

DECREE

pursuant to Section 36a of the Energy Control Act

Initiation of proceedings

Establishment of a reference price method for determining transmission system charges from 2028 pursuant to Article 6 et seq. of Regulation (EU) No 2017/460 establishing a network code on harmonised transmission tariff structures, OJ No L 72 of 17 March 2017, p. 29, (NC TAR)

Pursuant to Section 36a and Section 12 of the Energy Control Act (E-ControlG), Federal Law Gazette I No. 110/2010, as currently in force, in conjunction with the provisions of Regulation (EU) No 2017/460 establishing a network code on harmonised transmission tariff structures, OJ No L 72 of 17 March 2017, p. 29, (NC TAR), the procedure for determining the reference price methodology is hereby initiated.

The purpose of the procedure is to establish a reference price methodology for determining transmission system charges from 2028 onwards in accordance with Article 6 et seq. of the NC TAR.

Pursuant to Article 6 (1) of the NC TAR, the reference price methodology is to be established by the national regulatory authority in accordance with Article 27 of the NC TAR. The reference price method to be applied depends on the results of the prior consultation, which is to be carried out by the national regulatory authority in accordance with Article 26.

In accordance with Article 6 (3) of the NC TAR, the reference price method is to be applied jointly by all transmission system operators in the Austrian entry-exit system to all entry and exit points. The reference prices determined must be set by the end of May 2027 and are to apply for the coming tariff period, i.e. from 1 January 2028. The network access charges for injection into or withdrawal from the transmission network, as set out in the Gas System Access Charges Regulation 2013 (GSNE-VO 2013), Federal Law Gazette II No. 309/2012, as amended, shall be determined for the 2028 tariff period using the reference price method.

During the regulatory period, the charges shall be updated annually. The regulatory authority reserves the right to redefine the reference price method during the regulatory period in the event of significant changes to the charges or following a re-evaluation at the suggestion of ACER.

The future reference price method is currently still being developed and is due to be finalised before the start of the public consultation in accordance with Articles 26 and 27 of the NC TAR. However, no significant systematic changes or fundamental alterations to the content are currently planned. The reference price method applied to date for the regulatory period 2025 to 2027 is described in Annex 3a of the GSNE Regulation 2013.

In the procedure for determining the reference price method, in accordance with the current state of transposition of EU law, i.e. Article 41 (17) of Directive 2009/73/EC concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, OJ No L 211, 14 August 2009, p. 94, (Natural Gas Internal Market Directive), every 'interested party' acquires the status of party affected, when its rights are potentially affected by such a decision. This also applies to market participants who are not the direct addressees of a decision by a national regulatory authority, provided that their rights are potentially affected by such a decision, both because of its content and because of the activities carried out or intended by those parties.

For these reasons, and in view of the uncertainty regarding the group of persons concerned, a group procedure pursuant to Section 36a of the E-ControlG is being initiated by Energie-Control Austria for the Regulation of the Electricity, Gas and Hydrogen Sectors (E-Control).

The parties affected by the 2028 reference price method are therefore invited, in accordance with Section 36a (2) of the E-Control Act, **to provide credible evidence of their interest in the matter in writing by electronic means (by email) within six weeks, i.e. by 23 October 2026.**

Electronic contact:

Energie-Control Austria for the Regulation of the Electricity, Gas and Hydrogen Sectors (E-Control), email: office@e-control.at

The proceedings will be conducted using electronic means of communication in accordance with Section 36a (3) (4) of the E-Control Act.

Where individuals have not provided credible evidence of their interest with the authority in writing by electronic means (by email) within the specified time limit, they will consequently lose their status as a party to the proceedings. A person who can demonstrate that they were prevented from raising objections in good time by an unforeseen or unavoidable event, and who is not at fault or is only slightly at fault, may raise objections with the authority within two weeks of the obstacle ceasing to exist, but no later than the date on which a final decision on the matter is taken. Such objections shall be deemed to have been raised in good time.

Note:

The edict is published in accordance with Section 36a (5) of the E-Control Act on the Federal Government's Electronic Publication and Information Platform and on the Authority's website (<https://www.e-control.at/bereich-recht/edikte>).

This publication means that all further publications and service of documents in the proceedings may be effected by edict (Section 36a (6) of the E-Control Act).

Approved by:

Dr Dorit Primus

Chair of the Regulatory Commission

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