



Guidelines

for exiting the Austrian gas market

December 2022

This document was drawn up with the greatest care and caution, but mistakes cannot be excluded. This document contains extracts of and links to non-binding English versions of a variety of legal texts. The document and links are provided for the reader's convenience only and in no way constitute a legally binding document. E-Control assumes no liability or responsibility whatsoever for the accuracy, correctness or completeness of the text in this document or the linked ones or any parts thereof. For a legally binding version of the texts, please refer to the relevant issues of the *Bundesgesetzblatt* (Federal Law Gazette)

Table of contents

1. Ending activities as a balance responsible party	3
2. Ending activities as a gas supplier.....	6
3. Ending activities as a (virtual) gas trader	8
4. Annex: Legal basis	10

If you are a balance responsible party (BRP), gas trader, supplier of consumers or virtual trader in Austria and would like to cease your business activities, you must take a number of steps.

1. Ending activities as a balance responsible party

Legal basis

[General terms and conditions for the market area manager and balance responsible parties in the eastern market area](#) (in German)

[General terms and conditions of the single clearing entity in the eastern distribution area – AGCS](#) (in German)

[General terms and conditions of the single clearing entity in Tyrol and Vorarlberg](#) (in German)

[General terms and conditions for the operator of the virtual trading point - CEGH](#) (in German)

Sections 93, 94, 95, and 121 *Gaswirtschaftsgesetz* (Gas Act) 2011 (in [English](#) and [German](#))

Short description

Gas suppliers that also registered as balance responsible parties when they entered the market must inform other relevant market players and the authorities both that their balance group(s) are dissolved and that they are ending their business activities as balance responsible party. Before a balance group can be dissolved, the balance responsible party must make sure that all balance group members are assigned to other balance groups. E-Control will then cancel the BRP licence.

Steps to take

- 1) If you plan to dissolve one or several balance groups but still want to be active as BRP (for other balance groups), you must inform the relevant market players without delay, but in any case no later than 21 days before you plan to dissolve the balance group(s). The relevant market players in this case are the single clearing entity (SCE), the market area and distribution area manager (MADAM), and the system operators concerned. Specifically, the information you send to the single clearing entity must include:
 - The balance group(s) to be dissolved (BG identifier)
 - The planned dissolution date
 - Records to prove that you have informed the concerned system operators, DAM and MAM
- 2) You can only dissolve balance groups once all balance group members have been moved to other balance groups.
- 3) If you plan to cease all your activities as BRP or your SCE contract is terminated or dissolved this also requires that all of your balance groups be dissolved first. The above rules then apply

accordingly. In addition, you must then also inform the other single clearing entity (either AGCS or A&B) and E-Control. A three-month notice period from the end of a month applies for terminating contracts with the single clearing entity. They will then effectively terminate at the end of that gas day. This period can only start if all members of the balance group have already been moved to other groups. If a group still has members when you try to terminate the SCE contract, the termination date is pushed backwards in one-month steps.

- 4) You must also terminate your contracts with the MADAM, respecting a three-month notice period. In case of premature contract termination, the MADAM may inform E-Control, the transmission system operator(s), the single clearing entity, the virtual trading point (CEGH), storage system operator(s), and production system operator(s).
- 5) The SCE will settle the balancing energy and clearing fees as part of first and second clearing.
- 6) Once your BRP contract is effectively terminated, your balance groups will be deactivated. The collateral for the deactivated balance groups will continue to be bound until after final settlement. This is considered to be the case after the clearing is complete, i.e. only after all readings and allocations are available and cannot be changed anymore. The minimum collateral will be held until after the final invoice has been issued.
- 7) You must inform the operator of the virtual trading point (CEGH) that you wish to cease your activities as a BRP. If applicable, you must also cancel your membership of CEGH, applying a three-month notice period. Any contracts you have with the clearing house (European Commodity Clearing AG), exchange memberships and contracts with clearing banks must be terminated in accordance with the applicable notice periods.

Please note that ending your activities as BRP does not necessarily mean that you completely exit the market. You could still be active as a virtual trader and/or be member of the exchange (through membership in a balance group). Both these scenarios require that you are a member of the virtual trading point.

Contact details

SCE east:	office@agcs.at , +43 1 9074 177-0
SCE Tyrol and Vorarlberg:	office@aundb.co.at , +43 512 90 88 55-130
CEGH:	susanne.neunteufl@gashub.at , +43 1 2702700-28516
E-Control:	market.exit@e-control.at
MADAM:	http://www.aggm.at/en/contact , +43 1 27 560

Checklist – dissolving a balance group

Notification of SCE, MADAM, E-Control and relevant SOs
Notification of VTP operator (CEGH)
Transfer of all BG members to other BGs

Useful tips and hints

You should ask for confirmations from the above market players that you have informed them of your ending business activities as a BRP. Also you have to ensure that all your BG members have (been) moved to other BGs or that they have no assigned metering points anymore, i.e. that all customers have successfully switched elsewhere.

2. Ending activities as a gas supplier

Legal basis

[General terms and conditions of the single clearing entity in the eastern distribution area – AGCS](#)
(in German)

[General terms and conditions of the single clearing entity in Tyrol and Vorarlberg](#) (in German)

Sections 121 and 123 *Gaswirtschaftsgesetz* (Gas Act) 2011 (in [English](#) and [German](#))

[Wechselverordnung \(Switching Ordinance\) 2014 and Annex I](#) (in German)

Short description

As opposed to market players that engage in trading only, suppliers also deliver gas to consumers. Players that are suppliers and wish to end their business activities must inform a number of other market players and authorities. Before they can do so, they must end all contracts with other market players, respecting any statutory or agreed-upon notice periods.

Steps to take

If you are a gas supplier and wish to end your business activities, you must inform a number of other market players and authorities and must terminate contracts, respecting the statutory and contractual notice periods.

- You must inform your trading partners and consumers and have to terminate the relating contracts, respecting any notice periods that were agreed.
- You must write to E-Control (market.exit@e-control.at) to notify cessation of your business activities, including a statement of reasons. The authority uses this information for market supervision purposes under REMIT and as information for our tariff calculator team. Deleting your rates from the tariff calculator is your own responsibility.
- Unless you have formed your own balance group and are the BRP yourself, you must inform your BRP and terminate the relevant contracts in keeping with the applicable notice periods.
- You must notify the SCE and the switching platform that you are ending your activities as gas supplier. The switching platform will reflect this change and the SCE will incorporate this information in its balancing energy system.
- You must inform all transmission and distribution system operators in whose grids you were active that your energy supply contracts have been terminated, with a lead time of at least

12 days before termination.¹ Also, you must terminate any contracts with the system operators themselves, respecting any agreed notice periods.

- If you have used storage or production, you must also inform the MADAM.
- You must end your participation in the EDA platform; this requires you to take the following steps:
 - terminate your licensing agreement with Energy IT Services GmbH
 - terminate your support contract with Ponton GmbH
 - uninstall the relating software
- You must inform the operators of the ebUtilities platform that you are ending your activities as a market partner by sending an e-mail to FGW@ebutilities.at and marktprozesse@ebutilities.at

Contact details

SCE east:	office@agcs.at , +43 1 9074 177-0
SCE Tyrol and Vorarlberg:	office@aundb.co.at , +43 512 90 88 55-130
E-Control:	market.exit@e-control.at
MADAM:	http://www.aggm.at/en/contact , +43 1 27 560

Checklist – ending activities as a gas supplier	
Notification and termination of contracts with	
•	Trading partners and consumers
•	E-Control (for REMIT and tariff calculator purposes)
•	BRP
•	SCE and switching platform
•	System operators
•	MADAM

¹ Cf. annex I to the Switching Ordinance 2014

3. Ending activities as a (virtual) gas trader

Legal basis

[General terms and conditions for the operator of the virtual trading point - CEGH](#) (in German)

Short description

As opposed to gas suppliers, a “trader only” does not supply consumers with gas. Virtual traders may trade at the virtual trading point without physical delivery. Even so, market participants and the authority must be informed of any market exits. In addition, all contracts with other market players must be terminated in accordance with the agreed notice periods.

Steps to take

As a gas trader that wishes to cease business activities, you must inform a number of other market players and the authorities and must terminate your contracts with them, respecting all of the agreed notice periods.

- You must inform your trading partners and terminate your contracts with them in keeping with the agreed notice periods.
- You must write to E-Control (market.exit@e-control.at) to notify cessation of your business activities, including a statement of reasons. The authority uses this information for market supervision purposes under REMIT.
- Unless you have formed your own balance group and are the BRP yourself, you must inform your BRP and terminate the relevant contracts in keeping with the applicable notice periods.
- You must inform and terminate contracts, in line with any notice periods, with all transmission and distribution system operators in whose grids you were active.
- If you have used storage or production, you must also inform the MADAM.
- You must inform the operator of the virtual trading point (CEGH) that you wish to cease your activities and you must terminate your contracts, of course bearing in mind any agreed notice periods.

Contact details

E-Control: market.exit@e-control.at

CEGH: susanne.neunteufl@gashub.at , +43 1 2702700-28516

MADAM: <http://www.aggm.at/kontakt>, +43 1 27560

Checklist – ending activities as a trader

Notification and termination of contracts with

- Trading partners and final customers
- E-Control (incl. for REMIT purposes)
- BRP
- System operator
- MADAM

Checklist – ending activities as a virtual trader

Notification and termination of contracts with

- Trading partners
- E-Control (incl. for REMIT purposes)
- Operator of the virtual trading point (CEGH)

4. Annex: Legal basis

This document contains extracts of and links to non-binding English versions of a variety of legal texts. E-Control assumes no liability or responsibility whatsoever for the accuracy, correctness or completeness of the text in this document or the linked ones or any parts thereof. For a legally binding version of the texts, please refer to the relevant issues of the *Bundesgesetzblatt* (Federal Law Gazette).

Links to referenced legal texts

Basic legal framework

The *Gaswirtschaftsgesetz* (Gas Act) 2011 and the *E-Control-Gesetz* (E-Control Act) form the main legal framework for activities in the Austrian gas market.

Gas Act 2011:

<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007523> (in German)

<https://www.e-control.at/en/recht/bundesrecht> (in English)

E-Control Act:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007046> (in German)

<https://www.e-control.at/en/recht/bundesrecht> (in English)

Further legal references

[General terms and conditions for the market area manager and balance responsible parties in the eastern market area](#) (in German)

[General terms and conditions of the single clearing entity in the eastern distribution area – AGCS](#) (in German)

[General terms and conditions of the single clearing entity in Tyrol and Vorarlberg](#) (in German)

[General terms and conditions for the operator of the virtual trading point - CEGH](#) (in German)

[Wechselverordnung \(Switching Ordinance\) 2014 and Annex I](#) (in German)