

By means of this non confidential document **eni** SpA– a shipper and commercial player in the Austrian gas market - is pleased to comment on the draft proposal of the new market model Ordinance (*Begutachtungsentwurf der Verordnung des Vorstands der E-Control zu Regelungen zum Gas-Marktmodell - Gas-Marktmodell-Verordnung 2012*).

Section 4 para 1 “bundling of capacity”

With respect to the impact of the new European rules on the market, we deem important to reaffirm our strong concerns in relation to the provisions related to the full mandatory bundled concept (see our answer to question 5 of your “Consultation paper on principles concerning the amendment of the gas market rules to reflect the Natural Gas ACT 2011” to which we refer). We appreciate the exclusion of contracts stipulated before 31st December 2012 from the application of “bundling of capacity”.

Taking into account our strong concerns about provisions related to full mandatory bundled concept, in our opinion, it is necessary to postpone the introduction of this point after the EU relevant rules will be defined.

Section 10

Eni welcomes the establishment of an Online-Platform for capacity offering, especially on the primary market. But as for the secondary trading of capacity, considering that different but equally transparent and non discriminatory mechanisms in addition to the ones provided by the Online-Platform itself can be used to put capacities on auction, **eni** recommends to eliminate the word “ausschliesslich” in Section 10 par 1 sentence 2. Actually Section 38 of the GWG does not provide for the exclusive use of said online platform but gives system users the possibility also, after consultation of the market in cooperation with the market area manager, to offer capacities through an energy exchange.

Section 11 and 12

Eni reaffirms what it has already written to E-Control in the answer to the “Consultation paper on principles concerning the amendment of the gas market rules to reflect the Natural Gas ACT 2011”. Eni deems that the implementation of the EU Network Code on CAM and of the obligatory congestion management procedures (CMP) as well as an improvement of the secondary trading will strongly enhance liquidity of the market. Therefore the need of any further measures should be assessed only when these EU provisions will display their effects on market liquidity. On this point we refer in particular to the modular approach adopted by the European Commission. Indeed, according to it the firm day-ahead UIOLI may be implemented in case the congestion is not solved by a defined time frame (e.g. 3 years) calculated from the implementation of the obligatory CMP (c.a. 2013). In any case it is fundamental to grant that a regulatory decision about day ahead UIOLI will be shared ex ante and harmonized with other NRAs competent decisions for other markets impacted.

We share this modular approach and we deem that it could be applied in a more extensive way. Indeed, since all CMP mechanisms entail a limitation of someone’s existing rights, the introduction of them – in case of “relevant contractual congestion” – should follow a merit order defined on the basis of limitations they impose on existing network users’ rights:

- “surrender of capacity” and subsequently “oversubscription” should be firstly introduced;

- only if the congestion is not solved by a defined timeframe (e.g. 3 years) “long-term UIOLI” and “firm day-ahead UIOLI” may be implemented.

This modular approach would contribute to make the CMP measures more proportionate. Even in the case of long term UIOLI it is fundamental to grant that the regulation about day ahead UIOLI will be shared ex ante and harmonized with other NRAs decisions competent for other markets impacted

In order to reflect the effective European approach and taking into consideration the ongoing process of EU-Regulations on these points, we consider it fundamental and reasonable to wait the end of this process that is still under review, without anticipating EU-Regulations.

Section 46

Eni strongly recommends indicating in this section of the law the proper starting date for both the integration of the Tyrol and Vorarlberg market areas into the German NCG market area and the implementation of the entry-exit system in the same Tyrol and Vorarlberg market areas, if said starting date differs from January 1st 2013, as several E-control presentations indicate October 1st 2013.

San Donato Milanese, 20.4.2012