



## Decision

Our reference : ACM/UIT/641912  
Case number : ACM/24/191537  
Date : 19 februari 2025

### **Decision of the Netherlands Authority for Consumers and Markets of 6-3-2025 with reference ACM/UIT/641912 on the amendment of the terms and conditions as referred to in Section 12b of the Dutch Gas Act regarding the adjustment of the interruptible-capacity discount**

The Netherlands Authority for Consumers and Markets,

Considering Section 12f, paragraph 1 of the Dutch Gas Act;

decides

#### **Article I**

The Tariff Code for natural gas will be amended as follows:

Article 3.9, paragraph 1, will be:

1. The price payable for entry and exit capacity in the form of interruptible capacity is calculated by:

a. determining the entry and exit tariff that a network user is due on the relevant entry and exit point for contracting fixed entry or exit capacity; and

b. applying the discount percentage determined on the basis of the calculated interruption probability for that point to the tariff in subparagraph a. Discount percentages have been set on the basis of the probability of interruption:

- For the following entry and exit points, the discount for interruptible capacity, based on the calculated probability of interruption, has been set per direction:

ID	Network point	Discount on entry	Discount on exit
300131	HILVARENBEEK (FLUXYS)	5.17%	36.77%
301114	GRIJPSKERK (NAM - UGS)	31.78%	0.01%
301116	NORG (NAM - UGS)	0.01%	1.33%
301320	ZUIDWENDING (UGS)	62.50%	37.40%
301345	ROTTERDAM (GATE)	64.59%	0.01%

301348	BERGERMEER (TAQA-UGS)	51.20%	15.46%
301360	OUDE STATENZIJL (ETZEL-EKB-H)	0.01%	15.25%
301391	OUDE STATENZIJL (SEFE Storage)	0.01%	95.73%
301400	OUDE STATENZIJL (ETZEL-CRYSTAL-H)	0.01%	33.33%
301401	OUDE STATENZIJL (ETZEL-FREYA-H)	0.01%	49.36%
301453	OUDE STATENZIJL (EWE JEMGUM)	0.01%	71.90%
301546	VIP BENE	97.95%	0.01%
301568	VIP TTF-THE-L	25.78%	0.01%
301576	VIP BENE-L	0.09%	0.01%

- A discount percentage of '0.01%' will apply to all other entry and exit points.

## Article II

This decision will come into force on the day after the publication date of the Dutch Government Gazette in which it is published.

This decision will be published in the Dutch Government Gazette with its explanatory notes.

The Hague,  
Date:

The Netherlands Authority for Consumers and Markets,  
On its behalf:

M.R. Leijten  
Member of the Board

*Interested parties have the opportunity to file an appeal with the Dutch Trade and Industry Appeals Tribunal (CBb) in The Hague within six weeks after the date this decision has been announced. Its postal address is: College van Beroep voor het bedrijfsleven, P.O. Box 20021, 2500 EA, The Hague, the Netherlands. Appeals must be signed, and must at least contain the name and the address of the applicant, the date of the appeal, and a description of the decision against which the appeal is filed. Furthermore, appeals must contain reasons for the appeal, and must contain a copy of the disputed decision.*

## Explanatory notes

### 1. Summary

1. With this decision, the Netherlands Authority for Consumers and Markets (ACM) amends the level of the discount for interruptible capacity in the Tariff Code for natural gas. The amended discount percentage follows from the fact that, in its calculations thereof, ACM takes into consideration recent interruptions.

### 2. Background and procedure

*Basis: NC-TAR*

2. Under Section 12f of the Dutch Gas Act, ACM sets rules and regulations for the energy market. On the basis of this power, ACM implements Regulation (EU) 2017/460 establishing a network code on harmonized transmission tariff structures for gas (hereafter: NC-TAR). For example, it has amended, among other regulations, the Tariff Code for natural gas by way of the NC TAR decision of 11 April 2024 (hereafter: the NC-TAR decision 2024)<sup>1</sup>.
3. In the NC-TAR decision 2024, ACM has set, among other things, the level of the seasonal factors, the level of the discount for entry points of LNG-facilities, and the level of the interruptible-capacity discount. ACM decided not to adjust the levels of the multipliers compared with the first NC-TAR decision of 10 December 2018 (hereafter: the NC-TAR decision 2018)<sup>2</sup>. With this code amendment decision, ACM does not adjust the multipliers, either.
4. With this code amendment decision, ACM implements the consultation requirement laid down in Article 28 of the NC-TAR. Under Article 28, paragraph 2, of the NC-TAR, ACM is required to hold a consultation each year about the level of the multipliers, the level of the seasonal factors, the level of the discount for entry points of LNG-facilities, and the level of the interruptible-capacity discount. ACM must issue a decision on this, supported with reasons.

*Adjusting the discount for interruptible capacity*

5. With this decision, ACM amends the level of the discount percentages for interruptible capacity. For the tariff year 2026, ACM made the same calculation as in the tariff years 2023, 2024 and 2025, which has been described in recital 12 of this decision. This calculation has resulted in a different outcome than in the tariff year 2025. ACM does not amend the level of the multipliers, the level of the seasonal factors, or the level of the discount for entry points of LNG-facilities.
6. ACM carries out its duty of consultation by undergoing the code amendment procedure, in which, pursuant to Section 12c, paragraph 2 in conjunction with Section 12e, paragraph 3 of the Dutch Gas Act, it gave interested parties and the representative organizations of network users on the gas market the opportunity to submit their opinions about the draft decision within a period of 12 weeks. In addition, ACM has sent the draft decision to its counterparts in Germany (BNetzA) and Belgium (CREG).

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<sup>1</sup> Decision of the Netherlands Authority for Consumers and Markets of 11 April 2024, reference ACM/UIT/613237, amending the tariff structures and conditions as referred to in Sections 12a and 12b of the Dutch Gas Act regarding the implementation of Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonized transmission tariff structures for gas

<sup>2</sup> Decision of the Netherlands Authority for Consumers and Markets of 10 December 2018, reference ACM/UIT/503577, amending the tariff structures and conditions as referred to in Sections 12a and 12b of the Dutch Gas Act regarding the implementation of Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonized transmission tariff structures for gas

7. ACM is of the opinion that the proposal does not contain any technical regulations as referred to in Direction 2015/1535. For that reason, the conditions in this decision (the draft version thereof) were not submitted for notification.

### 3. Decision

8. On the basis of Article 16 of the NC-TAR, the reserve price for standard capacity products for interruptible capacity may be adjusted using an ex-ante discount or an ex-post discount. NC-TAR offers the opportunity to set different discount percentages for interruptible capacity for different points.<sup>3</sup> With the NC-TAR decision 2024, ACM, in consultation with market participants, previously decided to set a specific ex-ante discount percentage for each network point where interruptions have been realized.
9. In the NC-TAR decision 2024, ACM has set the multipliers, seasonal factors, the level of the discount for LNG-facilities, and the level of the discount for interruptible capacity in accordance with the rules in the NC-TAR. One of the reasons as to why ACM has come to this decision was signing the agreement on NC-TAR decision on 16 October 2023 with a significant number of market participants, including representative organizations<sup>4</sup>. One element of this agreement is that ACM will make an effort not to amend the level of the abovementioned parameters, except for the discount for interruptible capacity. ACM currently does not see any reason to amend the multipliers, seasonal factors, or the level of the discount for entry points to LNG-facilities. ACM does see reason to amend the discount for interruptible capacity.
10. In the NC-TAR decision 2024 and in the NC-TAR agreement, ACM has indicated that it plans to set the LNG-discount for entry points for 2026 at 20 percent. ACM does not see any reason to deviate from this. In the decisions concerning 2027, 2028 and 2029, ACM will evaluate whether this discount needs to be amended at that time.<sup>5</sup>
11. ACM has also indicated that the discount for interruptible capacity will be reviewed each year. The interruptible-capacity discount is calculated using the formula in Article 16, paragraph 2 of NC-TAR. The discount is based on the probability of interruption (Pro) and the adjustment factor (A factor), which reflects the economic value of the interruptible product.
12. Article 16, paragraph 3 of the NC-TAR contains a formula with which the probability of interruption (Pro) is calculated. This formula is:

$$Pro = \frac{N \times D_{int}}{D} \times \frac{CAP_{av.int}}{CAP}$$

Where:

$N$	is the expectation of the number of interruptions over $D$ ;
$D_{int}$	is the average duration of the expected interruptions expressed in hours;
$D$	is the total duration of the respective type of standard capacity product for interruptible capacity expressed in hours;
$CAP_{av.int}$	is the expected average amount of interrupted capacity for each interruption where such amount is related to the respective type of standard capacity product for interruptible capacity; and

<sup>3</sup> Article 12, paragraph 1, NC-TAR.

<sup>4</sup> See [NC TAR agreement](#) (in Dutch) of 16 October 2023, with reference ACM/UIT/599613

<sup>5</sup> See NC TAR decision 2024, recitals 23 through 29

<i>CAP</i>	is the total amount of interruptible capacity for the respective type of standard capacity product for interruptible capacity
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13. For the calculation of the probability of interruption, ACM looks at interruptions that have occurred over the past three gas years (1 October 2021 through 30 September 2024). According to ACM, a measurement period of three years is representative and sufficiently robust. An interruption in any one year can be an exception, and that is why ACM believes that a multi-year measurement period is more appropriate<sup>6</sup>. ACM considers the data of the previous three years to be representative. In this context, ACM uses gas years in order to be able to use the most recent data. A new gas year begins on 1 October. ACM is thus able to incorporate the data of the previous gas year, as one of the three gas years, in its consultation. ACM does not amend the adjustment factor (A), and sets this at 1.
14. In the NC-TAR decision 2018, the ex-ante discount for interruptible capacity is a single discount for all entry and exit points. In the NC-TAR decision 2024, it is explained why ACM from 2025 sets different discount percentages for network points where the number or volume of the interruptions were different. The discount for a specific network point must reflect the probability of interruption at that specific point.<sup>7</sup>
15. With this decision, ACM sets the discount percentages for interruptible capacity on the basis of the calculated probability of interruption for each entry and exit point. Also, when setting these percentages, ACM distinguishes between discounts for interruptible entry-capacity products and for interruptible exit-capacity products, where the realized interruptions give reason to do so.
16. In the measurement period of 1 October 2021 through 30 September 2024, interruptions took place at multiple network points. The formula in Article 16, paragraph 2, of the NC-TAR has resulted in fourteen different discount percentages.
17. On the basis of the above, ACM has arrived at the following discounts for interruptible capacity:

For the following entry and exit points, the discount for interruptible capacity, based on the calculated interruption probability, has been determined per direction:

ID	Network point	Discount on entry	Discount on exit
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301400	OUDE STATENZIJL (ETZEL-CRYSTAL-H)	0.01%	33.33%

<sup>6</sup> See code amendment decision of 27 February 2020, with reference ACM/UIT/527373

<sup>7</sup> See NC-TAR decision 2024, recitals 32 through 37

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301401	OUDE STATENZIJL (ETZEL-FREYA-H)	0.01%	49.36%
301453	OUDE STATENZIJL (EWE JEMGUM)	0.01%	71.90%
301546	VIP BENE	97.95%	0.01%
301568	VIP TTF-THE-L	25.78%	0.01%
301576	VIP BENE-L	0.09%	0.01%

A discount percentage of '0.01%' will apply to all other entry and exit points.

The Hague,  
Date: 6-3-2025

The Netherlands Authority for Consumers and Markets,  
On its behalf:

Manon Leijten  
Member of the Board