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In Prague, 14th of June, 2022

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**Subject: NET4GAS' comments to the Draft Procedure and Concept for the Methodology for designing the levy according to the § 35e EnWG (BK7-22-052)**

Dears,

NET4GAS, s. r. o., the sole gas transmission system operator (TSO) in the Czech Republic would hereby like to submit the comments (“Stellungnahmen”) to the “Verfahren zur Genehmigung der Methodik zur Ausgestaltung der Umlage nach § 35e EnWG“ (BK7-22-052) as published by the Bundesnetzagentur, Beschlusskammer 7 on the 1<sup>st</sup> of June 2022 (hereinafter “Draft Procedure”) and the attachment “Konzept für die Methodik der Umlage nach §35e EnWG zur Sicherung der Füllstandsvorgaben für Gasspeicheranlagen“ prepared by Trading Hub Europe (hereinafter „Concept“).

Regarding the second paragraph of the point II. of the Draft Procedure which also refers to the point e. of the Concept, we understand that the relevant costs related the §35e EnWG would be in effect (according to the proposal) recovered as a charge dependent on transported quantities that is to be imposed on all system exit points, including the cross-border interconnection points.

**In our view it is not justifiable to allocate the relevant costs via the newly introduced levy (surcharge) to the cross-border interconnection points and create a price barrier for gas transportation to other countries.**

Reasoning behind our comment:

- The measure to allocate the costs also to the cross-border interconnection points is not compliant with the new EU SoS legislation (Recital 16 and 17; Article 6b point 2 and 3) that is going to be soon finalized, it goes against the spirit of solidarity and could block, restrict or limit usage of cross-border transmission capacities.
- Such a charge would create the locational market price differentials between individual EU member state gas markets, which are not related to cost of gas transit, but to cost of specific services provided in the national market only. This is clearly against the principle of cost causality.



- The Czech Republic has enough storage capacity of approx. 37 TWh. Gas in the underground gas storages is going to be injected and stored in line with the expected EU rules on the filling trajectory. In Germany, there will be no need for storing of gas determined for Czech customers. Therefore, additional cost and surcharge allocated to German cross-border points would unduly and unnecessarily increase the burden for Czech customers as they would not benefit from such a service.
- All non-transmission tariffs and flow-based charges have to be consulted in a periodic consultation, approved and published in line with the Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonized transmission tariff structures for gas (NC TAR).
- Other German surcharges (Marktraumumlage-, Biogas- Umlage) as approved by the REGENT decision are also not allocated to exit cross-border interconnection points. This has been confirmed by ACER in the "[Analysis of the Consultation Document on the Gas Transmission Tariff Structure for Germany](#)" published on July 17, 2020, where ACER agrees that *"the costs, which are related to the German network, are allocated to domestic exit points and not to IPs. In this manner, they are allocated to the beneficiaries of the service."* In the same manner we see that this should apply to the cost related to Germany.

Thank you for the opportunity to submit our comments and we believe that the final decision will reflect upon our reasoning.

Kind regards

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