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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	Presidency compromise proposal on article 6.7 of the Hydrogen and Gas Regulation

In view of the Working Party on Energy on 19 October, delegations will find in the annex a Presidency compromise proposal on article 6.7 of the Hydrogen and Gas Regulation.

PRES compromise proposal on article 6.7 of the Hydrogen and Gas Regulation

Changes in **yellow** to the previous compromise proposal (WK 11930/2023).

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, 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 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</u></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</p>	<p>7. 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.</p> <p>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 shall jointly agree on a hydrogen network access tariffs for the entry and exit points at such interconnection points between Member States,</p>

		<p><u>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 with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 <u>Article 15(1) of this Regulation</u> shall be applicable to access tariff to hydrogen networks in that Member State.</p>	<p>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>including for any virtual interconnection points. When capacity is allocated via auctions, The regulatory authorities concerned may also jointly decide to charge no network access tariffs or, when capacity is allocated via auctions, to set the reserve prices to zero. In the absence of an agreement between the regulatory authorities concerned, ACER shall decide on the network access tariffs or reserve prices for such interconnection point, in accordance with Article 6(10) of Regulation (EU) 2019/942.</p> <p>When jointly deciding on the network access tariff at an interconnection point between Member States, the regulatory authorities concerned and, where relevant, ACER, shall apply the tariff principles set out in paragraphs 1 and 2 of Article 15, ensure an appropriate return on investment for hydrogen network operators and take into account the impact of the chosen network access tariff on cross-border trade and market</p>
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			<p>functioning in the Member States concerned.</p> <p>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.</p> <p><u>Reference to be included in Article 54(2), point (e):</u></p> <p>Changes in yellow to the General Approach:</p> <p>(e) rules regarding harmonised tariff structures for hydrogen network access, including tariffs at interconnection points in accordance to paragraph 7 of Article 6, rules on the application of a reference price methodology, the associated consultation and publication requirements including for the allowed and target revenues as well as the calculation of reserve prices for standard capacity products and allowed revenue;</p>
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