Energie-Control Austria Executive Board Ordinance Amending the Gas Market Model Ordinance 2012 (2nd Gas Market Model [Amendment] Ordinance 2013)

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 138/2011, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as amended by FLG I no 51/2012, 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 171/2013, as amended by the Gas Market Model (Amendment) Ordinance 2013, FLG II no 88/2013, is amended as follows:

1. In section 19 para. 2 the following sentence is added:

"The balance responsible parties shall conclude all contracts necessary for them to be admitted to exchange trading."

2. In section 25 para. 7 item 4, the full stop is replaced by a semicolon and the following item 5 is added:

"5. send information about the capacity allocated to balance groups to their balance responsible parties."

3. In section 25 para. 8 item 5, the full stop is replaced by a semicolon and the following items 6 to 8 are added:

"6. submit the meter readings relating to consumers with a contracted capacity beyond 50,000 kWh/h (large consumers) to the relevant suppliers on an hourly basis;

7. send SLP consumption information per metering point to the relevant suppliers on a monthly basis, if the latter request so;

8. submit the consumption data per metering point collected through smart metering systems to the relevant suppliers on a monthly basis."

4. Section 32 paras 2 and 3 read:

"(2) Settlement of system users under section 18 para. 6 shall make use of a volume-weighted average price for each hour, based on the balancing energy procured by the distribution area manager on the gas exchange at the virtual trading point and the offers it has accepted from the merit order list. These prices shall be adjusted for a markup of 3% on the volume-weighted average hourly price for positive and an offset of 3% for negative balancing energy. If the distribution area manager has not procured balancing energy, the last available price at which the distribution area manager has concluded a deal on the spot market at the gas exchange at the virtual trading point shall be used for the hour of the imbalance and adjusted for the applicable markup or offset to arrive at the imbalance price. If the gas exchange at the virtual trading point has not arrived at a price for that day, the last available hourly balancing energy price shall be used.

(3) The imbalance prices for system users under section 18 paras 5 and 7 shall be calculated from the balancing energy purchased by the distribution area manager on the gas exchange at the virtual trading point and the offers it has accepted from the merit order list. For purchases, the marginal buy price shall be used; for sales, the marginal sell price. If, in case of positive balancing energy, the distribution area manager has not purchased balancing energy during a day, or, in the case of negative balancing energy, has not sold any, the volume-weighted spot price index for the relevant delivery period that is published by the gas exchange at the virtual trading point shall be used as the balancing energy price. These prices shall be adjusted for a markup of 10% on the price index for positive and an offset of 10% for negative balancing energy."

5. Section 44 reads:

"Section 44. (1) The clearing and settlement agent shall calculate market-based imbalance prices for the purpose of settling the discrepancies between consumer schedules and their actual consumption, the special balance group for distribution systems and discrepancies between biogas production schedules and metered biogas input.

(2) Settlement of system users under section 37 para. 6 shall make use of a volume-weighted average price for each hour, based on the balancing energy procured by the distribution area manager on the gas exchange at the virtual trading point in the upstream market area and the offers it has accepted from the merit order list. These prices shall be adjusted for a markup of 3% on the volume-weighted average hourly price for positive and an

offset of 3% for negative balancing energy. If the distribution area manager has not procured balancing energy, the last available price at which the distribution area manager has concluded a deal on the spot market at the gas exchange at the virtual trading point in the upstream market area shall be used for the hour of the imbalance and adjusted for the applicable markup or offset to arrive at the imbalance price. If the gas exchange at the virtual trading point in the upstream market area has not arrived at a price for that day, the last available hourly balancing energy price shall be used.

(3) The imbalance prices for system users under section 37 paras 5 and 7 shall be calculated from the balancing energy purchased by the distribution area manager on the gas exchange at the virtual trading point in the upstream market area and the offers it has accepted from the merit order list. For purchases, the marginal buy price shall be used; for sales, the marginal sell price. If, in case of positive balancing energy, the distribution area manager has not purchased balancing energy during a day, or, in the case of negative balancing energy, has not sold any, the volume-weighted spot price index for the relevant delivery period that is published by the gas exchange at the virtual trading point in the upstream market area shall be used as the balancing energy price. These prices shall be adjusted for a markup of 10% on the price index for positive and an offset of 10% for negative balancing energy.

(4) Settlement of the distribution-level cross-border interconnection points, of the special balance groups for the distribution systems and of the discrepancies between scheduled and metered biogas inputs shall make use of the volume-weighted spot price index for the relevant delivery period that is published by the gas exchange at the virtual trading point in the upstream market area. If no price is arrived at for that delivery period, the last volume-weighted price index for spot products that was published by the gas exchange at the virtual trading point in the upstream market area shall be applied.

(5) Imbalance prices shall be stated in cent/kWh and rounded away from zero to at least three decimal places.

(6) Should clearing of imbalances by the clearing and settlement agent result in a shortfall, an amount that corresponds to such shortfall shall be passed on to balance responsible parties by way of a contribution reflective of the volumes of network users according to section 37 paras 5 and 7, based on the provisions in the General Terms and Conditions of the Clearing and Settlement Agent. Such contribution shall form a part of the imbalance charges and must be stated in cent/kWh. The clearing and settlement agent shall fix the amount of this contribution for a six-month time period. In addition to the above, the contribution shall also offset any costs or revenues related to financial settlement of a balancing account's imbalances that exceed the tolerance levels specified in accordance with section 41 para. 1 item 2."

26. After section 47 para. 7 the following para. 8 is added:

"(8) Section 19 para. 2, section 25 para. 7 item 5, section 25 para. 8 items 6 to 8, section 32 paras 2 and 3, and section 44 as amended by the 2nd Gas Market Model (Amendment) Ordinance 2013, FLG no XX/2013 shall enter into force on 1 October 2013."

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

Executive Board

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