

Draft

Energie-Control Austria Executive Board Ordinance Amending the Gas Market Model Ordinance (2012 Gas Market Model [Amendment] Ordinance 2015)

In exercise of section 41 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBL*. (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG I no 174/2013, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as amended by FLG I no 174/2013, the following Ordinance is issued:

The Energie-Control Austria Executive Board Ordinance on Provisions for the Gas Market Model (Gas Market Model Ordinance 2012), FLG II no 171/2014, as amended by the Gas Market Model (Amendment) Ordinance 2014, FLG II no 234/2013, is amended as follows:

1. After section 2 para. 1 item 16a the following item 16b is inserted:

“16b. “Regulation (EU) No 984/2013” shall mean Commission Regulation (EU) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council, OJ L 273, 15.10.2013;”

2. Section 4 reads:

“**Section 4.** (1) Capacity products shall be bundled in accordance with the provisions of Regulation (EU) No 984/2013 where they concern cross-border interconnection points at transmission level.

(2) In order to maximise the offer of bundled capacity, transmission system operators may offer bundled or unbundled capacity with allocation restrictions.”

3. In section 6 para. 1, the words “in transparent and non-discriminatory procedures” are replaced by the words “in accordance with Regulation (EU) No 984/2013”.

4. Section 6 para. 3 is deleted.

5. Section 8 reads:

“**Section 8.** At cross-border interconnection points, the shares of the technical annual capacity specified in Articles 6 to 8 of Regulation (EU) No 984/2013 shall be reserved and auctioned no earlier than in the annual auction for annual or quarterly capacity. Larger shares for individual cross-border interconnection points may be proposed in line with the results of a system user poll on the online platform, to be conducted by the market area manager in cooperation with the transmission system operators, and after consultation of the adjacent transmission system operators. Such proposal requires regulatory approval by official decision. Capacity contracts in existence at the time of entry into force of this Ordinance shall be exempted from this stipulation.”

6. In section 9 para. 2, the words “The operator of the online platform” are replaced by the words “The online platform” and after the words “and secondary capacity trading” the words “in accordance with the provisions of Regulation (EU) No 984/2013” are inserted.

7. Section 9 para. 3 is deleted.

8. In section 9 para. 6, after the words “the provisions of this Ordinance” the words “and of Regulation (EU) No 984/2013” are inserted.

9. Section 10 para. 2 is deleted.

10. <amendment not relevant to English-language version>

11. <amendment not relevant to English-language version>

12. In section 11 para. 9, the words “in accordance with section 6 para. 3” are deleted and in section 11 para. 10, the words “pursuant to section 6 para. 3” are deleted.

13. At the end of section 13 para. 3, the sentence “Capacity expansion applications shall be processed in the same order they are filed.” is added.

14. After the second sentence in section 14 para. 3, the sentence “To the degree that system admission contracts with storage or production system operators impact operation of the distribution system, such contracts shall be concluded as required by the distribution area manager.” is inserted.

15. After section 15 para. 3, the following para. 4 is inserted:

“(4) In the case of distribution-level cross-border interconnection points that serve to supply part of the market area exclusively from an adjacent market area, the distribution area manager shall book the necessary capacity with the neighbouring system operator.”

16. After the second sentence in section 16 para. 1, the sentence “If a storage system operator fails to comply with the system operator’s call to book capacity within a reasonable deadline to be set by the system operator, the amount of capacity last booked by the storage system operator shall be again booked for the next year.” is inserted.

17. In section 16 para. 1a, the words “beyond the reserved capacity” are replaced by the words “beyond the amount of but for the same duration as the capacity originally reserved”.

18. After the second sentence in section 17 para. 1, the sentence “If a producer of natural or biogenic gas fails to comply with the system operator’s call to book capacity within a reasonable deadline to be set by the system operator, the amount of capacity last booked by the producer shall be again booked for the next year.” is inserted.

19. In section 19 para. 1, after the words “each balance responsible party” a comma and the words “each storage system operator” are added.

20. The fifth sentence in section 26 para. 6 reads:

“Such calculation shall be based on the General Terms and Conditions of the Market Area Manager; it shall take into account the market area’s position.”

21. In section 26 para. 6, the sentence “For the period from 1 January 2013, the markup shall be capped at 0.4 cent/kWh.” is deleted.

22. At the end of section 27 para. 1, the sentence “Any consumption that arises from the unauthorised use of system services without the metering point having been assigned to a balance group shall be registered in the special balance group for distribution systems.” is added.

23. At the end of section 37 para. 4, the sentence “Any consumption that arises from the unauthorised use of system services without the metering point having been assigned to a balance group shall be registered in the special balance group for distribution systems.” is added.

24. After section 47 para. 9 the following para. 10 is added:

“(10) Section 2 para. 1 item 16b, section 4, section 6, section 8, section 9 and section 26 para. 6 shall enter into force at 6.00 hrs on 1 November 2015. All other provisions of the 2012 Gas Market Model (Amendment) Ordinance 2015, FLG II no XX/2015, shall enter into force at 6.00 hrs on 1 October 2015.”

Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft

Executive Board

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