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Grand Ruling Chamber for Energy

Reference: GBK-24-01-2#2

Decision

In the administrative proceedings pursuant to section 29(1) in conjunction with section 28o(3) and section 28r(6) sentence 1 of the Energy Industry Act (EnWG)

relating to the **determination of provisions to represent costs of certain transport services of the hydrogen core network and modify network tariffs accordingly (KOSMO)**

Parties summoned:

RWE Generation SE, RWE Platz 3, 45141 Essen, legally represented by its management board,

party summoned 1) -

Uniper Global Commodities SE, Holzstraße 6, 40221 Düsseldorf, legally represented by its management board,

party summoned 2) -

Uniper Hydrogen GmbH, Holzstraße 6, 40221 Düsseldorf, legally represented by its management board,

party summoned 3) -

Uniper Kraftwerke GmbH, Holzstraße 6, 40221 Düsseldorf, legally represented by its management board,

party summoned 4) -

Uniper Energy Storage GmbH, Holzstraße 6, 40221 Düsseldorf, legally represented by its management board,

party summoned 5) -

Legal representatives of the parties summoned 2) to 5): Uniper SE, Holzstraße 6, 40221 Düsseldorf, the latter legally represented by its management board,

the Grand Ruling Chamber for Energy of the Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen, Tulpenfeld 4, 53113 Bonn,

represented by

its Chair	Klaus Müller,
its Vice Chair	Barbie Kornelia Haller,
its Vice Chair	Dr Daniela Brönstrup,
its Vice Chair	Dr Christian Schütte,
its Vice Chair	Anne Christine Zeidler,
and its Vice Chair	Achim Zerres

decided on 12 December 2025:

1. Addressees

This determination is addressed to all hydrogen network operators operating part of the core network pursuant to section 28q EnWG.

2. Tariffs for certain capacity bookings

Operative part 1 sentence 3 of decision GBK-24-01-2#1 of 6 June 2024 (WANDA) is replaced by the following sentences:

The following provisions apply to the setting of the tariff:

a) The tariff for access to the hydrogen core network applies to firm hydrogen network capacity (FWK) booked as a yearly capacity product.

b) For a monthly capacity product, the tariff corresponds to 1/12 of the tariff for a yearly capacity product. For a daily capacity product, the tariff corresponds to 1/366 of the tariff for a yearly capacity product in a leap year and 1/365 of the tariff for a yearly capacity product in all other years. Additionally, a multiplier must be applied to monthly and daily capacity products. The Bundesnetzagentur will determine the level of multipliers in a separate decision. Until first decided otherwise, the multiplier for a monthly capacity product corresponds to 1.33 and the multiplier for a daily capacity product 3.38.

c) A discount must be applied to tariffs for interruptible hydrogen network capacity (UWK). The discount is 10%.

d) A discount must be applied to tariffs for monthly and daily capacity products at exit points to storage facilities. The discount for a monthly capacity product corresponds to the amount by which the tariff pursuant to b) sentence 1 increases due to the application of b) sentences 3 to 5. The discount for a daily capacity product corresponds to the amount by which the tariff pursuant to b) sentence 2 increases due to the application of b) sentences 3 to 5. Further discounts other than the above-mentioned are not permissible.

e) The hydrogen core network operators publish the multipliers and discounts resulting from b) to d) together with the tariff.

3. Adjustment of the ramp-up tariff in line with general inflation

Operative part 3 sentence 5 of decision GBK-24-01-2#1 is replaced by the following sentences:

The hydrogen core network operators adjust the ramp-up tariff in line with general inflation for each calendar year (t). They do so by multiplying the ramp-up tariff applicable at the time of the adjustment (t-1) by the overall consumer price index published by the Federal Statistical Office for the previous year (t-2) relative to the overall consumer price index for the year before that (t-3). Sentences 5 and 6 do not apply to calendar years for which the Bundesnetzagentur redetermines the ramp-up tariff pursuant to sentence 3, sentence 9 or sentence 10.

4. Compensation mechanism

After operative part 5 sentence 4 of the decision GBK-24-01-2#1, the following sentences are added:

If, during the amortisation period, the sum of all revenues from network tariffs for the relevant calendar year is greater than the sum of the approved network costs pursuant to section 14(2) of the Hydrogen Network Tariffs Ordinance (WasserstoffNEV) including the additions and deductions in accordance with operative part 7 g), for each hydrogen core network operator the percentage share of its individual balance in the total balance of the inter-temporal cost allocation account pursuant to operative part 3 is calculated. This is multiplied by the difference between the sum of all revenues from network tariffs and the sum of the approved network costs pursuant to section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7 g). In derogation of sentence 4, the annual compensation payment is derived by adding the difference from the individually approved network costs pursuant to section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7 g) to the revenues of the hydrogen core network operator.

5. Amendment to the start of the procedure for the approval of the forecast costs

Operative part 7 h) of decision GBK-24-01-2#1 is replaced by the following provision:

For the scope of this decision, in section 14(2) sentences 1 and 4 WasserstoffNEV “30 September” is replaced by “31 May” and in section 14(2) sentence 3 WasserstoffNEV the word “three” is replaced by the word “four”. For the scope of this

decision, in section 14(3) sentences 1 and 4 WasserstoffNEV “30 September” is replaced by “30 June”.

6. Auction premiums

The following sentence 2 is added to operative part 8 of the decision GBK-24-01-2#1: Auction premiums are permitted where the provisions on access to the hydrogen core network permit auctions.

7. Reservation tariffs

Operative part 9 of decision GBK-24-01-2#1 is replaced by the following:

Earnings and revenues from reservation tariffs are treated within the scope of this decision and the WasserstoffNEV as revenues from network tariffs as long as reservation tariffs are offset against network tariffs.

8. Entry into force and transitional arrangement

The decision enters into force with effect from 1 November 2025. If a hydrogen core network operator offers a capacity product between 1 November 2025 and 1 January 2028 that corresponds to a capacity product governed by decision BK7-24-01-015 of 27 October 2025 in terms of content, the provisions of the present decision apply to its pricing. If a hydrogen core network operator offers a capacity product between 1 November 2025 and 1 January 2028 that does not correspond to a capacity product governed by decision BK7-24-01-015 of 27 October 2025 in terms of content, operative part 2 a) applies to its pricing.

9. Payment of costs

No fees are payable for the decision.

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Rationale

I. Relevant facts

1. Initiation of proceedings

1 The Grand Ruling Chamber for Energy (ruling chamber) opened own-initiative determination proceedings on 9 December 2024 to represent costs of certain transport services of the hydrogen core network and modify network tariffs accordingly under reference number GBK-24-01-2#2.

2 The proceedings were initiated after the ruling chamber set out in its decision GBK-24-01-2#1 (WANDA) on 6 June 2024 basic provisions on the setting of network tariffs in the future hydrogen core network pursuant to section 28q EnWG. A key element is the establishment of a regulatory framework for setting a uniform ramp-up tariff for the primary phase of the establishment of the network and the subsequent amortisation of the initial investments before a cost-covering postage stamp tariff similar to that for the gas transmission system is applied in the long term (scheduled from the year 2056). In accordance with operative part 1 sentence 3 of decision GBK-24-01-2#1, the tariff (both the ramp-up tariff and the regular tariff after the end of the amortisation period) applies at all times to a non-interruptible yearly capacity. This requirement has the character of a placeholder inserted for transitional purposes. On the one hand, it was necessary to conduct the GBK-24-01-2#1 proceedings under considerable time pressure in order to provide the network operators and their investors with a sufficient degree of security concerning the financing conditions for the core network in good time. This was only possible by initially implementing a very simple tariff methodology and leaving aside the necessary discussions and conceptional tasks for a fully refined system in order to add these in a subsequent procedure. In addition, it was not yet possible during the proceedings to foresee what shape the regulation of access conditions to the hydrogen core network would take and what type of transport products the network operators would offer.

3 On 27 October 2025, the responsible Ruling Chamber 7 issued the determination on the basic compensation and balancing model for hydrogen, WasABi (BK7-24-01-014), and the determination on a basic model for hydrogen capacity and managing network access, WaKandA (BK7-24-01-015). According to decision BK7-24-01-015, which is particularly relevant to the material dealt with in the present decision, firm hydrogen network capacity (FWK) and interruptible hydrogen network capacity (UWK) that are both fundamentally freely

allocable and guarantee access to the virtual trading point are to be offered from 1 January 2028. However, in derogation of this, the firmness of the FWK may be restricted to one or more clusters that initially make up the market area. Special allocation procedures may be introduced for allocating initially restricted firm multi-cluster transport capacity. No capacity products with conditional firmness or allocation restrictions are envisaged. As well as yearly capacity, there will also be monthly and daily capacity.

4 On 26 March 2025, the ruling chamber published a key elements paper with regulatory proposals on the website of the Bundesnetzagentur and gave the public the opportunity to comment. In parallel with the consultation procedure, an online workshop was held on 15 April 2025 at which the key elements paper was discussed in detail with interested business groups and companies.

2. Contents of the key elements paper

5 The ruling chamber proposed in the key elements paper that the network tariff for daily capacity products be assigned a multiplier that seems suitable on the basis of current forecasts for offsetting the expected booking-related vacancy costs by around 80%. Whether this multiplier is to be determined by the Bundesnetzagentur or independently by the hydrogen core network operators applying methodological guidelines was left open by the key elements paper for discussion, as was the frequency with which this is to take place. The ruling chamber proposed a multiplier of 1.33 for monthly capacity products.

6 In addition, the key elements paper included a discount of 10% for the pricing of interruptible capacity products. According to the paper, a discount should be applied at exit points to hydrogen storage facilities for non-yearly products that cancels out the multiplier on the network tariff.

3. Responses to the key elements paper

7 The opportunity was given to comment on the key elements paper until 5 May 2025. A total of 27 comments on the key elements paper were received. Ten associations, two network operators, 15 other companies and one federal state ministry took the opportunity to comment.

3.1. Multipliers for non-yearly capacity products

8 One of the comments received already denied the existence of vacancy costs to any relevant extent. If networks were not used, there was barely any outlay for pump energy incurred.

Moreover, the legislators had clearly decided with the concept of the ramp-up tariff that vacant capacity was not to be priced for the time being. Other comments underlined the fact that multipliers additionally increased the price for procuring hydrogen, which was in any case already expensive, thereby thwarting the aspired ramp-up of the hydrogen market. Reference was also made in this context to the decision by the British regulatory authority Ofgem to set a multiplier of 1 as it believed the positive market effects achieved by this to outweigh the disadvantages. Many market participants also pointed out that different non-yearly capacity bookings needed to be viewed in context with each other. When electricity prices were low, the network was used for intake and injection for the volatile generation of hydrogen from electrolysers, while when electricity prices were high it was used for the withdrawal of hydrogen for the purpose of volatile electricity generation at power plants. This therefore served altogether to actually increase the network usage and avoid vacant capacity as such bookings might not happen at all if they became unattractive due to excessive multipliers. The high costs would place hydrogen power plants at a disadvantage compared with gas power plants, thus impeding decarbonisation. Some comments at least rejected multipliers at entry points from electrolysers as these were a significant source of flexibility and important for the balancing gas market.

9 It was suggested that a more detailed examination be carried out as to whether high multipliers were likely to increase or reduce the income from network tariffs. It ought also to be considered whether a staggered or phased introduction of multipliers might be beneficial for the market ramp-up.

10 Some comments underlined that multipliers unduly disadvantaged network customers with sharply fluctuating usage profiles, in particular power plants and electrolysers. However, contrary comments called for the highest possible multipliers in order to prevent precisely these short-term users from participating too little in the financing of the network. For example, it was proposed that the daily multiplier be set high enough to make a monthly booking the economically more attractive option as of 12 daily products.

11 Some comments proposed simply transferring the familiar multipliers from the gas transmission system to the hydrogen core network. Others rejected this idea as the booking behaviour in the hydrogen network lacked any empirical basis and was difficult to predict and customer behaviour was likely to remain very dynamic, especially in the initial phase. Moreover, the transferability of such multipliers was also questionable as hydrogen trading

was less dependent on seasons and temperatures. Some market participants thought the multipliers ought to be lower than in the gas network as flexibility was more important in the hydrogen network due to the future balancing rules. The planned helper/causer system was very much based on decentralised flexibility and would be thwarted by excessively high multipliers.

12 The offsetting of 80% of the booking-related vacancy costs by multipliers as proposed by the ruling chamber was considered by some participants in the consultation to be reasonable but criticised by others as its precise derivation was unclear. Some participants also did not consider it possible to assess as the specific effects on the amount of the multipliers were insufficiently clear due to the complex situation. Some comments called for 90% or even 100% of the booking-related vacancy costs to be offset, partly with a view to balancing the amortisation account and partly in the interest of making the cost allocation more cost-reflective. One market participant suggested viewing inputs and offtakes at storage points in combination when calculating the target value as injections and drawdowns generally did not take place simultaneously. According to another comment, only exit bookings should generally be considered as these told us something about the network's usage. It was furthermore pointed out that if the target criterion were too rigid, this could cause interplay with the structural vacancy as an excessively high multiplier could result in a fall in bookings, which would in turn make it necessary to increase the multiplier even further in order to achieve the target. The request was also voiced for the vacancy costs and multipliers to be determined in relation to the entire network and not by individual point in order to avoid complexity and the displacement of individual point groups.

13 A large majority of the comments called for the daily multipliers to be redetermined annually similarly to the regular MARGIT procedure, at least in the initial phase of the core network. This represented a fair compromise between planning certainty for network customers and revenue protection for the network operators. Adjusting the multipliers during the year was rejected across the board due to insufficient predictability. However, longer adjustment cycles than a year were also problematic as otherwise there was a risk of the amortisation account not being balanced on time. Nevertheless, one comment raised the concern that an annual adjustment could lead to a continuous oscillation between very high and very low multiplier values if network users were to respond to this each year by changing their booking behaviour and switching between daily and monthly products. The relationship between daily and

monthly multiplier was generally still unclear and the former might not be able to fulfil its function if the latter were set as a flat rate and was always more cost-effective than the daily multiplier from a certain point. It was pointed out concerning the proposal of the ruling chamber only to adjust the daily multipliers after specific thresholds for target achievement were exceeded that this did not offer any advantage over an annual adjustment as data collection and evaluation had to be carried out each year in any case.

14 The comments submitted on the setting of daily multipliers were unanimous that they should be set by the Bundesnetzagentur. Setting by the network operators was considered too controversial owing to the dependence on booking forecasts and only the Bundesnetzagentur was able to guarantee a comprehensive balancing of interests and prior consultation. Adjustment should take place with sufficient lead time: according to one market participant, this could amount to three months in the early ramp-up period, while in the long term, annual publication in May as with natural gas should be targeted.

15 It was pointed out with regard to the monthly multiplier that this could jeopardise the balancing of the amortisation account as the calculation of the ramp-up tariff presupposed a high share of annual bookings. This should accordingly be set to at least 3 to ensure that an annual product was already more attractive from the fourth month. Contrary comments underlined the prohibitive impact of an excessive monthly multiplier and called for it to be set at 1.2 as with natural gas or at 1 for the time being in order to gain some initial experience of the network booking level. Some comments also criticised the derivation of the figure of 1.33 proposed by the ruling chamber as too vague.

16 The proposed provisions for adjusting already booked capacity were welcomed as constructive by the isolated comments addressing them. However, it was also pointed out that anticipating the subjects of the WaKandA determination proceedings of Ruling Chamber 7 concerning access regulations should be avoided.

3.2. Discounts for interruptible capacity products

17 The idea of a discount of 10% on interruptible capacity products was welcomed by many comments. However, a large number also stressed that the amount of the discount needed to be reviewed regularly and if necessary adjusted to new findings concerning the likelihood of interruption.

18 Some market participants called for the discount to be set higher from the outset and especially in the initial phase, with 20% and 50% among the proposals. This was considered

necessary particularly due to the initial uncertainties. If output and consumption were to diverge significantly, interruptions would soon arise that were barely distinguishable from capacity interruptions for want of sources of flexibility. Owing to the subordinate sales of UWK, this was only ever booked in the event of very high network use. However, the interruption risk was then very high due to the short-term helper/causer system. Problems could be expected in particular at cluster connection points. One comment expressed the opinion that the amount of the discount should depend on the interruption-related time lag for the supply of hydrogen. Another called for government guarantees in the event of an interruption as the significant associated costs could impact the business case of producers.

19 However, the network operators pointed out that interruptible capacity would in any case only play a very minor role at the beginning of the market ramp-up.

3.3. Storage discount

20 The proposals of the ruling chamber concerning the storage discount were partly welcomed but partly also considered insufficient. Some market participants called for higher discounts such as a flat-rate discount of 75% for both input and offtake as in the gas transmission system, while others spoke out generally against any pricing of storage points whatsoever.

21 It was alleged as an argument against pricing and excessively low discounting that this would cause the network tariffs to double despite the hydrogen only making a slight detour in the network. This was considered to contradict the flat-rate approach of the postage stamp model. Moreover, the reasoning of the REGENT determinations of the Bundesnetzagentur that for this reason provided for a 75% discount in the gas transmission system applied equally to the hydrogen network. Contrary arguments considered no or excessively low pricing of storage points not to be in line with the principle of causation and warned against capacity hoarding incentives.

22 Many comments stressed that storage facilities could structure volatile generation and thereby stabilise network capacity utilisation, which would make network use more efficient and the system more stable. REGENT 2021 already recognised a partially network-substituting function of storage facilities for natural gas. This was even more pronounced for hydrogen as there were fewer network buffers available here and the volatility of generation and withdrawal was greater. Storage facilities were the main source of balancing gas in the sector. One comment contained an analysis of different flow scenarios and concluded from a consideration of particularly load-intensive situations that storage facilities were not a major

cost driver for the construction of the core network but would actually reduce its costs if planned accordingly. This was disputed by another comment pointing out that storage facilities could not replace pipeline construction as the network needed to take account of all flow scenarios if the free allocability of FWK was to be guaranteed.

23 The concern was expressed by some comments that an excessive storage discount would mean the ramp-up tariff would have to be raised in order to ensure the balancing of the amortisation account. Other comments denied this, pointing out that the tariffs at storage points were ultimately paid by the final customers just like the other tariffs and that reducing the ramp-up tariff was best achieved by connecting as many customers as possible, including those with flexible needs for whom the use of storage facilities needed to be sufficiently attractive.

24 Some market participants thought that tariffs at storage points placed domestically produced green hydrogen at a disadvantage compared to imported blue hydrogen as the former could only be used following temporary storage while the latter could be generated constantly.

25 A mere exemption from multipliers was inadequate as, owing to the major uncertainties, network customers would only book yearly baseload capacity, especially in the initial years. In addition, the one-sided discounting of offtake (injection for storage) only contradicted the bidirectionality of storage use. The typical storage customer viewed the storage service as a whole and did not distinguish between injection and withdrawal. Moreover, storage facilities would be placed at a disadvantage compared to other sources of flexibility that only have to pay an entry tariff and do not also have to pay an exit tariff prior to this.

26 The provisions for avoiding a discounted change of market area via a storage facility were welcomed by some comments as a sensible adoption from natural gas regulation. One comment stressed that the associated burdens of proof would need to be drawn up in a feasible manner and the administrative outlay for operators of storage facilities kept within reason. Another even called for further burdens of proof for network customers concerning their actual storage use in order to ensure that discounts were granted exclusively for booking behaviour that really did contribute to network stability and security of supply. One market participant completely rejected special provisions for storage facilities connected to multiple networks as storage facilities were not only used as a means of transport when switching between networks, but at the same time also facilitated a time lag between offtake from the network of origin and input into the target network.

3.4. Additional points

27 Several comments suggested introducing a duration discount for bookings that were particularly beneficial to the network over a longer period, corresponding to the multipliers for non-yearly capacity bookings. It was specifically proposed that booking durations of at least five years be incentivised with a reduced network tariff. This would serve to reward economically network behaviour that guaranteed network operators predictable income from network tariffs and thus contributed reliably to the long-term financing system. Another comment proposed a special discount for "early mover" companies booking capacity for at least ten years, although there should also be an exit option in return for an acceptable contract termination fee.

28 Furthermore, some market participants brought up for discussion additional discounts alongside those already planned. One comment suggested discounting connection points for downstream network operators or completely exempting them from tariffs in order to avoid multiple tariff payments for customers located there and important for the ramp-up. Another discussed a discount limited until 2035 for entry points at port terminals as long as the shipper was able to demonstrate supply flexibility in order to do justice to network alignment in the ramp-up phase. An entry discount of 75% was proposed for electrolysers and steam reformers as long as they provided imbalance gas. One comment favoured only pricing final customer points and any offtakes at cross-border interconnection points, as ultimately all levels of the value chain were in any case paid for by the consumer and otherwise the actual costs were obscured.

29 In addition, various topics were touched on that were not directly connected with the subject of these proceedings. When further expanding the core network, the options contained in the network development planning for enhancing flexibility ought to be used. Hydrogen could for the time being also be added to the natural gas system. The industry needed better planning certainty concerning the options to connect to the network. There ought to be financial incentives from State resources for hydrogen producers and users in order to utilise the network at an early stage. Priority needed to be given in terms of financial support to hard-to-abate sectors such as the steel industry. Either the decarbonisation of power plants needed to be accelerated or certain sections of the core network slowed down for this purpose. Funding budgets ought to be created for hydrogen storage facilities. Some comments put forward recommendations for the design of the capacity model, with desires expressed both for as

simple a model as possible and for an extensive transfer of the provisions for natural gas; the quarterly product, the announcement of which the key elements paper was misconstrued by some to be, was approved by some comments and rejected by others. The regulatory provisions needed to be closely coordinated with those of neighbouring countries such as Denmark. Provisions also needed to be created swiftly for the "second level", ie hydrogen networks outside the core network. Market-based instruments needed to be introduced to promote the network-substituting function of storage facilities.

4. Data request and identification of further regulatory requirements

30 In an email of 24 June 2025, the ruling chamber called on the hydrogen core network operators to submit booking forecasts for the years 2025, 2026 and 2027 assuming different options for possible multipliers for non-yearly capacity products. The findings gained from this were to be used to determine suitable multipliers.

31 In parallel with this, the ruling chamber – partly in discussion with the hydrogen core network operators – additionally identified further necessary corrections to the original determination GBK-24-01-2#1 and also integrated these issues into these proceedings. Specifically, these concerned questions regarding the adjustment to inflation of the ramp-up tariff, the compensation mechanism between the hydrogen core network operators, and auction premiums.

5. Consultation on the draft determination

32 The business groups affected were given the opportunity through publication of the draft determination on 21 October 2025 on the website of the Bundesnetzagentur and on 5 November 2025 in the Official Gazette of the Bundesnetzagentur to comment on the proposed determination. At the same time, the federal state regulatory authorities were given the opportunity to comment in accordance with section 58(1) sentence 2 EnWG. The Bundeskartellamt was likewise given the opportunity to comment in accordance with section 58(1) sentence 2 EnWG. The ruling chamber also communicated its draft decision pursuant to Article 7(8) second subparagraph sentences 1 and 2 of Regulation (EU) 2024/1789, including the opportunity to comment, to the regulatory authorities of neighbouring Member States and to the Agency for the Cooperation of Energy Regulators (ACER).

33 A total of 12 comments on the draft determination were received. Seven associations and five companies took the opportunity to comment. The comments largely repeated and modified

positions known from the consultation on the key elements paper. Some of these were supplemented with qualitatively new comments. The following account predominantly focuses on comments that have not already been outlined in section 3 above.

5.1. Multipliers for non-yearly capacity products

34 As was already the case during the consultation on the key elements paper, the introduction of multipliers was welcomed by network operators and industrial hydrogen consumers, who even tended to consider it not to be far-reaching enough, but attracted critical comments from many network users and in particular from market players with volatile production or consumption profiles and operators of storage facilities. The ruling chamber's plan also to set the daily multiplier itself and not simply specify a corresponding methodology to be applied by the network operators was unanimously approved.

35 The proposed multiplier values for both monthly and daily products were appreciated by some as a sensible compromise preserving the value of the corresponding capacity products but at the same time creating a sufficient incentive to book yearly capacities. Other comments feared a loss of flexibility for the market and contractual congestion for yearly capacity products due to the two multipliers. While the monthly multiplier of 1.33 already known from the key elements paper altogether gained comparatively broad acceptance, the daily multiplier of 3.38 in particular attracted some strong criticism. This would stifle short-term bookings, which was fatal for market development. In particular the large gap between the monthly and the daily multiplier was considered by some to be incomprehensible, especially in view of the relatively evenly tiered multipliers in the natural gas transmission system.

36 One comment proposed at least exempting electrolysers – at all events when operated in a manner beneficial to the system – from multipliers. Another called for a phased or staggered introduction of the provisions. In addition, one comment pointed out that the conversion of yearly tariffs to daily tariffs as per the current wording of the draft decision was incomplete in leap years.

5.2. Discounts for interruptible capacity products

37 As in the consultation on the key elements paper, the proposed discount of 10% for UWK products was considered by many comments to make sense, although it was also criticised by some market participants as too low or not sufficiently justified. However, some network users now also expressly attached little importance to the issue for the time being, as interruptible products were not expected to play a major role in the initial phase of the core network.

5.3. Storage discount

38 Similarly to the consultation on the key elements paper, the proposed provisions concerning the discounting of storage points were welcomed by network operators and industrial consumers, but considered particularly by market players with volatile production or consumption profiles and by operators of storage facilities to be insufficient. As well as the levying of network tariffs at storage points in general, criticism was again voiced concerning the lack of discounting of input from storage facilities to the core network and the configuration of the discount as a mere neutralisation of multipliers instead of a flat-rate percentage deduction set as high as possible.

39 Disagreement with the assumption of the ruling chamber that hydrogen storage facilities are comparable with other sources of flexibility was expressed in these comments by pointing out that storage facilities play a crucial role in the hydrogen system in particular for smoothing out volatile input from renewable sources and guaranteeing security of supply in congested situations or during “dunkelflaute” periods. It was necessary to distinguish between the different sources as storage facilities did not bring any new molecules into the system but made it more flexible; furthermore, import terminals only offered little flexibility due to their low storage capacity, while electrolysers largely provided their flexibility to the electricity market. Furthermore, the ruling chamber was wrong to suggest that usage tariffs must also be payable for import sources beyond the entry tariffs of the core network, as these tariffs served to finance foreign infrastructure, while the hydrogen quantities withdrawn from a storage facility had already contributed to the financing of the core network.

40 Furthermore, the discounting only of non-yearly capacity defeated its purpose as so far hardly any meaningful use cases were foreseeable for the use of non-yearly capacity to fill hydrogen storage facilities. The generation of green hydrogen was already coupled at all times to the production profile of specific renewable energy facilities due to the requirements of Commission Delegated Regulation (EU) 2023/1184. Due to the constant fluctuation of renewable energy generation, both injections and withdrawals were necessary almost every day so that the booking of yearly capacity was more economical than daily products despite the short-term nature of individual transports. In addition, the provision served as an incentive to use non-yearly capacity although the ruling chamber was critical precisely of this elsewhere due to the associated vacancy costs.

41 The special provisions still contained in the key elements paper and at present no longer included in the consultation draft of the decision that concern hydrogen storage facilities connected to both the core network and to other networks were considered by the only two comments from associations voiced on this matter to make sense. It was hoped the ruling chamber would introduce the provisions in question as soon as the connection of corresponding storage facilities was foreseeable.

5.4. Adjustment to inflation

42 The adjustment to the inflation formula was largely welcomed. Clarification was requested that this change would already apply from 2026. One single comment spoke out generally against adjusting the ramp-up tariff to inflation as this entailed a further disadvantage compared to natural gas network tariffs, which were also not adjusted to inflation.

5.5. Compensation mechanism

43 The adjustment to the compensation mechanism between the hydrogen core network operators was greeted by one comment (submitted by a network customer) as sensible. Other comments saw no need at the present time for adjustments only affecting the repayment phase of the amortisation account. Uniform participation in repayments in accordance with the payments of the account-keeping body would also only be achieved upon full repayment of the funds with the mechanism proposed henceforth. Moreover, the amortisation account only comprised a total balance with no individual network operator balances and therefore also no individual repayments. Instead, however, the desire was expressed by the network operators to place the annual calculation of compensation payments in the responsibility of the Bundesnetzagentur.

5.6. Review of forecast costs

44 The envisaged extension of the review of forecast costs to four months was welcomed. There was a request to coordinate the deadlines for the submission of cost data with corresponding deadlines for the cost reviews of the natural gas network operators in such a way as to prevent them from coinciding as far as possible, as the same persons were normally entrusted with this within the companies. It was also pointed out that an earlier submission of forecast data necessarily entailed cutbacks in terms of their accuracy, which needed to be taken into account in the review.

5.7. Auction premiums

45 The intended clarification concerning the treatment of auction premiums was unanimously welcomed.

5.8. Other comments

46 As was already the case during the consultation on the key elements paper, some market participants proposed a duration discount for long-term bookings spanning several years in order to create an incentive for such bookings and thus support the financing of the core network. There were likewise renewed calls to draw up provisions as soon as possible for hydrogen networks beyond the core network. However, the request was voiced at the same time not to make any systematic preliminary decisions for such networks with these proceedings.

47 The envisaged publication requirements for core network operators were welcomed.

48 It was suggested that provisions additionally be included concerning the regulatory treatment of reservation tariffs.

49 It was furthermore proposed that it be stipulated that the financing expenditure for the account-keeping body pursuant to section 28r(3) sentence 4 EnWG and the breakdown of its financing and administrative expenditure between the individual hydrogen core network operators need not be an integral part of the calculation basis to be submitted for the review of forecast costs as these items could only be determined by the network operators with great difficulty at this stage and were ultimately calculated by the Bundesnetzagentur in any case. Instead, the total amount of such expenditure for all network operators should be submitted and not until 1 September. The submission of forecast revenues should also not be required until this date.

50 In addition, the rate of return on excess equity envisaged pursuant to the WasserstoffNEV was criticised as not common practice in the capital markets. A rate of return updated annually should be stipulated along the same lines as the corresponding provisions for electricity and gas networks.

51 The further timetable for conclusion of the determination proceedings also attracted criticism from some market participants. The ruling chamber should first await the outcome of a number of technical and regulatory consultations within the sector still ongoing during the proceedings, such as the coordination of the reservation agreement and the market dialogue

concerning the cooperation agreement between hydrogen network operators (H2 KOV) in order to be able to include any impulses from this. For example, it was not possible to determine multipliers properly while the current uncertainties about certain market processes continued to prevail. One comment spoke out generally against a retroactive determination.

6. Further course of proceedings

52 The committee of representatives of the federal state regulatory authorities was formally approached on 13 November 2025 in accordance with section 60a EnWG.

53 With respect to the details of the proceedings, reference is made to the proceedings file.

II. Legal assessment

1. Formal lawfulness

54 The determination is formally lawful.

2. Responsibility

55 The decisions made in this determination fall under the responsibility of the Bundesnetzagentur in accordance with section 28o(3) EnWG.

56 The responsibility of the Grand Ruling Chamber for Energy derives from section 59(3) sentence 3 EnWG. The Grand Ruling Chamber issues nationally applicable determinations on the conditions and methodologies for network access and the conditions and methods for setting the tariffs levied for this pursuant to sections 20 to 23a, 24 to 24b and 28o(3) EnWG.

3. Addressees of the determination (operative part 1)

57 In accordance with operative part 1, the determination is addressed to all hydrogen network operators operating part of the core network pursuant to section 28q EnWG.

4. Involvement of the federal state regulatory authorities

58 The federal state regulatory authorities have been informed about the opening of the proceedings in accordance with section 55(1) sentence 2 EnWG.

5. Enabling provision

59 The substantive legal basis for the decisions is section 29(1) in conjunction with section 28o(3) and section 28r(6) sentence 1 EnWG. Pursuant to section 28o(3) sentence 1 in conjunction with (2) para 2 EnWG, the Bundesnetzagentur can establish regulations on the conditions and methodologies for calculating the tariffs for access to hydrogen networks. The ruling chamber is making use of this power and, within the scope of the discretion granted to it and by derogation from its decision GBK-24-01-2#1, hereby issues the following provisions concerning the setting of the network tariffs levied by the hydrogen core network operators. To the extent that this could be construed as a deviation from the uniform tariff amount pursuant to section 28r(1) sentence 4 EnWG, the ruling chamber is in any case authorised to pursue this deviation in accordance with section 28r(6) sentence 1 EnWG.

6. Non-yearly capacity products (operative part 2 b)

60 The determination of the requirements for converting tariffs for yearly capacity into tariffs for non-yearly products is a methodological arrangement for tariff setting within the meaning of

section 28o(2) para 1 EnWG. The ruling chamber has exercised its discretion pursuant to section 28o(3) EnWG in order to prescribe the application of multipliers in addition to a purely proportionate calculation of the tariff in the event of a non-yearly booking along similar lines to the regulation of the gas network. This requirement serves to ensure cost reflectivity and therefore fosters an adequate reflection of the actual costs in the network tariffs in accordance with Article 17(1) first subparagraph sentence 1 in conjunction with Article 7(8) first subparagraph sentence 1 of Regulation (EU) 2024/1789.

6.1. Purpose of the provision

61 Cost-reflectivity in tariff setting means in this context that the level of tariffs for using a certain capacity must reflect the costs caused by using and providing this capacity. As a consequence, network tariffs to be paid by a specific group of customers for capacity bookings should as far as possible reflect the costs caused by this group of customers in accordance with their respective causation contribution. Put simply, in accordance with the principle of causation, those capacity products whose provision causes specific costs should as far as possible also be priced with precisely these costs. If, on the other hand, the network tariffs do not reflect the network user's contribution to causing costs so that, as a result, parts of their contribution are covered by the network tariffs of other network users, the tariffs facilitate cross-subsidisation contrary to Article 17(1) third subparagraph in conjunction with Article 7(8) first subparagraph sentence 1 of Regulation (EU) 2024/1789.

62 By booking non-yearly capacity that fluctuates over time, network users booking this capacity cause vacancy costs in the course of the year. The option of a non-yearly booking enables network users to book in a structured manner. They can thus book different capacity quantities for different time periods on a daily or monthly basis. If network users book total capacity for a given day or month of a year with a maximum quantity "x", the network operator will generally keep at least this quantity of capacity available (throughout the year) for this purpose. This also applies if such network users only book total capacity with a lower quantity than "x" on the other days of the year. Moreover, it is not just one network user that books capacity with the quantity "x" for a month or a single day within a year, but a large number of different network users book non-yearly capacity with a given quantity within the year. The network operator accordingly keeps available capacity amounting to the total of all non-yearly bookings of all network users making such bookings. The network operator incurs vacancy costs from keeping available capacity for network users with non-yearly bookings. These costs

should, in accordance with the principle of cost-reflectivity, also be borne by the network users responsible for the capacity being kept available. However, it is not possible to determine precisely which network user making non-yearly bookings has made which contribution to the total costs of keeping capacity available in the complex core network area. With this in mind and also for reasons of ensuring the manageability of a provision, the ruling chamber considers that the vacancy costs caused should be distributed evenly among all network users making non-yearly bookings; this is justified because they bear responsibility in their entirety for the vacancy costs.

63 The provision in operative part 2 b) ensures that those network users necessitating the keeping available of a certain amount of capacity by the network operator through their non-yearly bookings also participate in covering the costs incurred for keeping it available by paying network tariffs that are increased accordingly. The ruling chamber considers it necessary to prevent the tariffs for non-yearly capacity from corresponding merely to the pro rata tariff for the yearly capacity, as this would mean that vacancy costs of the network during the year were borne by all network users, particularly also by that group of users that, through making yearly bookings, had not caused these costs. Furthermore, the specification of different multiplier values for monthly and daily capacity products is appropriate because, within the non-yearly capacity products, this takes account of the fact that the vacancy costs for daily bookings can arise on more days in the year than for monthly bookings. There should be an order of priority according to which the multiplier for the daily capacity product is higher than that for the monthly capacity product as the effects on the vacancy costs rise with decreasing booking duration. The longer the periods in which no capacity is booked or in which booking is carried out in a structured manner, the more the quantity of unused capacity rises as measured over a year. To this extent, the vacancy costs rise with shorter booking durations. Network users can book capacity in a more structured manner if they book shorter periods overall. If in the end they deliberately book very high capacities on just a few days, they inevitably cause vacancy costs on more days of the year. This must be appropriately taken into account when setting the multipliers so that the shorter the duration of the capacity product, the higher the multiplier.

6.2. Relation to inter-temporal cost allocation

64 The aforementioned considerations, which have already found their way into the regulation of gas network tariffs in a similar form, apply at all events to networks whose development and

customer connections have been largely completed and whose peak usage is close to their respective technical capacity. However, in view of the special circumstances in the future hydrogen core network, the ruling chamber was required to review critically whether the vacancy was of a general nature or brought about by non-yearly bookings. A significant difference from a largely utilised network (with regard to the individual peak usages) is that general vacancy will be a defining feature of the hydrogen core network in the initial phase. The network is tailored from the outset in terms of its dimensioning to the needs of a larger number of network customers expected for the future despite the fact that only a moderate quantity of transport bookings is likely to need fulfilling in the early years. Network infrastructure is therefore certainly being constructed and provided that will entail costs but to a considerable extent not be used initially. The causers of these vacancy costs are not first and foremost network customers booking in a structured manner in the present, but the expected future customers. There is thus a structural vacancy of the network throughout the entire year that is not attributable to individual network user behaviour. The ruling chamber has for this reason implemented an inter-temporal cost allocation mechanism in the GBK-24-01-2#1 proceedings. The inter-temporal cost allocation mechanism essentially serves the same purpose as the multipliers. It establishes cost-reflectivity by including the costs of keeping available unused network infrastructure in the tariffs of those customers for whom the facilities are provided. In this case, this is carried out not by way of a modified allocation of the annual costs to current customers but by postponing the recovery of some of the costs to another time some decades in the future. The network infrastructure is already constructed ahead of time in order to be available to future network customers in later years and decades.

65 The question arose for the ruling chamber whether it makes sense to introduce multipliers already at the present time in addition to this system of inter-temporal postponement. It could by all means be argued that non-yearly capacity bookings in the early phase of the core network will not cause any additional vacancy costs at all as the network will in any case have substantial technical overcapacity regardless of the way it is used. The network would not be any smaller in terms of its expected size in the near future in the absence of customers booking in a structured manner. Instead, such customers will actually help to reduce the already existing vacancy costs by at least contributing to a certain extent to covering the costs.

66 The ruling chamber nevertheless believes that this line of reasoning is too short-sighted. This becomes particularly apparent when it is consistently thought through to its logical

conclusion. In a structurally oversized network, no customer contributes to the causation of additional costs. This applies irrespective of the extent to which a customer makes use of the network. On this basis, no network tariffs at all may be levied until the core network was close to full capacity usage (apart from a small tariff for certain operating expenses), not even from customers booking yearly capacity. This would not only be contrary to the financing mechanism pursuant to section 28r EnWG and decision GBK-24-01-2#1, but also fail to convince in substance as the oversizing does not alter the fact that customers are availing themselves of a monetary benefit.

67 If, therefore, even under the conditions of an oversized network, the first customers are already required to contribute to its costs, the tariff system must also appropriately reflect their proportionate contribution to the network costs. In this respect, it can be seen that a network customer making non-yearly bookings takes up more capacity than that corresponding at first glance to the proportion of the yearly booking just as in a network running at full capacity. It is also the case in this situation that infrastructure for the (non-yearly) maximum capacity demand is required in order to facilitate non-yearly capacity provision, which in turn entails costs throughout the year. These vacancy costs are not covered by the inter-temporal cost allocation alone. A distinction can be drawn between vacancy arising from the anticipation of future customers (general vacancy) and vacancy resulting from the booking behaviour of customers (non-yearly vacancy). The financing gap would be smaller despite the low initial overall usage if the existing customers were to (or had to) book their capacity for the full year in the amount of their maximum yearly requirement. A given share of the initial vacancy costs is therefore already attributable to such non-yearly bookings. It is not evident why this booking behaviour should be priced lower in relation to non-structured bookings than under normal conditions precisely during the ramp-up, when revenue shortfalls are in any case incurred and have to be offset with subsidies.

6.3. General principles concerning the level of multipliers

68 The relationship between general vacancy based on oversizing and vacancy caused by non-yearly bookings can also be quantified. The decisive factor for the distinction is the maximum booking for each booking point within a year. This can be considered equivalent to full capacity usage in a non-oversized network. The difference between the technical capacity of a booking point and its maximum booking defines the general vacancy for the year in question. This is of no significance for the tariff system as it is to be reflected by the inter-temporal cost allocation.

However, the difference between the maximum actual booking (yearly maximum booking) and the minimum booking (yearly baseload booking) per point within a year is vacancy that results from the booking behaviour of network customers making structured non-yearly bookings. These structured vacancies are to be financed across all booking points of the network through mark-ups on the tariffs of precisely those customers making non-yearly bookings.

69 However, the ruling chamber is not aiming at full coverage of the structured vacancy costs by multipliers. This would result in the sum of all non-yearly capacity products actually requested being no more attractive for the market than bookings of the corresponding yearly capacity products. The chamber believes that the economic benefits of structured capacity products should not be fully denied despite the fact that they give rise to vacancy. It considers it fundamentally desirable for the market to be able to meet flexible transport requirements with structured non-yearly capacity bookings without the compelling need to pay a full yearly tariff for this. Yearly capacity products would otherwise always be the more economical alternative compared to non-yearly capacity products and would consequently attract far more demand. This could ultimately lead to avoidable, purely contractual capacity congestion unless all customers wished to use the booking point in the same time frames and the technical options of the network were not yet exhausted.

70 For this reason, the ruling chamber considers it to make sense to set multipliers that appear suitable for covering a share of the costs of booking-related (non-yearly) vacancy of around 80%. It goes without saying that this order of magnitude – as also already pointed out in some of the comments on the key elements paper – cannot be derived in a strictly mathematical sense as a kind of ideal calculated value for ensuring an optimum balance between booking flexibility and network financing. Instead, it reflects a discretionary decision by the ruling chamber that is required to conduct a prudent assessment of these conflicting aspects. The chamber believes that a coverage of around four fifths of the booking-related non-yearly vacancy costs by multipliers constitutes a reasonable degree of financing by the network customers causing them. On the one hand, by far the majority of these costs are allocated to those customers to whose transport needs the sizing of the network is geared, thereby substantively taking account of the principle of causation. At the same time, non-yearly capacity products are to remain sufficiently inexpensive to offer an attractive alternative to yearly capacity products for satisfying the market's flexible transport needs, thereby avoiding any incentives favouring the artificial creation of contractual capacity congestion.

6.4. Level of multipliers in the initial phase

71 However, even on the basis of this objective, it is only possible to a very limited extent for the time being to determine precisely the multipliers suitable for this purpose, as this requires a rough knowledge of the actual booking level of the network. To this end, the ruling chamber has obtained booking forecasts from all hydrogen core network operators for the years 2025 to 2027 assuming different multiplier values. However, the data material for deriving precise daily multipliers turned out to be unsuitable. The reason for this was that, at least according to the network operators, no use worth mentioning was being made in the initial years by the few network customers already active of non-yearly capacity products. For this reason, neither the effects of different multiplier options on revenues from network tariffs could be calculated on the basis of the data survey, nor could a suitable daily multiplier be determined.

72 The ruling chamber is therefore dependent at least for the ramp-up phase of the core network on doing its best to estimate suitable multipliers. It considers it inadequate to do this by following the suggestion of some participants in the consultation procedure and setting the multipliers at 1 for the time being until better insights are available. Despite the not insignificant uncertainties, it is obvious that a multiplier of 1 (ie in effect waiving the multiplier) will not achieve or even attempt to achieve an allocation of booking-related vacancy costs in line with the principle of causation. Furthermore, the chamber believes that effectively waiving a multiplier for non-yearly booking products could lead to a critical drop in yearly bookings in the network. The chamber also considers the temporary assignment of multipliers from the MARGIT decisions for the natural gas transmission system – as proposed in some of the comments – to be unsuitable for the hydrogen core network. The multipliers there are derived from the specific booking level of the gas transmission system. The core network comprises a network that is in large part to be newly built and is not likely to be comparable in terms of bookings, especially in the dynamic ramp-up phase. Booking behaviour is also set to differ greatly in the long term as the hydrogen market is less dependent on temperatures than the natural gas market and therefore less geared to seasons. An alignment of transports to short-term developments on the electricity market is to be expected instead, which in turn depends on the weather and its impact on the availability of renewable energies. A few comments also pointed out that the greater necessity for flexibility in the hydrogen network compared to the natural gas one needed to be taken into account when determining the amount of the multipliers for non-yearly capacity products. High multipliers could be counter-productive and thwart the incentives for a helper/causer balancing system based on decentralised

flexibility, it was maintained. The chamber shares the view that the hydrogen and gas networks have different requirements concerning flexibility. However, the chamber does not consider this to speak against higher multipliers that deviate from the natural gas network. From the perspective of the attribution of network costs, the amount of the multipliers merely serves as an appropriate balance for enabling the transport flexibility required by the network to be adequately refinanced. Furthermore, it is alleged by some of the comments that the requisite flexibility is largely derived from daily capacity bookings. However, the chamber does not rule out a significant degree of flexibility from already booked monthly or yearly capacity bookings.

73 Against the background of these considerations, the ruling chamber has decided to set the multiplier for the monthly capacity product at 1.33. It considers this value to make a substantial contribution to financing the booking-related vacancy while at the same time not being so high as to make it economically more attractive for too great a number of the network customers affected to book a yearly capacity product instead. As a result, the cumulative tariffs for monthly bookings of the same amount within a year will only reach a level that would make it cheaper to book a yearly capacity product from ten months. (Proportional) non-yearly bookings will therefore remain economically attractive and retain their function as a flexible instrument for satisfying increased market needs in the short term.

74 The ruling chamber is setting the multiplier for daily capacity products at 3.38. The data survey of booking forecasts among hydrogen core network operators for the years 2025 to 2027 was unable to make any substantial contribution towards deriving a precise daily multiplier in the absence of any such forecasts. The chamber is therefore taking the monthly multiplier of 1.33 as the basis for determining the daily multiplier. Assuming daily capacity bookings of the same amount, a daily multiplier of 3.38 and a monthly multiplier of 1.33 will make a monthly capacity product economically more attractive from the twelfth day. The chamber is in effect therefore following the suggestion of the Vereinigung der Fernleitungsnetzbetreiber Gas e.V. (association of gas transmission system operators) put forward in the consultation procedure for the key elements paper. The chamber considers 12 days to be a sensible threshold for the period within which short-term transports can be processed by means of daily capacity products at more economical conditions than with monthly capacity products. A smaller number of days or a higher daily multiplier would further reduce the attractiveness of the daily capacity product, which does not seem appropriate in the currently anticipated market environment (in this respect the chamber is not following up the comments from network

operators calling in the consultations for considerably higher multipliers). On the other hand, a further reduction of the daily multiplier would seriously call into question the financing of the booking-related vacancy costs to the extent considered reasonable by the ruling chamber and could in later years necessitate a comparatively drastic increase in the multipliers (or the ramp-up tariff) in order to offset undesirable developments, which could prove counter-productive for the development of the market. Like the monthly multiplier, the selected daily multiplier therefore also offers an appropriate compromise between the necessary financing of booking-related vacancy costs and preserving the independent economic significance of the corresponding capacity products as instruments for creating market flexibility.

75 This is also not at odds with the relationship between the two multiplier values, which was in some cases criticised in the consultation on the draft decision. The balanced relationship between satisfying the short-term flexibility needs of the market on the one hand and refinancing the hydrogen core network on the other is not – as claimed by some market participants – calculated according to the relationship between the longer and the next shorter capacity product, but according to the cost attribution of all non-yearly capacity bookings compared to a yearly booking. The ruling chamber therefore considers that the multipliers should be adjusted on the basis of the expected booking behaviour for non-yearly products – regardless of their individual relationship to their neighbouring products in terms of duration. As explained above, the amount of the monthly multiplier of 1.33 was taken specifically as the basis for deriving the daily multiplier in order to create a reasonable incentive. Furthermore, the ruling chamber also does not – as sometimes alleged – necessarily assume in the case of daily capacities that a higher multiplier will serve as an incentive for more yearly bookings, but above all that it will serve as an incentive for monthly bookings that are also beneficial for avoiding vacancy costs compared with daily bookings.

76 The ruling chamber is convinced that the multipliers chosen by it for monthly and daily products are together suited to guarantee a refinancing of the booking-related vacancy costs of the core network in the order of around 80% (in view of the serious forecasting uncertainties that also cannot be resolved with further investigations, it would not be right to attempt to provide a more precise figure). The decision made is therefore also consistent with the assumptions made in decision GBK-24-02-2#4 of 14 July 2025 for determining the ramp-up tariff concerning the contribution factor of transport bookings, so that there is also no need for the time being for a corresponding adjustment of the ramp-up tariff.

6.5. Continuous review of multipliers

77 The Bundesnetzagentur will keep monitor the actual booking levels of the core network closely and critically review whether its assessments made here actually prove correct. To this end, it will in future continue to obtain annual forecast data and – once available – actual booking data from the core network operators and discuss them with the business groups affected. Once more precise and reliable findings about vacancy costs and the booking behaviour of network customers are available, a readjustment of the multipliers set is expected to take place. This will aim to achieve the cost coverage targeted by the ruling chamber as explained above of 80% of booking-related vacancy costs as precisely as possible with revenues from non-yearly capacity products. At the same time, the chamber is, at least in this decision, foregoing a binding specification of this goal but merely setting out its deliberations in this regard in order to give the market the greatest possible transparency concerning its planned further procedure. Future adjustments to the multipliers are therefore not yet mechanically mapped out, as it were, but fundamentally open to discretionary considerations in order to take account of any further aspects and concerns, including those that may also be unforeseen.

78 Future adjustments to the multipliers will be carried out by the Bundesnetzagentur by way of a decision. The ruling chamber is picking up here on a clear finding from the consultation on the key elements paper in which the comments from both network operators and network customers spoke out across the board against mere methodological guidelines for adjustments by the network operators. The Bundesnetzagentur will decide on the frequency of future adjustments as appropriate and is refraining at this stage from setting out in this decision any long-term provisions in this regard. The booking situation will at all events be evaluated annually. Whether this also results in an annual adjustment still remains to be seen. The ruling chamber has perceived very clearly from the consultation on the key elements paper that a broad section of the market and of network operators considers an annual adjustment of the multipliers to make sense. In the interests also of ensuring a certain degree of stability and reliability for the tariff provisions, the chamber itself is not yet convinced of the expedience of such a frequent readjustment in order to reflect even minimal shifts, especially in view of the fact that there is no actual provision under EU law stipulating an annual resetting of multipliers for hydrogen networks similarly to Article 28 of Regulation (EU) 2017/460. It considers an adjustment only in the event of the financing goals being exceeded or undercut by a given percentage to continue to present a possible option. If it were

to become clear that the amount of the multipliers was negatively impacting market performance, this could also justify an adjustment. In particular, the contractual congestion feared by many market participants in the event of increased bookings of yearly capacity products is being carefully monitored by the ruling chamber – although it currently considers such effects to be extremely unlikely – and will be prevented with suitable measures if necessary. However, there should be no need to adjust the multipliers at least in the first few years as it is highly unlikely in the near future, based on capacity bookings and network use that will be very moderate to start with, that any insights can be gained that significantly exceed the current state of knowledge; this applies in particular to the monthly multiplier.

79 Redeterminations of multipliers are to be distinguished from redeterminations of the ramp-up tariff pursuant to operative part 3 sentence 9 of decision GBK-24-01-2#1. Multipliers are adjusted to ensure that the contribution factor assumed when setting the ramp-up tariff is actually achieved. This therefore serves – at least in this respect – to safeguard fulfilment of the actual requirements for the assumed ramp-up path and the assumed performance of the inter-temporal cost allocation account. However, the amount of the multiplier is not geared to the status or intended performance of the inter-temporal cost allocation account or amortisation account but exclusively to a balanced relationship between cost allocation in line with causation and adequate economic attractiveness of non-yearly capacity products. By contrast, an adjustment to the ramp-up tariff serves to correct the ramp-up path if it is evident that the assumptions upon which it is based are not proving true in reality and a different tariff is needed in order to balance the inter-temporal cost allocation account by 2055. The amount of the multipliers should normally remain affected by this as it does not primarily concern the total amount of revenues from network tariffs but the distribution of the cost burden between different groups of customers in line with causation. The revision of the ramp-up tariff and multipliers may if necessary be linked, should this appear appropriate.

6.6. Subsequent amendment of capacity

80 In the event of a (contractual) change to already booked capacity or a withdrawal of capacity, the previously calculated multiplier remains unchanged, even if the original capacity product would fall into another category after the change or withdrawal, for example if a previously yearly capacity product would become one or more monthly capacity products. No recalculation takes place; the multiplier is applied according to which product was booked when the contract was concluded. This provision applies to all scenarios in which the original

capacity product changes, in particular due to the successful surrender of capacity, the conversion and the (partial) termination of capacity. By contrast, for the capacity product booked for the first time after the change or withdrawal, the "new product", a multiplier corresponding to the duration of the new product must be applied. In this case, too, the multiplier is applied according to which product was booked when the contract was concluded. The provisions for changes and capacity withdrawals likewise apply to new products. In order to avoid any misunderstanding, it should be pointed out that trading on the secondary market, ie the leasing or transfer of usage by shippers to third parties, is not governed by the aforementioned provisions and is also not the subject of regulation in this determination. In the view of the ruling chamber, the multiplier continues to be applied on the basis of the original booking product for trading on the secondary market (leasing or transfer of usage). If, however, instead of trading on the secondary market capacity is surrendered to the network operator, the above provisions concerning the new product apply.

7. Interruptible hydrogen network capacity (UWK) (operative part 2 c))

81 The determination of the provisions for the pricing of interruptible hydrogen network capacity (UWK) is also a methodological arrangement for tariff setting within the meaning of section 28o(2) para 1 EnWG. The ruling chamber has decided within the scope of its discretion pursuant to section 28o(3) EnWG to apply a discount to such products. This is intended on the one hand to take appropriate account of the economic significance of the capacity product. At the same time, due regard is once again given to cost reflectivity as the provision of interruptible capacity entails lower costs for network operators than the provision of capacity that (except in the case of force majeure) is required to enable an actual hydrogen transport at all times.

7.1. Purpose of the provision

82 The cost reflectivity of tariffs means that the tariffs upon booking appropriately reflect the likelihood of an interruption and are always lower than network tariffs for capacity with a likelihood of interruption of zero. An adequate reflection of the likelihood of interruption can be achieved in the form of price reductions or discounts.

7.2. Level of discount

83 The setting of an appropriate discount level is currently still proving difficult in the hydrogen core network. Under normal circumstances, the usual and proper approach is to link the amount of the discount to the likelihood of interruption. The latter is derived most reliably by

considering the past frequency of actual interruptions at the individual booking points (see the statements in decision BK9-24/612 (MARGIT 2026), margin no 94 for the natural gas transmission system). However, no such past values will be available for the booking points in the hydrogen core network in the foreseeable future. The network first needs to be gradually established over several years (or made available through the repurposing of gas pipelines), which means that there can by definition not yet have been any actual interruptions upon initial application of this decision. Historical time series will also have only very limited informative value in the subsequent period due to the very dynamic development within the core network during the ramp-up phase (gradual connection of network customers). The ruling chamber has therefore decided to start off with a flat-rate standard discount for the initial phase.

84 It has chosen to set this at 10%. This corresponds to the long-established and proven contingency mark-up in the gas transmission system and, due to the extremely rare actual interruptions there, also to the effective discount for interruptible capacity at most booking points. The chamber considers a discount (only) in the amount of this contingency mark-up for interruptible capacity in the hydrogen core network to be sufficient at first as actual interruptions should be very unlikely for the time being due to the structural oversizing of the network at least in the initial years. To the extent that some comments in the consultation on the key elements paper pointed to much higher likelihoods of interruption due to the low market liquidity and lack of flexibility, this does not concern interruptions due to capacity-related (technical) congestion, the risk of which is to be covered by the UWK product. Surpluses or shortages of the network or the initial isolated network clusters due to customer behaviour will be offset by compensatory measures of the hydrogen network operators (see BK7-24-01-014 determination on a basic compensation and balancing model for hydrogen, WasABi).

85 To the extent that the interruption risk for the transport of hydrogen between two clusters is limited in the initial phase of the core network, the capacity product will in any case not be UWK but rather FWK, which is subject to the special provisions of operative part 3a cc) of decision BK7-24-01-015. No discounts are envisaged for such products. The core network will temporarily remain shaped by very limited options for multi-cluster transport in the initial phase. If these restrictions were to be reflected in the tariff, practically every capacity would have to be discounted initially. However, assuming a uniform discount, this would affect all

customers equally and consequently not alter the tariff level, or – in the case of differing discount options – completely undermine the principle of a uniform tariff for all network customers as set out in section 28r(1) sentence 4 EnWG. The ruling chamber has therefore deliberately decided not to take into account the initial restriction of the firm share of FWK products to certain geographical areas in the price.

86 Linking the amount of the discount to supply delays as proposed in the consultation on the key elements paper does not appear to make sense as the interrupted capacity cannot be directly related to capacity booked as a substitute or actual transports carried out. A connection with the follow-up costs of an interruption would also be misguided as the customer knowingly accepts such risks when booking interruptible capacity and already receives financial compensation for this even if no interruptions actually occur. Furthermore, the follow-up costs of the individual shippers are likely to vary greatly in terms of their amount and it does not seem appropriate to make the other network users pay for the (individually higher or lower) compensation costs.

87 The ruling chamber reserves the right to monitor the development of capacity interruptions in the core network and replace the flat-rate approach to discounting with another system in due course if this seems appropriate. This is also in line with the expectations expressed by many market participants in the consultation procedures.

7.3. Subsequent amendment of capacity

88 The above statements concerning the effects of capacity changes on multipliers apply accordingly to the change of UWK. In this case, too, the calculation of a discount (including its level) depends on the facts at the time the contract was concluded. The discount is not subsequently lost if UWK is converted into FWK. It remains unchanged for the period that has already expired. However, the network user is required to pay the FWK tariff (without the discount) for the FWK following the conversion.

8. Storage discount (operative part 2 d))

89 A methodological arrangement for tariff setting within the meaning of section 28o(2) para 1 EnWG can also apply to tariff setting at specific entry and exit points. The ruling chamber has prescribed such an arrangement for exit points to hydrogen storage facilities in the exercise of its discretion pursuant to section 28o(3) EnWG. It stipulates that a discount must be applied to non-yearly capacity products at such points to the effect that the multiplier otherwise customary for such products is not applicable. This serves to take account of the transport and

booking-increasing function that hydrogen storage facilities are likely to be able to additionally provide in the network.

8.1. Purpose of the provision

90 Storage facilities can play an important role in supporting the future hydrogen economy. During phases in which large quantities of renewable power from wind power plants and photovoltaic installations are available owing to favourable weather conditions, surplus power can be used to generate hydrogen through electrolysers. In the event of very favourable conditions, more hydrogen may be made available to the market in this way than is consumed at such a time by customers. Production therefore only makes sense if the available infrastructure offers the option of temporarily storing surplus hydrogen and transporting it to final customers at a later time, such as when the supply of hydrogen is lower because there is no surplus power available from photovoltaic installations at night and therefore less hydrogen production takes place but at the same time hydrogen consumption remains constant or even rises, as hydrogen power plants have to be additionally ramped up to offset the loss of renewable power (among other things from photovoltaic installations). In effect, therefore, the storage of hydrogen also facilitates a higher (secured) degree of hydrogen purchases during phases with low hydrogen production. By supporting sustainable business models for additional hydrogen production in surplus situations in this way, storage facilities not only serve the hydrogen market but also increase transports (and potentially associated bookings) in the hydrogen network. Additional production and consumers trigger additional transport bookings in the network. This can be used to generate further contributions towards the financing of the core network, which is particularly important against the backdrop of the market ramp-up for amortising the investments in the emerging network.

8.2. Exit discount at storage facilities

91 For this reason, the ruling chamber has decided to provide for a discount on the exit tariffs at storage points for the injection of hydrogen. It is linking this to the multipliers for non-yearly capacity products set out under operative part 2 b). The ruling chamber is of the opinion that a multiplier should not be applied to additional storage filling carried out on a short-term basis as it attaches a greater weighting to the additional transport possibilities in the hydrogen core network than to the vacancy costs at the storage booking points arising from the applicable transport bookings. Instead, the chamber assumes that the provision could even be suitable for reducing vacancy costs by increasing the booking level of the network.

92 However, the ruling chamber does not consider further discounting also of yearly capacity to be necessary as in its view such capacity products do not play any significant role in filling storage facilities with additionally produced hydrogen quantities (beyond current demand from customers). The ruling chamber does not intend to privilege all use of storage. It considers it possible that certain business models might make continuous use of storage services in order to smooth out volatile transport volumes or facilitate stable, consistent offtake volumes when production fluctuates. This behaviour does not require any separate incentive and should be priced according to general rules in accordance with the actual use of the core network. Unlike many comments in the consultation procedure, the ruling chamber therefore considers it appropriate in case of double use of the core network for this purpose to apply a full tariff to both transport to the storage facility and transport at a later time away from the storage facility. However, the chamber does wish to capture additional production quantities exceeding this amount and arising due to favourable conditions that at the time of their provision are not initially needed by the market but can be injected into storage in order to serve as a flexibility option or be used to supply further (interruptible) customers. Market participants also stand to benefit from this who – as pointed out by some in the consultation procedure – already keep available yearly capacity available to fill storage facilities owing to imbalances between production and purchasing that fluctuate on an almost daily basis. In terms of the amount, these customers will also only book capacity on a yearly basis for a given baseload and increase it with additional short-term products as required in phases with production peaks. Only the latter should be additionally incentivised by waiving the multipliers. By contrast, the ruling chamber does not consider further discounting yearly capacity as well to be appropriate as it does not wish in so doing to create an incentive to hoard yearly capacity at storage points. Nevertheless, these aspects will of course (also) be the subject of ongoing monitoring and regulatory readjustments if necessary.

93 The order in operative part 2 d) serves to ensure an appropriate calculation of tariffs with regard to the aspects mentioned. The mandatory requirement for the exit tariffs at storage facilities to be discounted and the simultaneous specification of the amount of the discount ensures that the privileging of storage use is implemented within a harmonised framework by all network operators. The uniform discounting gives all parties involved in the process planning certainty. The ruling chamber therefore sets out the precise basis for calculating the discount and it is not placed at the discretion of the network operator. This ensures that the

network operators at the exit points of storage facilities to whom the provision is addressed set appropriate tariffs in line with causation.

8.3. Storage facilities connected to multiple networks

94 The ruling chamber is for the time being foregoing separate provisions for storage facilities connected to hydrogen networks that partly belong to the core network and partly do not, as envisaged in particular in the natural gas transmission system with the REGENT decisions and also included for the core network in the consultation on the key elements paper. The chamber essentially continues to consider that discount provisions should not enable network customers to obtain a discounted departure from the core network and in so doing partially circumvent the fundamental obligation to pay a multiplier for the non-yearly booking of an exit point. However, it considers it premature to issue corresponding provisions at the present time. On the one hand, it is not yet possible to foresee whether and to what extent hydrogen storage facilities with a corresponding connection situation will even be installed in the future hydrogen network at all. On the other hand, it is not currently possible to assess with certainty whether a critical perverse incentive to circumvent multipliers will also arise under the market conditions of the core network in combination with the discount provisions established in this decision or whether corresponding provisions might possibly even make revenue-impacting transport bookings less likely. The ruling chamber has gathered from the feedback in the consultation procedure that the market (to the extent that it has expressed a view) considers the introduction of corresponding provisions to be appropriate. However, it has also understood that they are thought not to be absolutely necessary, at least at the present time. It will therefore continue to forego any corresponding special provisions for the time being and reserves the right to introduce them at a later stage.

8.4. No entry discount at storage facilities

95 There are no plans to discount entry capacities at storage facilities either for yearly or non-yearly capacity products. The ruling chamber does not see any objective reason for this. The currently available forecasts suggest that injections from storage facilities to the core network will not differ significantly in their function for the market and therefore also for the network from injections from cross-border interconnection points or hydrogen terminals. They all comprise sources of flexibility that are capable, for instance in the event of weather-related shortages, of existing side-by-side on an equal footing and substituting a temporarily

insufficient input from electrolysers. It would therefore be hard to justify why one of these sources of flexibility is promoted with a discount while the others are not.

96 The ruling chamber is unable to detect any disadvantage compared to other sources of flexibility. Unlike the use of storage facilities, the procurement of hydrogen from other sources does not entail the prior payment of exit tariffs in the core network. However, other types of cost are incurred instead. The use of a terminal requires payment of a terminal tariff and the organisation of ship transportation. When importing via a cross-border interconnection point, not only an entry tariff for the core network is incurred, but also usage tariffs for at least one foreign hydrogen network. For the same reason, there can also be no question of volatile domestic production being structurally disadvantaged compared to potentially more flexible but possibly less climate-friendly imports. Certain imports may be less dependent on storage facilities but in return have to pass through more networks and are therefore not likely even to be normally eligible to benefit from a discounted exit from the network of origin (unlike the temporary departure of domestically produced hydrogen from the core network to a storage facility). To the extent that it was pointed out in the consultation that the costs of systems outside the core network did not serve to finance the core network but other networks or infrastructure, while contributions to the financing of the core network had already been made for hydrogen quantities injected into storage, this is correct. However, unlike the injection of quantities temporarily put into storage, the structured import of hydrogen also does not entail double use of the network.

97 Furthermore, by adopting this approach the ruling chamber is avoiding a regulatory intervention in the competition between the sources of flexibility. Owing to the fluctuating availability of renewable energies, the production of green hydrogen will also fluctuate over time. Industrial enterprises in some cases require consistently high hydrogen procurement. Hydrogen power plants will normally run when the electrolysers are not producing any green hydrogen. This temporal asynchrony of hydrogen input and offtake quantities can be resolved through use of the hydrogen network and the hydrogen storage facilities connected to it. However, it is also equally conceivable that several electrolysers on the entry side might not connect directly to the hydrogen network but instead to a hydrogen storage facility. A consistently high or delayed input of the green hydrogen quantities produced into the hydrogen network can therefore take place via the storage facilities. The same would be conceivable if individual industrial facilities and/or hydrogen power plants on the exit side

were connected to a storage facility rather than directly to the network in order to control their offtake behaviour independently from the hydrogen quantities currently fed into the network. The criticism expressed in some of the comments of the theory that no discount is needed at entry points to storage facilities in order to avoid a disadvantage compared with other sources of flexibility is not convincing. All available studies currently assume that additional structured imports of hydrogen are needed in addition to the production of hydrogen in the core network in order to meet the entire supply needs of the customers in the core network. From the ruling chamber's perspective, a competitive situation therefore continues to exist for these (structured, flexible) quantities to be additionally fed in against the backdrop of which the discounting of individual supply sources seems unjustified.

98 To the extent that the injection and withdrawal, ie on the network side the offtake and input of parts of the market, is considered to be a single business – as argued in the consultation on the key elements paper – this likewise does not speak against differentiated discounting. Precisely because many network customers may only pay little attention to the distinction between the two network tariffs, it is also likely not to make a significant difference for them whether a discount applies only to one or to both processes (as the discounting would have to be set correspondingly lower if extended to entry tariffs in order to ensure the same revenue level overall and not jeopardise the balancing of the amortisation account).

99 Transferring the discounting system applied in the natural gas transmission system in accordance with decision BK9-23/610 of 14 May 2025 (REGENT 2026) is also not advisable. Key basic decisions about the configuration of storage discounts are already predetermined for the gas network by Article 9(1) of Regulation (EU) 2017/460 (TAR NC) and the Bundesnetzagentur is required only to decide on the actual amount of the discount in a corridor between 50% and 100%. As there are no such superordinate provisions for hydrogen networks, the Bundesnetzagentur is required to draw up its own assessment of the appropriateness of storage discounts under the specific circumstances of the hydrogen network under construction within the scope of the discretion granted to it. It has done this on the basis of the considerations set out above.

100 The attempt undertaken in the consultations on the key elements paper and draft decision (as well as in the GBK-24-01-2#1 proceedings) to demonstrate that storage facilities are not cost drivers for the expansion of the core network must once again be responded to by pointing out that all network users benefit from the provision of the network and should consequently

make a contribution to its financing in accordance with the scope of their network use (identical in terms of content with decision GBK-24-01-2#1, margin no 30). Furthermore, the ruling chamber also does not share the view of some participants in the consultation that storage facilities are used in a manner that is exclusively beneficial to the network. This exclusively network-oriented use might be ensured if the storage facilities had only interruptible capacity and at most network costs for the connection arose during network expansion. However, there were calls when sizing the hydrogen network also to connect storage facilities with firm capacity so that use could be made of these at all times completely flexibly and irrespective of benefit to the network. In this respect the storage facilities likewise generate a significant share of the network costs. The ruling chamber also does not share the view expressed in some of the comments that storage capacities were essentially taken into account for the purposes of efficient network planning both for injection and withdrawal in a grid-relieving manner in the simulated calculations of the hydrogen core network operators. Both the sizing of the core network with exclusively freely allocable capacity at all storage connection points and the correspondingly forecast revenues from capacity sales on a non-discounted basis included in the calculation of the ramp-up tariff speak against this. Contrary to the assumption of some market participants, the peak load is at present also not posing any congestion problem in the hydrogen core network. If anything, there currently appears to be a lack of sufficient long-term booking demand.

9. Other discounting proposals put forward by market participants

101 The ruling chamber does not consider a special duration discount for long-term capacity bookings in the initial phase of the core network to be appropriate. Thanks to the inter-temporal cost allocation mechanism as set out in decision GBK-24-01-2#1, network customers booking during the ramp-up phase already receive quite a significant tariff reduction as this mechanism facilitates network tariffs well below the cost-covering level in this phase. This should essentially fulfil the requirements for a successful market ramp-up despite the disproportionately high system costs at the beginning. In addition, many market participants claimed in the consultation on the key elements paper that a very large number of initial network customers were likely to operate on the basis of long-term contracts and also book their capacity accordingly owing to the still limited market liquidity and significant uncertainties. If this is in any case the universally expected market behaviour, an additional economic incentive for long-term bookings is hardly likely to make any difference.

102 Discounts for entry points at import terminals or at hydrogen production points are to be rejected for the same reasons as those at entry points from storage facilities. All types of entry point are capable of contributing to the stability of the network if used accordingly by customers (but not on their own). However, there is no reason why individual types of such points should benefit from special privileges compared to others.

103 A discounting or even tariff exemption of transfer points to downstream networks also appears misguided. The requirement for each user of the core network to contribute to covering its costs by paying the ramp-up tariff is an essential feature of the prevailing financing system. Customers from downstream networks cannot (partially) withdraw from this community of solidarity under the pretext that they also pay additional tariffs for other networks. If, as assumed by more optimistic forecasts, a comprehensive hydrogen infrastructure also develops beyond the core network in Germany, this could affect a considerable share of network customers as of a given point. According to the principles of cost reflectivity, it is common practice for customers making use of multiple network levels to pay for each of them in full. This is also no different from the natural gas system.

10. Publication of multipliers and discounts (operative part 2 e))

104 According to Article 17(1) first subparagraph sentence 1 in conjunction with Article 7(8) first subparagraph sentence 1 of Regulation (EU) 2024/1789, network tariffs must be transparent. This also applies to tariff modifications such as multipliers and discounts. Operative part 2 e) therefore stipulates that these must also be published by the hydrogen core network operators together with the network tariffs pursuant to operative part 2 sentence 3 (if applicable in conjunction with operative part 3 sentence 11) of decision GBK-24-01-2#1. This serves to ensure that network customers are able to obtain all relevant information directly from the network operators concerning the prices of the capacity products offered by the latter.

11. Adjustment of the ramp-up tariff in line with general inflation (operative part 3)

105 The method of calculation for adjusting the ramp-up tariff in line with general inflation has been amended as the original provision would not yield appropriate results in years for which the ramp-up tariff is set for the first time or reset by the Bundesnetzagentur as part of the review mechanism and in the years following such measures. The new provision serves to correct the incorrect calculation for these years so that the ramp-up tariff is always adjusted in line with the latest available data on general inflation.

$$ramp-up\ tariff_t = ramp-up\ tariff_{t-1} \cdot \frac{CPI_{t-2}}{CPI_{t-3}}$$

106 Owing to the interplay with operative part 8, the new provision is first being applied for the calendar year 2026.

107 The fundamental question of whether an adjustment of the ramp-up tariff to general inflation is appropriate in the first place has been answered by decision GBK-24-01-2#1 and is not the subject of these proceedings. However, it should be pointed out regarding a comment on this issue received during the consultation that linking the network tariff to general inflation by no means entails a disadvantage for hydrogen network customers compared to gas network customers as gas network tariffs are derived from revenue caps for calendar years, which are in turn adjusted to the overall consumer price index in accordance with section 4(3) sentence 1 para 1 in conjunction with section 8 of the Incentive Regulation Ordinance (ARegV).

12. Compensation mechanism between the hydrogen core network operators (operative part 4)

108 The provisions of operative part 5 of decision GBK-24-01-2#1 concerning the reconciliation of revenues among the hydrogen core network operators can only be applied sensibly as long as the total costs are higher than the total revenues of the hydrogen core network and the inter-temporal cost allocation account is still in the ramp-up phase. If the revenues were to be reconciled between the hydrogen core network operators in the same manner in the gradual reduction phase, this could result in an uneven reduction of the individual balances on the inter-temporal cost allocation account. It would accordingly be possible for some network operators to have already entirely reduced their balance while others still had a sum to reconcile. The additional provision for the phase in which the total revenues are higher than the total costs and the inter-temporal cost allocation account is therefore in the gradual reduction phase ensures that the individual balances of the hydrogen core network operators are reduced evenly and the discrepancy described above does not arise. The compensation amount in the gradual reduction phase of the inter-temporal cost allocation account is therefore calculated according to the following formula:

$$compensation_i^t = \frac{balance_i^{t-1}}{\sum_{i=1}^{n} balance_i^{t-1}} \cdot \left(\sum_{i=1}^{n} E_i^t - \sum_{i=1}^{n} K_i^t\right) + K_i^t - E_i^t$$

whereby K_i^t = approved costs of network operator i in year t,

E_i^t = collected tariffs of network operator i in year t

$balance_i^{t-1}$= *individual balance of the inter-temporal cost allocation account in year t-1 of hydrogen core network operator i*

109 The share of each network operator in the positive difference between total revenues and total costs accordingly corresponds to the percentage share of its individual balance in the overall balance of the inter-temporal cost allocation account.

110 The ruling chamber noted in the consultation procedure that the network operators themselves do not consider a correction of the mechanism to make sense at the present time. Although the gradual reduction phase of the inter-temporal cost allocation account will still be a long way off when these proceedings are concluded, the need for adjustment is already clearly visible now. The new provision aims to achieve an even reduction and simultaneous reconciliation of the individual balances of the inter-temporal cost allocation account. From the ruling chamber's perspective, it is therefore not true that an equal participation of the individual core network operators in the booking of additional revenues to the account in accordance with the original allowance for individual shortfalls in revenue will only be achieved upon full reconciliation of the account balance.

111 Furthermore, while it may in principle be formally correct that from a legal perspective there are no individual shares in the inter-temporal cost allocation account or amortisation account, this does not alter the fact that the individual network operators contribute to the accrual of the account balance by booking their own individually distinct balances and these are therefore proportionately allocable in economic terms (in accordance with margin no 86 of decision GBK-24-01-2#1); the legislators also assume this at least in substance in section 28s(3) sentence 4 and more explicitly in subsection 4 sentence 2 EnWG. Moreover, the provision of section 28r(1) sentence 8 EnWG envisaging a compensation mechanism between the network operators would be functionless if such individual balances did not exist in any case.

13. Amendment to the start of the procedure for the approval of the forecast costs (operative part 5)

112 Operative part 5 revises the amendment to the procedural time frames and deadlines for reviewing the forecast and actual costs. Notwithstanding the fundamentally redrafted wording, the only difference from the previous provision is that the cost data for the review of forecast costs pursuant to section 14(2) WasserstoffNEV, including its calculation basis, must

now be submitted by 31 May and the review deadline is extended to four months. The target date for completion of the procedure remains 30 September. The ruling chamber considers the extension of the review period to make sense as the previous deadline of three months has proven extremely tight in the procedures already carried out so far and makes a timely conclusion of the procedures extremely ambitious both for the Bundesnetzagentur and for the hydrogen core network operators subject to the review and corresponding queries. Even a rather cursory review of forecast data not yet requiring conclusive verification that foregoes particularly detailed discussions of its admissibility requires a given effort on both sides and a number of mandatory procedural steps for which timely execution can be seriously jeopardised even by just minor delays in the process. The procedures likewise tolerate virtually no significant delay as the approval decisions of the Bundesnetzagentur are required in good time in order to initiate the payments of the account-keeping body in accordance with section 28r(3) sentence 4 EnWG.

113 The ruling chamber expects the network operators to be able to supply forecast costs for the following year – unlike actual costs to be derived from an audited activity report – by 31 May in a form suitable for an appropriate review and the obligation to submit by this date not to pose any excessive burden for them. It assumes, on the contrary, that such a procedural design will actually take more account of the principle of proportionality than the previous provision owing to the longer time allowed for the review procedure and the more generous enquiry and consultation deadlines facilitated by this and the more pronounced opportunity to put forward viewpoints concerning the admissibility of costs.

114 To the extent that there were requests in the consultation to coordinate the data submission deadlines with the corresponding obligations for cost reviews in the natural gas network sector, this is in principle an irrelevant consideration as the core network divisions of the network operators are to be treated in regulatory terms as independent companies unrelated to gas network operation. The Bundesnetzagentur may, in its discretionary considerations, take account of the interaction with future data survey determinations for gas network operators, but it will not be able to offer any optimally tailored solutions for all hydrogen core network operators as some of their gas network divisions are transmission system operators and some of them distribution system operators and therefore (at least according to existing practice) subject to different deadlines for data submissions. In addition, the problem of coinciding deadlines is likely to be solved in practice by the fact that network operators are

not prevented if necessary from compiling and preparing the corresponding data earlier than actually required. Furthermore, the bringing forward of the review of forecast costs already constitutes a temporal relaxation, at least within the core network division, as the forecast costs now no longer have to be submitted simultaneously with the actual costs, for which the key date of 30 June continues to apply.

115 The ruling chamber is aware that bringing forward the submission deadline could entail some cutbacks in terms of the accuracy of the forecast values. Forecast costs are forecast values. The further the calculation period under consideration lies in the future at the start of the procedure, the less accurate the assumptions made at this stage tend to be. The Bundesnetzagentur does not expect any serious deterioration in data quality by bringing forward the deadline by just one month but will duly take this circumstance into account when conducting its review. It certainly does not anticipate that any disadvantages arising from this will be sufficiently substantial to cancel out the benefits of a longer review phase, as described above.

116 To the extent that the difficulties of network operators in forecasting the financing expenditure of the account-keeping body and distributing the corresponding financing and administrative costs among the individual network operators were additionally addressed in the consultation procedure, the ruling chamber agrees with this argumentation. As the Bundesnetzagentur calculates the corresponding items itself on the basis of its review outcomes for the individual companies, it therefore does not expect any substantiated data to be submitted in the calculation basis. The expected, forecast revenues from network tariffs are also only required at a relatively late stage in the review procedure.

117 The procedure for the approval of actual costs in accordance with section 14(3) WasserstoffNEV remains unchanged in terms of content compared to the provision in decision GBK-24-01-2#1, despite the rewording. Furthermore, the changes to section 14 WasserstoffNEV continue to apply exclusively within the scope of application of decision GBK-24-01-2#1, ie only to core network operators.

14. Auction premiums (operative part 6)

118 Operative part 8 of decision GBK-24-01-2#1 prohibits the hydrogen core network operators from levying network tariffs of any kind that are not expressly set out in said decision (including its modifications by the present decision). However, pursuant to decision BK7-24-01-015, the

hydrogen network operators may, and in some situations actually must, conduct auction procedures for allocating capacities (see operative part 3 a) cc) sentence 3 (3) of said decision and operative part 4 e) dd) sentence 4 and hh) (2) sentence 1). It is therefore made clear here that the network operators may also collect revenues from auctions in addition to the regular network tariffs. These revenues are to be treated in the same way as other revenues from network tariffs and likewise included in the forecast/actual comparison pursuant to section 14(1) WasserstoffNEV and the compensation mechanism pursuant to operative part 5 of decision GBK-24-01-2#1. The provision is not necessarily restricted permanently to the aforementioned provisions of decision BK7-24-01-015, but depending on the further development of access regulation applies to all types of auction provided for or at least not prohibited by the relevant provisions for the management of congestion or for comparable purposes.

15. Reservation tariffs (operative part 7)

119 This provision requires earnings and revenues from reservation tariffs to be treated as revenues from network tariffs as long as they are configured (as indicated by the draft model reservation agreement available at the time of this decision) to be offset by network tariffs incurred later and such offsetting due to a booking subject to network tariffs actually takes place. Reservation tariffs do not in themselves constitute network tariffs as the service to which they apply does not yet amount to the actual granting of capacity for hydrogen transport but to the mere reservation of such capacity that the customer afterwards has priority for booking. If, however, the contractual provisions between the network operator and the network customer permit a reservation tariff, once paid, to be credited to a subsequent network tariff in the event of actual bookings, the reservation tariff in effect serves as a replacement for the network tariff and must be treated in the same way from a regulatory perspective.

120 If the earnings and revenues from reservation tariffs were treated as normal cost-reducing revenues in accordance with section 12 WasserstoffNEV, no revenues from network tariffs would be recognised for the corresponding capacity bookings if affected by the offsetting. This would result in a distorted picture at the imputed level in which the costs of the network were artificially reduced but on the other hand seemingly lower revenues were also generated from network bookings. As a consequence, a share of the revenues that ultimately did correspond with capacity bookings would be withdrawn from the compensation mechanism pursuant to

operative part 5 of decision GBK-24-01-2#1, thereby leading to incomplete reconciliation between the hydrogen core network operators.

121 The ruling chamber assumes that the collection of reservation tariffs does not directly affect net income as a rule but induces the formation of a passive balance sheet item corresponding to liquidity growth. If the capacity is then actually booked at a later stage and the network tariff payable for this is offset with the reservation tariff, this balance sheet item is booked out again and a corresponding revenue is generated to be treated as a revenue from network tariffs. If, however, there is no offsetting because the capacity is not booked, the cancellation does not count as a revenue from network tariffs and is recognised as cost-reducing in accordance with general principles.

16. Miscellaneous

122 To the extent that in the consultation procedure on the draft decision the network operators reported a need to adjust the rate of return on excess equity, this concerns an issue that is not the subject of these determination proceedings. The ruling chamber will conduct an overall review of the provisions of the WasserstoffNEV in due course, in particular in the light of the findings from the NEST process introduced for the electricity and gas network sectors, and carry out the necessary steps resulting from this. The association of network operators (FNB Gas) has called for the costs to be adjusted for 2026 already. Should the ruling chamber conclude that this really is necessary, a retroactive adjustment of the corresponding provisions would be possible until the approval of the actual costs at the end of 2028.

17. Transitional arrangement (operative part 8)

123 According to operative part 10 of decision BK7-24-01-015, the provisions of said decision must be applied by hydrogen network operators as of 1 January 2028. Prior to this date it cannot therefore be assumed that the capacity products actually offered by the core network operators will correspond to those presupposed by the present decision. In order to avoid any temporary regulatory gaps, the ruling chamber therefore decrees that the pricing rules set out in the present decision apply if a network operator prematurely introduces capacity products corresponding to those envisaged by decision BK7-24-01-015. The standard price for a firm yearly product applicable prior to the issue of the present decision applies to all other capacity products by way of default. Should uncertainties arise as to whether a capacity product corresponds to a product pursuant to decision BK7-24-01-015 in terms of content, the ruling chamber recommends contacting the Bundesnetzagentur.

18. Retroactive effect

124 The ruling chamber has decided within the scope of its discretion to bring the present decision into force retroactively as of 1 November 2025. It particularly considers this to be necessary because, according to its knowledge, bookable capacity for hydrogen transport in the core network was first offered on this date. It believes that clear provisions should apply from the outset concerning the pricing of corresponding capacity products. The retroactive introduction of these provisions is also necessary because operative part 1 sentence 3 in conjunction with operative part 8 of decision GBK-24-01-2#1 does not permit the pricing of other capacity products than firm yearly products. Only the present decision therefore enables network operators also to commercially market other product types if they intend to do so prior to their mandatory introduction on 1 January 2028.

125 Concerning the adjustment to the inflation formula pursuant to operative part 3 of the present decision, it is furthermore necessary to bring this into force prior to calculation of the ramp-up tariff for 2026 in order for this to be effective. Applying the previous provision to 2026 would lead to a negative adjustment of the tariff to general inflation due to the incorrect calculation method.

126 The retroactive application by a few weeks does not entail any serious disadvantage for either network operators or network customers as it will not come as a surprise to them. A supplementary determination with different tariff provisions for various product types was already announced in margin no 33 of decision GBK-24-01-2#1 and was to be issued prior to the start of sales for 2025 (according to the planning communicated at the time back in the course of 2024). The ruling chamber then published a key elements paper on 26 March 2025 that already sketched out the main contents of the present decision and was received and commented on by all relevant business associations and a large number of market players. The actual draft decision, which also already included the planned entry into force on 1 November 2025, was finally published on 21 October 2025. Apart from this, there are also no identifiable legitimate expectations worthy of protection on the part of either network operators or network users for non-yearly or interruptible capacity products initially to be prohibited either from being offered at all or from being offered commercially in the core network as would have been the case according to the original decision GBK-24-01-2#1. The ruling chamber also does not consider any legitimate expectations of an incorrect inflation calculation that would have resulted in a lower ramp-up tariff in 2026 than in 2025 to be

worthy of protection, as according to the rationale of decision GBK-24-01-2#1 the aim of the provision from the outset has been for the tariff to track general inflation, which is precisely not negative at present.

127 The ruling chamber has taken note in the consultation procedure on the draft decision that several market participants advise against an allegedly overhasty provision and wish to await the outcome of various discussion processes within the sector. Examples cited included the consultations concerning the reservation agreement, the coordination between the reservation agreement and the hydrogen network development plan, the market dialogue concerning the cooperation agreement between hydrogen network operators, outstanding liability provisions from the Federal Ministry for Economic Affairs and Energy (BMWE), the specific configuration of balancing, transport and flexibility provisions and the lack of technical determinations concerning issues such as hydrogen quality. However, apart from the reservation tariffs addressed in the present decision, no substantiated explanation identifiable for the ruling chamber was presented as to why any regulatory requirements for the pricing of capacity products should arise from the processes described. The ruling chamber is particularly unable to understand how the setting of multipliers should be influenced by these processes in terms of content, as suggested by one of the comments received. Moreover, it also does not consider itself hindered in conducting a further amendment to the provisions in future if the need should arise.

III. Costs (section 91 EnWG)

128 In accordance with section 91(1) sentence 3 EnWG, no fees are payable for decisions served by public notification in accordance with section 73(1a) EnWG.

IV. Public notification (section 73(1a) sentence 1 EnWG)

129 Since the determination is issued to all hydrogen core network operators, the Grand Ruling Chamber for Energy, having exercised the discretion conferred upon it by section 73(1a) sentence 1 EnWG, is giving public notification of the decision. Public notification is brought about by publication in the Bundesnetzagentur's Official Gazette of the operative part of the decision, of the notification of appellate remedies and of a brief statement that the decision in full has been published on the Bundesnetzagentur's website (section 73(1a) sentence 2 EnWG). In accordance with section 73(1a) sentence 3 EnWG the decision is

considered to have been served on the day on which two weeks have elapsed since the date of public notification in the Bundesnetzagentur's Official Gazette.

Notification of appellate remedies

An appeal may be lodged against this decision within a period of one month from the date of notification. The appeal must be submitted to the court of appeal, the Higher Regional Court of Düsseldorf (Oberlandesgericht Düsseldorf), Cecilienallee 3, 40474 Düsseldorf.

Grounds for the appeal must be stated. The deadline for submitting the grounds for the appeal is one month. It begins with the lodging of the appeal and upon application may be extended by the president of the court of appeal. The notice of appeal and grounds for the appeal must be signed by a lawyer.

The appeal has no suspensory effect (section 76(1) EnWG)

Chair	Vice Chair	Vice Chair
Klaus Müller	Barbie Kornelia Haller	Dr Daniela Brönstrup
Vice Chair	Vice Chair	Vice Chair
Dr Christian Schütte	Anne Christine Zeidler	Achim Zerres

Annex

Consolidated version of the operative part of decision GBK-24-01-2#1 of 6 June 2024 (WANDA) including amending decision GBK-24-01-2#2 of 12 December 2025 (KOSMO)

From 1 January 2025 onwards the following provisions apply to all operators of hydrogen core networks that are part of the hydrogen core network pursuant to section 28q of the Energy Industry Act (EnWG). Notwithstanding the above, operative part 7 of these provisions applies as soon as this decision enters into force.

1. The hydrogen core network operators charge tariffs for the provision of entry and exit capacity for the hydrogen core network. The tariff is calculated in €/kWh/h/a. The following provisions apply to the setting of the tariff:

    a) The tariff for access to the hydrogen core network applies to firm hydrogen network capacity (FWK) booked as a yearly capacity product.
    b) For a monthly capacity product, the tariff corresponds to 1/12 of the tariff for a yearly capacity product. For a daily capacity product, the tariff corresponds to 1/366 of the tariff for a yearly capacity product in a leap year and 1/365 of the tariff for a yearly capacity product in all other years. Additionally, a multiplier must be applied to monthly and daily capacity products. The Bundesnetzagentur will determine the level of multipliers in a separate decision. Until first decided otherwise, the multiplier for a monthly capacity product corresponds to 1.33 and the multiplier for a daily capacity product 3.38.
    c) A discount must be applied to tariffs for interruptible hydrogen network capacity (UWK). The discount is 10%.
    d) A discount must be applied to tariffs for monthly and daily capacity products at exit points to storage facilities. The discount for a monthly capacity product corresponds to the amount by which the tariff pursuant to b) sentence 1 increases due to the application of b) sentences 3 to 5. The discount for a daily capacity product corresponds to the amount by which the tariff pursuant to b) sentence 2 increases due to the application of b)

sentences 3 to 5. Further discounts other than the above-mentioned are not permissible.

e) The hydrogen core network operators publish the multipliers and discounts resulting from b) to d) together with the tariff.

No tariff is charged for transporting hydrogen from the network of one hydrogen core network operator to the network of another hydrogen core network operator.

2. Subject to the specific provisions for the amortisation period pursuant to operative part 3, all hydrogen core network operators jointly set a non-distance-related tariff for all entry and exit points of the hydrogen core network for each calendar year. This entails dividing the costs approved in accordance with section 14(2) of the Hydrogen Network Tariffs Ordinance (WasserstoffNEV) including the additions and deductions in accordance with operative part 7(g) of the provisions by the contracted capacities of the entry and exit points forecasted for the calendar year. If a tariff is formed in accordance with sentence 1, the hydrogen core network operators must publish it no later than 1 November of the previous calendar year. The publication must be corrected without delay if the tariff subsequently changes. Any change to the tariff after the start of the calendar year to which the tariff applies is ruled out.

3. During the amortisation period, in derogation of operative part 2, the hydrogen core network operators charge a ramp-up tariff for all entry and exit points of the hydrogen core network. The amortisation period begins on 1 January 2025 and ends at the end of the calendar year in which the inter-temporal cost allocation account pursuant to operative part 4 is balanced. The ramp-up tariff is set by the Bundesnetzagentur by means of a determination. It should be set at a level such that if it continues to apply unchanged while taking account of inflation in accordance with sentence 5, it enables the inter-temporal cost allocation account to be balanced by 31 December 2055. The hydrogen core network operators adjust the ramp-up tariff in line with general inflation for each calendar year (t). They do so by multiplying the ramp-up tariff applicable at the time of the adjustment (t-1) by the overall consumer price index published by the Federal Statistical Office for the previous year (t-2) relative to the overall consumer price index for the year before that (t-3). Sentences 5 and 6 do not apply to calendar years for which the Bundesnetzagentur redetermines the ramp-up tariff pursuant to sentence 3, sentence 9 or sentence 10. The Bundesnetzagentur will conduct a review of the ramp-up tariff for the

first time on 1 January 2028 and thereafter every three years. If the review establishes that the expected development of the parameters influencing the inter-temporal cost allocation account differs from the assumptions on which the previous determination of the ramp-up tariff was based, and balancing of the inter-temporal cost allocation account is not expected to be possible by 31 December 2055 with the ramp-up tariff remaining unchanged after taking account of inflation in accordance with sentence 5, the Bundesnetzagentur will adjust the ramp-up tariff by means of a determination such that balancing is made possible again. If balancing the inter-temporal cost allocation account is not achievable by 31 December 2055 in the opinion of the Bundesnetzagentur, it will set the ramp-up tariff sufficiently low as to facilitate the highest possible overall revenue. Operative part 2 sentences 3 and 4 applies accordingly to the ramp-up tariff.

4. If a hydrogen core network operator's revenues from the ramp-up tariff plus or minus the compensation payments pursuant to operative part 5 in one calculation period deviate from the network costs approved for that calculation period pursuant to section 14(3) sentence 3 WasserstoffNEV, the difference is recorded in an inter-temporal cost allocation account. The forecasts for establishing the compensation payments pursuant to operative part 5 are key to establishing the revenues. In this process the difference is to be reduced by amounts which a hydrogen core network operator expressly renounces. In particular, those amounts that are covered by a declaration of renunciation pursuant to section 28r(4) EnWG are deducted from the cumulative differences as soon as balancing of the amortisation account pursuant to section 28s(1) EnWG is achieved. The inter-temporal cost allocation account is considered balanced when it reaches an amount of zero again after the start of the ramp-up period or the amortisation account pursuant to section 28s(1) EnWG is balanced by the Federal Government.

5. In order to be able to properly apply a joint tariff pursuant to operative part 2 or 3, the expected revenues from tariffs between the hydrogen core network operators are balanced by means of monthly balancing payments in accordance with the following provisions. The percentage share of the approved network costs for the calendar year is determined for each hydrogen core network operator in accordance with section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7(g) of these provisions with respect to the total approved network costs of all hydrogen core network operators for the calendar year in question in accordance with

section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7(g). This is multiplied by the total of all revenues from network tariffs from all hydrogen core network operators arising from the application of the joint tariff to the capacity marketing forecasted for the calendar year in question. The annual compensation payment is obtained for each hydrogen core network operator from the difference between the value calculated as above and the revenues of the respective hydrogen core network operator in the calendar year in question on application of the joint tariff to its forecasted capacity marketing. If, during the amortisation period, the sum of all revenues from network tariffs for the relevant calendar year is greater than the sum of the approved network costs pursuant to section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7 g), for each hydrogen core network operator the percentage share of its individual balance in the total balance of the inter-temporal cost allocation account pursuant to operative part 3 is calculated. This is multiplied by the difference between the sum of all revenues from network tariffs and the sum of the approved network costs pursuant to section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7 g). In derogation of sentence 4, the annual compensation payment is derived by adding the difference from the individually approved network costs pursuant to section 14(2) WasserstoffNEV including the additions and deductions in accordance with operative part 7 g) to the revenues of the hydrogen core network operator. The monthly compensation payment corresponds to 1/12 of the annual compensation payment. If the monthly compensation payment of a hydrogen core network operator is negative, it must be disbursed pro rata to all hydrogen core network operators with a positive monthly balancing payment no later than the 15th of the respective month.

6. Hydrogen core network operators can participate in a state funding mechanism through which the gaps in financing that arise for them during the amortisation period pursuant to operative part 3 are filled and, in the eventuality of failure of the ramp-up, compensation for the costs incurred is assured.

7. In derogation of EnWG and WasserstoffNEV, the following provisions apply to hydrogen core network operators:

    a) Section 2 WasserstoffNEV does not apply.

b) For general assets, the useful life pursuant to section 8(4) WasserstoffNEV corresponds to the ordinary useful life pursuant to annex 1(I.) of the Gas Network Charges Ordinance (GasNEV). The useful life for all other fixed assets corresponds to their respective ordinary useful life pursuant to annex 1(II. to VI.) GasNEV, provided that its lower end is no more than 35 years; otherwise the hydrogen core network operators can each select a useful life between 35 years and the longest possible ordinary useful life pursuant to annex 1(II. to VI.) GasNEV. Sentences 1 and 2 each relate to the version of GasNEV that is valid on the date this decision enters into force. Divergent determinations by the Bundesnetzagentur for gas network operators are disregarded. For repurposed fixed assets from natural gas networks, a change of useful life can be carried out in accordance with the provisions of this subsection as of the date of the repurposing. The residual values and depreciation allowances prior to repurposing remain unaffected.

c) In derogation of section 28r(6) sentence 2 EnWG, section 10(3) WasserstoffNEV applies. In derogation of section 28r(1) sentence 7 EnWG, the rate of return on equity before tax for existing assets is calculated from the rate of return on equity for new assets after tax less the rate of price change multiplied by the tax factor. The rate of return on equity for new assets after tax is calculated from the rate of return on equity for new assets before tax divided by the tax factor. The rate of price change is obtained from the average of the consumer price index from 2023 published by the Federal Statistical Office with respect to the last ten calendar years. The tax factor is 1.226.

d) Revenues resulting from the use of state funding from a mechanism pursuant to operative part 6 are not taken into account as cost-reducing revenues in accordance with section 12 WasserstoffNEV. Expenditures from the return of such funding or for the creation of accruals intended for this purpose are not taken into account as current outlay costs pursuant to section 7 WasserstoffNEV. Receivables, payables and accruals from such circumstances are disregarded in the calculation of the imputed return on equity pursuant to section 10 WasserstoffNEV.

e) Expenditures that arose before the first calendar year for which costs were approved will be taken into account retrospectively. Interest is incurred on the expenditures from the year in which they arose onwards, for which the interest rate is based on the average current yield to maturity of domestic bearer bonds over the previous ten full calendar years (overall) as published by the Deutsche Bundesbank.

f) Within the framework of the target/actual cost comparison pursuant to section 14(1) sentence 1 para 1 WasserstoffNEV, the revenues from and expenditures for balancing payments pursuant to operative part 5 must be taken into account as revenues generated from network tariffs. Amounts that are recorded in the intertemporal cost allocation account in accordance with operative part 4 sentence 1 are deducted from the approved network costs within the framework of the target/actual cost comparison.

g) The difference of the last completed calendar year calculated and bearing interest in accordance with section 14(1) sentences 1 to 5 WasserstoffNEV is taken into account by adding to or deducting from the network costs in the year following the approval of the actual costs pursuant to section 14(3) WasserstoffNEV. Establishing the additions or deductions forms part of the approval of the planned costs pursuant to section 14(2) WasserstoffNEV.

h) For the scope of this decision, in section 14(2) sentences 1 and 4 WasserstoffNEV "30 September" is replaced by "31 May" and in section 14(2) sentence 3 WasserstoffNEV the word "three" is replaced by the word "four". For the scope of this decision, in section 14(3) sentences 1 and 4 WasserstoffNEV "30 September" is replaced by "30 June".

i) Insofar as fixed assets are no longer required for operation of the core network prior to expiry of their imputed useful life and cannot be sold or only sold for a revenue below their imputed residual value, that part of the imputed residual value that is not offset by revenues is taken into account as costs.

8. No tariffs other than those envisaged in this decision are permissible. Auction premiums are permitted where the provisions on access to the hydrogen core network permit auctions.

9. Earnings and revenues from reservation tariffs are treated within the scope of this decision and the WasserstoffNEV as revenues from network tariffs as long as reservation tariffs are offset against network tariffs.