CONSULTATION RESPONSE

Response to MITECO consultation on the Order establishing gas system charges for GY 2025

Energy Traders Europe welcome the opportunity to comment on the proposed MITECO Order which establishes system charges and underground storage remuneration and fees for gas year 2025. Please find below our comments, accompanied by more detailed reasoning. We remain available to continue the discussion and provide any additional information that may be required.

Key messages

1. To calculate fees for gas year 2025, the CNMC demand scenario should be used.
2. The estimated volumes of operating gas should reflect the actual needs. A 28% increase vis-à-vis 2024 is not justified and has an adverse impact on fees.
3. MIBGAS should be enabled to negotiate in its platform the transfer of ownership of low carbon gases[i].
4. While the market is still in infancy, sustainability certificates on MIBGAS platforms should not be traded separately from the physical flows.

Detailed comments

Article 2 and Annex I – Gas system charges for GY 2025

We believe that in the calculation of gas system charges, the demand scenario outlined by the CNMC should be used. The demand scenario included in the *Memoria* that accompanies the draft Order (table on page 13) is **6.6% lower than the demand scenario suggested by the CNMC** in calculating the access tariffs to transportation networks, local networks, and regasification for the 2025 gas year, published on May 30, 2024[ii]. Moreover, the *Memoria* states that, according to information from the System Technical Manager (GTS), gas demand between July 2023 and June 2024 (the last 12 months) was 313,504 GWh, which is 3.4% higher than that considered by the CNMC for calculating the tariffs for the 2025 gas year.

Therefore, despite the actual demand (313.5 TWh) having increased compared to that predicted by the CNMC (302.8 TWh), the *Memoria* uses a demand scenario (282.9 TWh) that is 6.6% lower than that considered by the CNMC and 10% lower than the actual demand over the last year. Such a choice appears arbitrary and inadequately justified.

We question the decision to adopt, in the calculation of the tariffs for GY 2025, a far more conservative demand scenario than the one used by the CNMC, particularly given that actual demand has increased by 3.4%. **Therefore, we recommend using the demand scenario proposed by the CNMC for calculating the 2025 gas year tariffs.**

Demanda estimada por la CNMC

	Prevision demanda 2025			
Consumo anual [kWh]	Número puntos de suministro	Capacidad contratada equivalente [kWh/día]	Consumo [MWh/año]	factor de carga (%)
RL.1 C ≤ 5.000	5.322.822	68.420.082	10.245.718	41,0%
RL.2 5.000 < C ≤ 15.000	2.370.790	139.422.191	15.375.851	30,2%
RL.3 15.000 < C ≤ 50.000	228.589	36.191.979	4.280.931	32,4%
RL.4 50.000 < C ≤ 300.000	53.014	38.677.079	5.595.442	39,6%
RL.5 300.000 < C ≤ 1.500.000	21.672	81.343.093	10.905.031	36,7%
RL.6 1.500.000 < C ≤ 5.000.000	3.071	46.893.701	7.681.791	44,9%
RL.7 5.000.000 < C ≤ 15.000.000	1.238	56.062.698	10.361.354	50,6%
RL.8 15.000.000 < C ≤ 50.000.000	706	88.003.918	18.568.167	57,8%
RL.9 50.000.000 < C ≤ 150.000.000	317	107.465.233	25.219.474	64,3%
RL.10 150.000.000 < C ≤ 500.000.000	182	174.251.486	45.829.242	72,1%
RL.11 C > 500.000.000	93	599.897.338	138.134.825	63,1%
P.Satélites unicliente		51.909.277	10.653.496	
Total	8.002.494	1.488.538.075	302.851.322	

Consequently, considering the new demand scenario, and the overall amount to be recovered through charges included in the *Memoria* of the draft Order (€10,618,471.87), the resulting unit charges for GY 2025 would be as follows:

	Escenario de demanda CNMC Resolución peajes para año gas 2025			Importes a recaudar para cada RL (€)				Cargo unitario calculados	
Peaje	Puntos de suministro	Capacidad contratada equivalente [kWh/día]	Consumo [MWh año]	Reparto por Punto de Suministro (€)	Reparto por capacidad contratada (€)	Total por cada RL (€)		Cargo por caudal para consumidores que no contratan caudal (€/año)	Cargo por cliente para consumidores que contratan caudal (€/kWh/día/año)
RL.1	5.322.822	68.420.082	10.245.718	1.021.285	417.498	1.438.783	RL.1 / RLPS.1	**0,27**	**0,021029**
RL.2	2.370.790	139.422.191	15.375.851	454.881	850.752	1.305.634	RL.2 / RLPS.2	**0,55**	**0,009365**
RL.3	228.589	36.191.979	4.280.931	43.859	220.843	264.702	RL.3 / RLPS.3	**1,16**	**0,007314**
RL.4	53.014	38.677.079	5.595.442	10.172	236.007	246.179	RL.4 / RLPS.4	**4,64**	**0,006365**
RL.5	21.672	81.343.093	10.905.031	4.158	496.355	500.513	RLTA.5 / RLTB.5 / RLPS.5	**23,09**	**0,006153**
RL.6	3.071	46.893.701	7.681.791	589	286.145	286.734	RLTA.6 / RLTB.6 / RLPS.6	**93,37**	**0,006115**
RL.7	1.238	56.062.698	10.361.354	238	342.094	342.331	RLTA.7 / RLTB.7 / RLPS.7		**0,006106**
RL.8	706	88.003.918	18.568.167	135	536.999	537.134	RL.8 / RLPS.8		**0,006104**
RL.9	317	107.465.233	25.219.474	61	655.752	655.812	RL.9		**0,006103**
RL.10	182	174.251.486	45.829.242	35	1.063.280	1.063.315	RL.10		**0,006102**
RL.11	93	599.897.338	138.134.825	18	3.660.566	3.660.584	RL.11		**0,006102**
Satélites unicliente.		51.909.277	10.653.496		316.750	316.750	Satélites unicliente.		**0,006102**
Total.	8.002.494	1.488.538.075	302.851.322	**1.535.431**	**9.083.041**	**10.618.471,87**			

Article 4 – Fees Applicable to Third-Party Access to Basic Underground Storage

In the calculation of the fees for injection to and extraction from underground storage facilities, the cost of operating gas is factored in. This cost amounts to €7,082,646 and is equally redistributed in the calculation for injection and extraction fees. However, we have doubts on the methodology to calculate the overall cost of operating gas. Specifically, **we would like to ask for clarifications on the estimated +28% increase in volumes of such gas**. Despite an overall estimated cost decreased by 9% as compared to GY 2024, we believe such an overestimation of required volumes is not duly justified. If MIBGAS prices used to estimate the cost of operating gas are much lower in 2025 than 2024 (30,13 €/MWh, vis-à-vis the 42,28 €/MWh of the previous year), so should be the estimated cost of operating gas. Recalibrating said cost based on the actual needs would imply lower injection and extraction fees, to the benefit of final consumers first and foremost.

Third Additional Provision – Authorization for the organized gas market operator to trade new products

In the proposed Order, MITECO authorizes organized the gas market operator, MIBGAS S.A., to trade on its platform products related to the transfer of ownership of renewable gases, guarantees of origin, and associated sustainability certificates.

First, we would like to enable MIBGAS to **include low carbon gases as part of the products that could be traded in its platform**. This would be aligned with the Directive[iii] on common rules for the internal markets for gases that has to be transposed into the Spanish legislation.

Additionally, while the market is still in infancy and additional measures may be necessary to ensure confidence that certification leads to a genuine increase of sustainable gas volumes, we would like to clarify that, on MIBGAS platforms, **sustainability certificates (e.g., Proofs of Sustainability), should be traded as anchored to the physical flows, not separately.** This would ensure consistency with the latest voluntary scheme system rules, such as the ISCC-EU update in effect since 1 January 2024[iv], at least until the formal integration of GoOs in the Union database, currently foreseen for May 2025.

We remain available for any further clarifications or additional information you may require.

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[i] Art. 2(12) Directive (EU) 2024/1788: 'low-carbon gas' means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35), of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, that meet the greenhouse gas emission reduction threshold of 70 % compared to the fossil fuel comparator for renewable fuels of non-biological origin set out in the methodology adopted pursuant to Article 29a(3) of Directive (EU) 2018/2001.
[ii] Resolución de 23 de mayo de 2024, de la Comisión Nacional de los Mercados y la Competencia, por la que se establecen los peajes de acceso a las redes de transporte, redes locales y regasificación para el año de gas 2025 (link).
[iii] Directive (EU) 2024/1788 on common rules for the internal markets for renewable gas, natural gas and hydrogen (link).
[iv] ISCC EU 203 Traceability and Chain Of Custody (link).