

Response to the CNMC resolution extending 2026 gas access tariffs to gas year 2027

Brussels, 27 April 2026

Energy Traders Europe welcome the opportunity to comment on the proposed Resolution to extend, for gas year 2027, the access tariffs for transmission networks, local distribution networks, and regasification applicable to gas year 2026. Our comments are reported below. We remain available to continue the discussion and provide all required information or clarifications.

Key messages

- The Second Provision should be aligned with Circular 6/2020 to ensure that any intra year tariff modification remains strictly exceptional and symmetrical.
- The treatment of surplus revenues from LNG regasification capacity premiums should ensure cross-subsidization is avoided.
- We stress the need for a transparent and timely review of Circular 6/2020.

Detailed comments

Changes to the Second Provision

We would like to propose the following changes to the Second Provision of the Proposal:

“Segundo. Modificación excepcional de los peajes de transporte, redes locales, y gas natural en el año de gas 2027

*En aplicación de lo previsto en el artículo 37 de la Circular 6/2020, los peajes de las actividades de transporte, redes locales y regasificación aplicables durante el año de gas 2027 podrán modificarse una vez iniciado el año de gas **si se producen circunstancias excepcionales debidamente justificadas, tales como que estuviera en riesgo el funcionamiento de las empresas transportistas y/o distribuidoras.**”*

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The original wording does not incorporate the literal expression used in Article 37 of Circular 6/2020, which requires the existence of “**circunstancias excepcionales debidamente justificadas**” in order to modify tariffs once the gas year has begun. Its omission broadens the scope for intervention and may be interpreted as enabling tariff revisions solely on the basis of the economic sustainability of regulated companies, without considering symmetrical adjustments or the exceptional nature required by the regulation.

The original reference to the “sustainability” of transmission and/or distribution companies appears to limit any modification to upward tariff adjustments, whereas any revision should be exceptional, symmetrical, and fully justified.

Retroactive Effects

Any intra-year modification introduces significant distortions in agents’ contracting strategies and requires operational adjustments in commercial systems, such as billing, settlements and internal applications. A simple difference between the approved remuneration and the revenues expected under the extended tariffs should not, in itself, trigger a revision, since such deviations can be compensated in subsequent years.

Any modifications should only be considered if there is an imminent and material risk to the continuity of regulated activities. We would like it explicitly guaranteed that no revision will **have retroactive effects on the period between the start of the gas year and when the revised tariffs come into force**

Additional Provision to address potential overrecovery

Regarding the use of the surplus generated by premiums from the allocation of regasification capacity, it should be noted that in recent years the tariff component “otros costes de regasificación” has even become negative, effectively constituting a cross-subsidy funded by the users who pay those premiums.

The appropriate treatment of this surplus would be to apply it to the reduction of regasification tariffs and, where appropriate, to lowering the entry cost from LNG terminals into the gas system, ensuring that the benefit flows directly to the users who actually bear these premiums. A network tariff component should not take on a negative value; therefore, if part of the surplus is used to reduce “otros costes de regasificación”, avoiding distortions and ensuring methodological

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consistency within the tariff framework. We would like to propose the following additional article for the Proposal:

“Tercero. Aplicación del superávit derivado de las primas de asignación de capacidad de regasificación

*A los efectos previstos en esta resolución, el superávit generado por las primas derivadas de los procedimientos de asignación de capacidad de regasificación podrá destinarse, total o parcialmente, a la reducción del componente tarifario correspondiente a los «otros costes de regasificación», **garantizando en todo caso que dicho término no adopte valores negativos.***

*Asimismo, dicho superávit podrá aplicarse a la reducción de los peajes de regasificación o del coste de entrada desde las plantas de GNL al sistema gasista, **de forma que los importes resultantes reviertan directamente en los usuarios que soportan las primas de capacidad, en coherencia con los principios de causalidad y no discriminación establecidos en la normativa vigente.***”

2027-2032

We disagree with the practice of allocating part of the premiums from LNG regasification-capacity auctions to final consumers through the “otros costes de regasificación” component being extended into 2027. In recent years, this component has become negative, effectively creating a cross-subsidy funded by LNG users and benefiting consumers regardless of their supply source. This approach distorts competition between infrastructure users and violates the cost causality and non-discrimination principles established in Circular 6/2020. It is also inconsistent with the policy direction of Order TED/1318/2025, which promotes the utilisation of LNG terminals, and with Regulation (EU) 2024/1789, which requires that tariffs reflect actual costs and avoid cross-subsidisation.

In consideration of the fact that the financial burden of capacity-allocation premiums is an expense shouldered exclusively by LNG terminal users, the entirety of these premiums ought to be allocated to regasification services or utilised to reduce the entry tariff from LNG terminals into the transmission system.

Therefore, when extending the 2026 tariffs to 2027, we ask that CNMC recalculates the regasification tariffs, ensuring that the surplus from auction-premium revenues directly benefits the users who pay these premiums. **We also encourage CNMC to publish the public consultation for the revision of Circular 6/2020.**

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For more details, we point you to our response to CNMC's consultation on [amendment of Circular 6/2020 regarding transport and regasification tariffs for the period 2027–2032](#).

LNG – Congestion Management

On a final note, we would like to draw attention to the systemic efficiency considerations that arise from the anti-hoarding surcharge framework and the slot transfer regime under Article 41.5 of Circular 2/2025. In particular, we note that the current surcharge regime applying penalties not only upon slot cancellation, but also upon bilateral transfer to a third party, appears disproportionate where the transfer results in effective use of the slot, since in such cases no additional cost is caused to the system. We thus call for the authorities, in future, **to limit penalties to cases where the transferee fails to use the slot**.

For additional details, please see our response to the CNMC's consultation [congestion management and capacity hoarding prevention mechanisms](#).

Contact

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