

Draft

### **E-Control Regulation Commission Ordinance Amending the Gas System Charges Ordinance 2013 (2nd Gas System Charges [Amendment] Ordinance 2022)**

In exercise of sections 70 and 82 *Gaswirtschaftsgesetz* (Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG I no 245/2021, 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 7/2022, 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 557/2021, is amended as follows:

1. *Section 1 . para. 1 item 1 reads:*

“1. a system utilisation charge with a commodity part and a capacity part;”

2. *After section 2 para. 1 item 5 the following item 5a is inserted:*

“5a. “capacity part of the system utilisation charge” means the part of the system utilisation charge that is based on contracted capacity;”

3. *After section 2 para. 1 item 8 the following item 8a is inserted:*

“8a. “commodity part of the system utilisation charge” means the part of the system utilisation charge that is based on actual use of contracted capacity (confirmed nominations);”

4. *Section 3 para. 1 reads:*

“(1) The system utilisation charges for feeding into and taking off from the transmission network are determined by applying the reference price methodology and the chapter on the commodity charges as per annex 3. Unless explicitly provided otherwise, capacity-based system charges take the shape of rates in EUR/kWh/h per year and per entry/exit point and are payable by system users even if they do not nominate all of their booked capacity or do not nominate any of it. Unless explicitly stated otherwise, commodity-based system charges take the shape of rates in EUR/MWh per entry/exit point. Commodity-based system charges apply equally to all types of capacity (firm, freely allocable or dynamically allocable capacity); they are payable by system users based on their actual use of contracted capacity.”

5. *After section 3 para. 2 the following para. 2a is added:*

“(2a) The commodity rate for system utilisation for entry to the transmission grid is 0.08552 EUR/MWh.”

6. *After section 3 para. 3 the following para. 3a is added:*

---

This document contains a non-binding English version of a legal text. It is provided for the reader's convenience only and in no way constitutes a legally binding document. E-Control assumes no liability or responsibility whatsoever for the accuracy, correctness or completeness of the text in this document or any parts thereof. For a legally binding version of the text, please refer to the relevant *Bundesgesetzblatt* (Federal Law Gazette).

“(3a) The commodity rate for system utilisation for exit from the transmission grid is 0.31829 EUR/MWh.”

7. Section 3 para. 4 items 1 and 2 read:

- “1. Mosonmagyaróvár entry point (project GCA 2021/01, mandatory minimum transport volume: 763,726 kWh/h) .....1.35
2. Mosonmagyaróvár entry point (project GCA 2021/01, mandatory minimum transport volume: 916,487 kWh/h) .....0.98”

8. In section 3 para. 4a the following sentence is added:

“For the projects listed in para. 4 items 1 and 2, the f-factor pursuant to Article 23 Commission Regulation (EU) 2017/459 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013, OJ L 72/1, 17.03.2017, is set at 0.75.”

9. After section 4 para. 2 the following para. 2a is added:

“(2a) The commodity rate for system utilisation for exit from the transmission grid into storage is 0.31829 EUR/MWh for all types of capacity.”

10. In section 7 para. 2 the following sentence is added:

“With reference to the commodity charges, Gas Connect Austria GmbH shall additionally pay to TAG GmbH 2,646,010.58 EUR/month, by way of derogation from para. 1.”

11. The second para. 19 in section 21 is numbered “20”, and the following para. 21 is added:

“(21) Section 1 para. 1 item 1, section 2 para. 1 items 5a and 8a, section 3 paras 1, 2a and 3a, section 3 para 4 items 1 and 2, section 3 para. 4a, section 4 para. 2a, section 7 para. 2, and annex 3, all as amended by the ordinance in FLG II no xxx/2022, enter into force on the beginning of the gas day on 1 June 2022.”

12. The heading of annex 3 reads:

**“Reference price methodology pursuant to Article 6 et sqq. Commission Regulation (EU) 2017/460 and determination of a commodity charge pursuant to Article 4 para. 3(a) Commission Regulation (EU) 2017/460”**

13. Annex 3 is complemented by the following:

**“Addition to annex 3 on the calculation of a commodity charge”**

*(separate document)*