

Milano, September 13<sup>th</sup>, 2012

Prot. 4962/2012 DIGE

**Energie Control Austria für die  
Regulierung der Elektrizitäts –  
und Erdgaswirtschaft  
(E-Control)**

Rudolfsplatz 13a  
1010 Wien  
Austria

**Subject: Anigas' observations on the second Draft of the Gas  
System Charges Ordinance 2013 (GSNE-VO 2013)**

Anigas hereby presents its comments on the second Draft of the Austrian Gas System Charges Ordinance through which E-Control has modified some rates of the capacity charges, following the observations received by the stakeholders on the first Draft.

First of all Anigas reiterates the concern, already delivered to E-control, regarding the impossibility of a thorough analysis of the proposal due to:

- the limited time period granted to the stakeholders for expressing their comments; but also and mainly
- the lack of information on the methodology used to calculate the proposed tariff structure and the modification made with the second draft of the ordinance.

We would also like to highlight that Regulation EC n° 715/2009 requires that: *“In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilization of the gas network, transmission system operators or relevant national authorities shall publish reasonably and sufficiently detailed information on tariff derivation, methodology and structure.”*

As a matter of fact, neither in the first document nor in the new one E-control describes the methodologies used and the assessments made for calculating the capacity charges.

In addition, from a mere comparison between the first and the second proposal there are no elements for understanding the rationale of the provided changes.

We may only notice that the exit charges, both for the Austrian Distribution Area and towards Italy at Arnoldstein, have not been changed while the entry charge at Baumgarten has increased. With such a modification, the cost of transit to Italy has further increased passing from 5.71 to 6.05 €/kWh/h and will cost more than four times the cost for gas transportation towards domestic Austrian customers. We do therefore register a persistent incomprehensible disequilibrium (even if reduced compared to the previous proposal) between (i) transit cost through Austria to Italy and (ii) transportation cost for Austrian customers. Moreover, assuming that the first tariff proposal properly reflected the cost of transit on TAG, doubts arise about the correct cost reflectivity of the increase proposed in the second draft.

In our opinion, the entry-exit tariffs setting up should be based on an equilibrated structure in order to: avoid any discrimination amongst European customers, assure the efficient functioning of the European gas market, and allow the development of an effective competition.

The E-control intervention, instead, seems to move in the opposite direction potentially undermining the competitiveness of the Austrian transit route towards Italy to the disadvantage of the Italian customers.

**Anigas therefore calls for an application of the regulation provisions such as to ensure adequate transparency in the methodology used to define the tariff structure proposal, in order to be able to better contribute to the definition of a fair and not discriminatory transmission tariff structure.**

Best Regards,

Il Direttore Generale  
Dr. Luciano Buscaglione

