference price methodology according to Article 6 et sqq. Regulation (EU) 2017/460”

(separate document)