



*Please note that, although every effort has been made to ensure it is accurate and consistent, this translation is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version will prevail.*

## Draft decision

Our reference : ACM/UIT/656352  
Case number : ACM/25/197813  
Date : 25 August 2025

With this draft decision, the Netherlands Authority for Consumers and Markets (ACM) establishes the tariff structures and conditions of a tariff for the performance of the statutory peak-supply task of Dutch transmission system operator for natural gas Gasunie Transport Services B.V. You have up to 12 weeks to submit your opinion regarding the draft decision, either in writing (by email or regular mail) or orally. The final day on which you can do so is 11 December 2025. However, ACM asks interested parties to submit their opinions within six weeks, if possible.

Please send your written opinion to:  
The Netherlands Authority for Consumers and Markets (ACM)  
Energy Department (DTE)  
P.O. Box 16326  
2500 BH The Hague  
The Netherlands

Alternatively, you can send your written opinion by email to [ACM-post@acm.nl](mailto:ACM-post@acm.nl). When submitting your opinion, please make sure you include the abovementioned case number ACM/25/197813.

When finalizing the code decision, ACM will take into consideration your opinion, and it will publish your opinion on its website together with the decision, so that everyone can take note thereof.

If you wish to submit an oral opinion regarding the draft decision, or if you wish to peruse the draft decision, please make an appointment with the secretariat of ACM's Energy Department (DTE), by sending an email to [secretariaat.DTE@acm.nl](mailto:secretariaat.DTE@acm.nl) or by calling +31-70-722-2000.

You may submit an opinion regarding the entire draft decision. ACM is looking forward to receiving your opinion.

Draft decision of the Netherlands Authority for Consumers and Markets regarding the code decision [datum] with reference ACM/UIT/656352 on the amendment of the tariff structures and conditions as referred to in Sections 12a and 12b of the Dutch Gas Act on bringing in line the Tariff Code for natural gas and the Task Code for the TSO for natural gas with the Dutch Energy Act, and on the implementation of Regulation (EU) 2017/460 of the Commission of 16 March 2017 establishing a network code on harmonized transmission tariff structures for gas (NC-TAR).

The Netherlands Authority for Consumers and Markets,

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

Considering Article 4, paragraphs 3 and 4, of the NC-TAR;

decides

#### Article I

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

A

Article 3.1, paragraph 1, will be:

‘the task as referred to in Section 10a, paragraph 1, part a, of the Dutch Gas Act’ will be replaced with ‘task as referred to in Section 3.64 of the Dutch Energy Act’.

B

Article 3.1, paragraph 3, will be amended as follows:

The sentence ‘The transmission system operator for natural gas does not generate any revenues from commodity-based tariffs or non-transmission tariffs within the meaning of Article 4, paragraph 3, and Article 4, paragraph 4 of the NC-TAR, respectively.’ will be replaced with ‘The transmission system operator for natural gas does not generate any revenues from commodity-based tariffs.’.

C

A fifth paragraph will be added to Article 3.1, which is the following:

5. The costs for the performance of the task as referred to in Section 3.64 of the Dutch Energy Act will be collected through the tariffs as described in section 3.4.

D

The definitions of two elements of the formula in Article 3.3, paragraph 2, will be amended as follows:

*V*

The percentage share of the revenues from transmission services, of the transmission system operator for natural gas that must be collected through the entry tariffs, as established in Article 3.4, is;

*TI*

The revenues from transmission services, of the transmission system operator for natural gas, expressed in euros, is;

E

Article 3.4 will be amended as follows:

The sentence 'The split of the allowed revenues between entry and exit capacity is as follows: 40 percent of the allowed revenues of the transmission system operator for natural gas is collected via the entry tariffs, 60 percent of the allowed revenues of the transmission system operator for natural gas is collected via the exit tariffs.' will be replaced with 'The split of the revenues from transmission services between entry and exit capacity is as follows: 40 percent of the allowed revenues from transmission services of the transmission system operator for natural gas is collected through the entry tariffs, 60 percent of the allowed revenues from transmission services of the transmission system operator for natural gas is collected through the exit tariffs.'

F

The definition of an element of the formula in Article 3.5, paragraph 1, will be amended as follows:

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|           |                                                                                                                      |
|-----------|----------------------------------------------------------------------------------------------------------------------|
| <i>II</i> | The revenues from transmission services of the transmission system operator for natural gas, expressed in euros, is; |
|-----------|----------------------------------------------------------------------------------------------------------------------|

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G

Following the current Article 3.11, the word 'section' will be added before '3.4'.

H

A title will be added to section 3.4, which is 'Tariff structure for peak supply of natural gas in accordance with Section 3.64 of the Dutch Energy Act'.

I

Two articles will be added to section 3.4, which are:

Article 3.12

1. The transmission system operator for natural gas offers services of peak supply within the meaning of Section 3.64 of the Dutch Energy Act. The description of the services has been included in Article 2.1.1 of the Task Code for the TSO for natural gas.
2. The task mentioned in the first paragraph consists of subtasks that qualify as a transmission service as well as of subtasks that qualify as non-transmission services within the meaning of Article 4, paragraphs 1 and 4, of the NC-TAR;
  - a. The subtasks that qualify as transmission services concern the entry and exit capacity that the transmission system operator for natural gas itself reserves for the purpose of the peak supply task.
  - b. The subtasks that qualify as non-transmission services concern, in any case, the production capacity and the gas that the transmission system operator for natural gas purchases for the purpose of the peak supply task.
3. The total costs for the peak supply service described in the first paragraph consist of the sum of the costs of the two subtasks. The transmission system operator for natural gas will pass these total costs on to license holders. By license holders, the following is meant: the holder of a supply license within the meaning of Article 1.1 under b of the Glossary for natural gas (in Dutch: Begrippencode gas).
4. License holders pay the amounts passed on to them to the transmission system operator for natural gas.

5. Deviations from paragraphs 3 and 4 are allowed if license holders have come to an agreement with a recognized balance-responsible party (BRP) that the costs for the services for the purpose of the peak supply can be passed on to the BRP.

#### Article 3.13

1. The transmission system operator for natural gas calculates the tariff for the peak supply of natural gas using a calculation method for customized tariffs that has been approved by the Netherlands Authority for Consumers and Markets, in accordance with Section 3.112 of the Dutch Energy Act. The system operator submits to ACM for approval the proposal for the calculation method.
2. The proposal of the transmission system operator for natural gas contains, in any case, the following elements:
  - a. A complete overview of all cost types of the peak supply task;
  - b. The tariff method for the calculation of the peak supply tariffs;
  - c. The share of the allowed revenues that is expected to be collected via the peak supply tariffs;
  - d. The way in which the related revenues from the peak supply tariff are reconciled within the meaning of Article 17, paragraph 3, of Regulation (EU) 2017/460;
  - e. An indication of the peak supply tariffs that network users that are entitled to this service need to pay.
3. If the transmission system operator for natural gas wishes to make an adjustment to the calculation method referred to in the second paragraph, it will draw up a proposal for such an adjustment, and submit this proposal to the Netherlands Authority for Consumers and Markets for approval.
4. The approved tariff method for the peak supply will remain in place until the transmission system operator for natural gas submits a new proposal, and that proposal has been approved by ACM. If circumstances change, ACM can withdraw the previously granted approval. In that case, the transmission system operator for natural gas must submit for approval a new proposal for the calculation method.

#### Article II

The Task Code for the TSO for natural gas will be amended as follows:

A

Article 2.1.1 will be:

'Pursuant to the Decision on security of supply in connection with the Dutch Gas Act' is replaced with 'Pursuant to Section 3.64 of the Dutch Energy Act'.

B

Article 2.1.3 will be repealed.

C

Article 2.1.4 will be repealed.

D

Article 2.1.5 will be repealed.

E

An article will be added to section 2.1., which is as follows:

Article 2.1.6:

The calculation method for the tariff for peak supply of natural gas follows from a separate decision in accordance with Article 3.13 of the Tariff Code for natural gas.

### Article III

The Task Code for the TSO for natural gas will be amended as follows:

A

Article 2.1.2b. will be amended as follows:

‘as described in Article 2, paragraph 2, of the Decision on security of supply in the Dutch Gas Act’ will be replaced with ‘as described in Article 3.30 of the Energy Decision’.

### Article IV

This decision will come into force on 31 December 2025.

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 draft decision, the Netherlands Authority for Consumers and Markets (ACM) establishes the tariff structure for the service of Gasunie Transport Services B.V. (GTS), within the meaning of Section 3.64 of the Dutch Energy Act, for enabling license holders to offer the peak supply service (the peak supply task). In that context, ACM amends the Tariff Code for natural gas, the Task Code for the TSO for natural gas, and the Transport Code for the TSO for natural gas.

### 2. Background and procedure

2. The Dutch Energy Act will enter into force on 1 January 2026. Under the Dutch Gas Act, ACM had no power to set the revenues for GTS's peak supply task. Pursuant to Section 10a, paragraph 3, of the Dutch Gas Act, the pricing of the peak supply task was laid down in Article 2, paragraph 4, of the Decision of 13 April 2004 containing rules regarding services in connection with the security of supply (hereafter: Decision regarding security of supply in connection with the Dutch Gas Act).
3. When the Dutch Energy Act comes into force, the Decision regarding security of supply in connection with the Dutch Gas Act will lapse<sup>1</sup>, and the power to set the tariff structure for the peak supply task will be granted to ACM.<sup>2</sup> In order to be able to exercise this power, ACM amends the tariff structures and conditions in line with Regulation (EU) 2017/460 of the Commission of 16 March 2017 establishing a network code on harmonized transmission tariff structures for gas (NC-TAR).
4. Under Section 12f of the Dutch Gas Act, ACM sets regulations for the energy market. Under Section 12c, paragraph 2, of the Dutch Gas Act, ACM performs this task by making ex-officio amendments to the Tariff Code for natural gas and the Task Code for the TSO for natural gas. With this decision, ACM also performs the assessment as referred to in Article 4 of the NC-TAR.
5. With the code amendment procedure, ACM carries out its consultation obligation, where it, pursuant to Section 12c, paragraph 2 in conjunction with Section 12e, paragraph 3 of the Dutch Act, enables stakeholders and representative organizations of network users on the gas market to submit their opinions about the draft decision within 12 weeks.
6. ACM is of the opinion that the proposal does not contain any technical regulations within the meaning of Directive 2015/1535. That is why no draft version of the conditions in this decision has been submitted for notification.

### 3. Explanation

#### *Background*

7. For the purpose of the peak supply task, GTS incurs costs for services in the areas of natural-gas purchases, flexibility services, and natural-gas transport on the transmission system for natural

<sup>1</sup> Article 6.25 of the Energy Decision.

<sup>2</sup> Under Section 3.106, paragraph 1, of the Dutch Energy Act, Section 3.64 of the Dutch Energy Act, and Article 3.30 of the Energy Decision.

gas, which are necessary for enabling license holders to offer peak supply services to all end-users of natural gas with small connections in the Netherlands. These services must be able to offer peak supply on days with an average effective daily temperature of -17 °C.<sup>3</sup> Since this is a statutory task of GTS's, it must be able to recoup the costs it incurs for performing this task. In order to distribute the costs for the performance of the peak supply task in an efficient manner as well as on the basis of the correct legal grounds, ACM establishes two things with this decision: the qualification of GTS's peak supply task on the basis of Article 4 of the NC-TAR, and the way in which the costs can be passed on under the Dutch Energy Act.<sup>4</sup>

### 3.1. Assessment under Article 4 of the NC-TAR

8. ACM determines in what way GTS can pass on its costs to network users. When setting the cost distribution, ACM is bound by the NC-TAR. The tariff derivation on the basis of the NC-TAR must follow several steps. The first step is qualifying GTS's services as transmission services or non-transmission services. In this section of the decision, ACM establishes the qualification.
9. The NC-TAR stipulates that a service must be considered a transmission service if the criteria in Article 4, paragraph 1, under a and b, have been met. If both criteria have been met, a service qualifies as a transmission service. If one of the criteria has not been met, a service of GTS's can be qualified as a non-transmission service.
10. The first criterion is that the costs for a service are caused by the cost factors of both technical or projected contracted capacity, and distance. The second criterion is that the costs for a service are associated with the investments in and the commercial exploitation of the infrastructure that is part of the regulated asset value that is used for the supply of transmission services.
11. The peak supply task can be divided into two subtasks: the peak transport and the peak production. The costs of these subtasks are caused by different factors. That is why ACM assesses for each subtask whether the costs meet the criteria in marginal 10, and whether the subtask qualifies as a transmission service.
12. In the peak transport subtask, GTS ensures that it has sufficient capacity on its gas transmission system in order to be able to meet the simultaneous demand for natural gas on an extremely cold day. To that end, GTS reserves entry and exit capacity on its own network. As a result, the costs for the peak transport are connected with the commercial exploitation of the infrastructure that is part of the regulated asset value that is used for the supply of transmission services. The costs of peak transport over the gas transmission system are caused by the cost factors of technical capacity (the higher the demanded capacity is, the higher the costs are) and distance (the greater the traversed distance is, the higher the costs are). The peak transport thus meets both criteria as referred to in marginal 10. The peak transport, as a subtask of the peak supply task, thus qualifies as a transmission service.
13. In the peak production subtask, GTS ensures that it produces and keeps available sufficient natural gas in order to be able to supply to license-holding suppliers on extremely cold days. For the performance of this component, GTS ensures, in any case, that it has sufficient production capacity, and GTS reserves natural gas for the supply to license-holding suppliers. The costs for the peak production, which primarily consist of the use of production installations and the purchase of natural gas, are not caused by cost factors of technical or projected contracted capacity, and lack distance as a cost factor. As such, the peak production does not meet the first criterion as referred to in marginal 10. That is why ACM chooses to qualify this subtask as a non-transmission service.

<sup>3</sup> Article 3.30 of the Dutch Energy Act

<sup>4</sup> Section 3.106 of the Dutch Energy Act

### 3.2. Assessment under Section 3.106, paragraph 2 of the Dutch Energy Act

14. The Dutch Energy Act offers two ways in which the pricing of GTS's statutory tasks can take place. In principle, ACM sets the tariffs in accordance with Section 3.6.2 of the Dutch Energy Act. However, if ACM finds it not appropriate or efficient to set a uniform tariff for a statutory task in this manner, ACM, in accordance with Section 3.112 of the Dutch Energy Act, sets the tariffs on the basis of a calculation method approved by ACM, so-called customized tariffs.<sup>5</sup>
15. The peak supply task is specifically meant to offer natural-gas buyers with small connections peak supply. If, on the basis of Section 3.6.2 of the Dutch Energy Act, the tariffs for the peak supply task are passed on to all network users uniformly, network users for whom the peak supply task is not meant are charged these costs. This is at odds with cost-reflectivity: in principle, the objective of tariff regulation is that gas-network users bear the costs that are associated with activities that facilitate their own gas-network usage. From that perspective, ACM finds it not appropriate or efficient to distribute the tariffs for the peak supply task across all network users. That is why ACM determines that the tariffs for the peak supply task are based on a calculation method that has been pre-approved by ACM, in accordance with Section 3.112.
16. GTS submits in advance to ACM for approval a proposal for the calculation method regarding the tariffs for the peak supply task. In its proposal, GTS distinguishes between costs for peak transport and costs for peak production. ACM approves GTS's proposal if it meets the requirements that the NC-TAR attaches to transmission tariffs and non-transmission tariffs, and if it meets the requirements that Section 3.112 of the Dutch Energy Act attaches to customized tariffs.
17. In marginal 12, ACM determined that peak transport qualifies as transmission service. GTS's proposal for peak transport tariffs must meet the requirements that the NC-TAR attaches to transmission tariffs. On the basis of Article 4 of the NC-TAR, GTS must, in any case, set the tariffs on the basis of the tariffs that ACM sets in its annual Tariff Decision for GTS for entry and exit capacity.
18. In marginal 13, ACM has determined that peak production qualifies as non-transmission service. ACM approves GTS's proposal for peak production tariffs if these meet the requirements laid down in Section 3.112 of the Dutch Energy Act. Such is the case if this calculation method leads to transparent, non-discriminatory, and cost-reflective tariffs, which are passed on to the beneficiaries of the service, and GTS's costs for the peak supply task are not compensated twice. The costs for the entire peak supply task are passed on to license holders through the customized tariff.
19. The total costs that can be compensated to GTS through the customized tariff consist of the sum of the peak transport tariffs and the peak production tariffs. GTS charges license holders these tariffs, in accordance with the considerations in marginal 15.

## 4. Responses to the submitted opinions

20. [This chapter will describe the opinions]

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<sup>5</sup> Section 3.106, paragraph 2 of the Dutch Energy Act