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MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Energy

Subject: Compromise proposal on Art 6.7 of the Hydrogen and Gas Regulation

Delegations will find in the Annex the compromise proposal on Art 6.7 of the Hydrogen and Gas Regulation.

Delegations are invited to send written comments to the Presidency ([REDACTED]) and to the Secretariat ([REDACTED]) by 27 September 2023 cob.

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Article 6(7)				
191	<p>7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. Articles 16 and 17 shall not apply. No tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.</p>	<p>7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. Articles 16 and 17 shall not apply. <u>From 1 January 2031</u>, no tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States, <u>unless the regulatory authorities concerned jointly agree on a tariff regime for such access. In the absence of an agreement between the regulatory authorities concerned, ACER shall decide on the tariff regime, including the possibility of avoiding the application of tariffs, in accordance with Article 6(10) of Regulation (EU) 2019/942. When deciding on that tariff regime the regulatory authorities concerned or ACER shall ensure an appropriate return on investment and covering of the operational expenditure born by the hydrogen transmission network operators in relation to the given interconnection point.</u> Where a Member State decides to apply regulated third party access to hydrogen networks in accordance</p>	<p>7. As of 1 January 2031[2036], Article 15 shall apply also to tariffs for access to hydrogen networks and the obligations on transmission system operators set out in paragraphs 1 and 2 of Article 15 shall apply to hydrogen network operators. Articles 16 and 17 shall not apply. No tariffs shall be charged pursuant to Article 15 for access to hydrogen networks to hydrogen networks, but only to the natural gas system. At interconnection points between Member States–, when capacity is allocated via auctions, competent national authorities may decide to apply zero reserve price. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031[2036], paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.</p>	<p>As of 1 January [203x], Article 15 shall apply also to tariffs for access to hydrogen networks and the obligations on transmission system operators set out in paragraphs 1 and 2 of Article 15 shall apply to hydrogen network operators. Articles 16 and 17 shall not apply to hydrogen networks, but only to the natural gas network. From 1 January [203x], no tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States, unless the regulatory authorities concerned jointly agree on a network access tariff for such interconnection point. When capacity is allocated via auctions, the regulatory authorities concerned may also jointly decide to set the reserve price to zero. When jointly deciding on the network access tariff at an interconnection point between Member States, the regulatory authorities concerned shall apply the tariff principles set out in paragraphs 1 and 2 of Article 15, unless they jointly decide to set the reserve price to zero, and take into account the</p>

with Article 31 of [recast Gas Directive] before 1 January 2031, ~~paragraph 1 of Article 15~~ Article 15(1) of this Regulation shall be applicable to access tariff to hydrogen networks in that Member State.



impact of the chosen tariff on cross-border trade and market functioning in the Member States concerned.

Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January [203x], paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.