

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

In exercise of section 41 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as published in FLG I no 107/2011, 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 171/2012, is amended as follows:

1. After section 46 para. 4, the following paras 5 through 7 are added:

“(5) Balance responsible parties that have been licensed following a licensing application filed before this stipulation is promulgated but that did not fulfil the prerequisites for taking balancing actions through the natural gas exchange at the virtual trading point at 16.00 hrs on 17 December 2012 are exempted from the following stipulations for as long as they do not fulfil such prerequisites:

1. Renominations pursuant to the first sentence of point V.1 of the general terms and conditions for transmission network access;
2. Access to the virtual trading point pursuant to section 18. para. 3, unless they have a valid contract with the operator of the virtual trading point;
3. Registration in the market area pursuant to the second and third sentences of section 19 para. 2 and section 19 paras 5 and 7;
4. Balancing and clearing by the market area manager pursuant to the second and third sentences of section 26 para. 4, as well as point 3.2.1 and the first, second, third and fourth sentences of point 6.5 of the general terms and conditions for the market area manager's legal relationship with the balance responsible parties.

(6) For as long as they do not fulfil all prerequisites for taking balancing actions through the natural gas exchange at the virtual trading point, balance responsible parties pursuant to para. 5 above shall:

1. submit balanced nominations for each hour of a gas day D and for each balance group in the market area by 14.00 hrs on the day before (D-1). If the balance group(s) of a balance responsible party pursuant to para. 5 are imbalanced, the market area manager may request that nominations be curtailed or otherwise changed and the recipients of such nominations shall comply with such requests. In this case, the deadlines stipulated in chapters 2 and 3 of the Gas Market Code do not apply.
2. not be permitted to renominate unless expressly requested to do so by the market area manager;
3. deposit collateral of at least EUR 50,000 in cash with the market area manager by 27 December 2012. Should the market area manager not receive a balance responsible party's collateral in time or should such collateral be exhausted, the former may suspend services pursuant to point 5.2 of the general terms and conditions for the market area manager's legal relationship with the balance responsible parties. The collateral shall be returned to the balance responsible parties on 31 March 2013.

(7) In the case of failure of the relevant IT systems, the market area manager may temporarily extend the lead times for renominations or suspend renomination arrangements and the balance groups' balancing actions at the natural gas exchange, and instead register imbalances in the carry forward account.”

2. After section 47 para. 3 the following para. 4 is added:

“(4) Section 46 paras 5 through 7 of this Ordinance as amended by the *GMMO-VO Novelle 2012* (Gas Market Model [Amendment] Ordinance 2012) shall come into force on 1 January 2013 and cease to be in force at 6.00 hrs on 28 February 2013.”

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

Executive Board

Walter Boltz

Martin Graf

Vienna, 13 December 2012