



- Ruling Chamber 9 -

Ref: BK9-22/042

30 November 2022

**Consultation on the proceedings for the approval and application of a fee in accordance with Article 26(11) CAM NC for the submission of non-binding demand indications to the transmission system operators**

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On 17 November 2022, Ruling Chamber 9 received the application of the German transmission system operators (TSOs) for the approval and application of a fee in accordance with Article 26(11) CAM NC for the submission of non-binding demand indications to the transmission system operators on the basis of Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013.

**I. Current situation**

In accordance with Article 26(11) CAM NC, TSOs may charge fees for activities resulting from the submission of non-binding demand indications, provided such fees are approved by the relevant national regulatory authority. Pursuant to sentence 2 of Article 26(11) CAM NC, such fees must reflect the administrative costs.

The consultation is aimed at all market participants and TSOs.

**I. Consultation**

The above-mentioned application of the TSOs (see Annex) is hereby put out for consultation. The ruling chamber now calls on market participants to give their views so that it can adequately

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assess the need for, appropriateness and amount of the fee. In their responses, market participants are requested to focus particularly on the following points:

- Pursuant to Article 26(11) CAM NC, the fee must reflect the administrative costs for submitting demand indications. Market participants should state their views on the proposed amount of the fee and other aspects that the ruling chamber should take into account in its decision.
- Market participants are also invited to discuss the process steps for the charging of the potential fee and the reimbursement mechanisms put forward by the TSOs.
- They are requested to assess, as well as the flat fee proposed by the TSOs for requests per market area border, type of request and direction of flow, the following alternative proposal for a capacity-related fee:

The fee will be set at €2,000 per non-binding requested gigawatt hour/hour of incremental capacity. A reimbursement of the full amount of the fee is only planned for the event that

- a. the market demand assessment pursuant to Article 26 CAM NC shows that no incremental capacity project will be initiated, or
- b. pursuant to Article 26(11) CAM NC, the economic test for at least one offer level is positive.

Market participants are hereby invited to submit detailed responses. Comments, which may also be made jointly, should be submitted **by 11 January 2023** in a format suitable for processing electronically by email to [Incremental-Capacities@BNetzA.de](mailto:Incremental-Capacities@BNetzA.de) with the subject heading "**BK9-22/042: Consultation**". The responses will be published on the Bundesnetzagentur's website. They should therefore be sent as email attachments in a version that makes clear which company/organisation has sent them but does not contain any other information covered by data protection rules, such as names, contact details or signatures. If responses contain personal data or business and trade secrets, an additional redacted (blacked-out) version suitable for publication should also be submitted. If no redacted version is provided, the ruling chamber may assume, as provided for by section 71 sentence 3 EnWG, that consent is given to the information being made available to third parties.

Annex: TSOs' application