

Draft

Energie-Control Austria Executive Board Ordinance Amending the Gas Market Model Ordinance (2012 Gas Market Model [Amendment] Ordinance 2017)

In exercise of section 41 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG no 19/2017, 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 171/2012, as amended by the Gas Market Model (Amendment) Ordinance in FLG II no 401/2016, is amended as follows:

1. Section 2 para. 1 item 4 is deleted.
2. In section 2 para. 1 item 6, the word “firm” is inserted before the word “access”.
3. Section 2 para. 1 items 9 and 10 are deleted.
4. Section 2 para. 1 item 15 is deleted; item 14a is re-numbered as item “15”.
5. Section 2 para. 1 items 17 and 18 are deleted; item 16a is re-numbered as item “17”.
6. Section 2 para. 1 item 16b reads:

“18. “Commission Regulation (EU) 2017/459” means Commission Regulation (EU) 2017/459 establishing a network code on capacity allocation mechanisms in gas transmission systems, OJ L 72/1, 08.12.2011.”
7. Section 2 paras 2 and 3 read:

“(2) In addition to the above, the definitions in section 7 Natural Gas Act 2011, in section 2 *Gas-Systemnutzungsentgelte-Verordnung* (Gas System Charges Ordinance), in Article 2 of Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks, OJ L 211/36, 14.08.2009, and in Article 3 of Commission Regulation (EU) 2017/459 apply.

(3) Where reference is made to particular persons, the applicable grammatical gender has been used; general references to natural persons are intended to refer to all sexes and neutral wording has been chosen.”
8. In section 4 para. 1, the words “Regulation (EU) No 984/2013” are replaced by the words “Commission Regulation (EU) 2017/459”.

9. Section 5 reads:

“Capacity Conversion

Section 5. (1) Transmission system operators shall offer network users holding mismatched unbundled firm entry or exit capacity at one side of a bookable entry/exit point a free-of-charge capacity conversion service. Such capacity conversion service applies to bookable entry/exit points where the network user had to acquire bundled firm freely allocable entry or exit capacity in the form of annual, quarterly or monthly capacity products because the unbundled exit or entry capacity on the other side of the bookable entry/exit point offered by an adjacent transmission system operator was insufficient.

(2) The capacity conversion service means that network users do not have to pay the charge for the mismatched unbundled firm entry or exit capacity that corresponds to the amount and duration of bundled freely allocable entry or exit capacity which had to be purchased twice. Network users still have to fully pay any auction premia involved in booking the mismatched unbundled firm entry or exit capacity.

(3) Network users shall notify their use of the capacity conversion service to the transmission system operator no later than five calendar days following their booking of the bundled freely allocable entry or exit capacity. The transmission system operators shall publish a form for this purpose on their websites.”

10. In section 7 para. 1, the expression “5,” is deleted.

11. Sections 8 to 10 are deleted.

12. In section 11 para. 11, the words “, rest of the day” are deleted.

13. In section 15 para. 3, the words “Sections 8, 9 and 12 apply” are replaced by the words “Section 12 applies”.

14. In section 16 paras 1 and 1a and in section 17 para. 1, the words “in the market area” are inserted before the words “with the same financial effect” and the following sentence is added at the end:

“Increases of existing capacity bookings for up to two years do not increase the basis from which the maximum annual reduction of a booking is calculated, and system operators do not have to permanently reserve capacity for such booking increases.”

15. In section 17 para. 1 the following sentence is inserted after the fourth sentence:

“The limit for reductions applies to capacity of more than 10,000 kWh/h that is reserved for production.”

16. The second sentence in section 18 para. 8 is deleted.

17. Section 19 para. 11 is deleted; para. 12 is re-numbered as para. “11”.

18. Section 24 para. 4 item 2 reads:

“2. Should meter reading not be economically feasible, this circumstance must be proven towards the regulatory authority and a calculation methodology for determining consumption must be presented.”

19. <amendment not relevant to the English-language version>

20. In section 25 para. 8 item 3, the words “clearing and settlement agent, the distribution area manager and the relevant supplier” are replaced by the words “clearing and settlement agent and the relevant balance responsible party”.

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

“6. each hour provide the preliminary hourly meter readings of load-metered consumers for the gas day’s previous hour per metering point to the relevant supplier and the distribution area manager. Such meter readings shall be submitted to consumers if they request so.”

22. In section 31 para. 8, the words “sections 7 and 7a” are replaced by the words “paras 7 and 7a”.

23. Section 34 paras 1 through 3 read:

“Section 34. (1) Data, schedules and nominations shall be recorded and transmitted in the format and through the channel foreseen in the published gas market code.

(2) In addition to para. 1 and if agreed by the contract parties, information may be exchanged through a web-based platform.

(3) Schedules and nominations generally have hourly granularity and are exchanged between balance responsible parties and their contract partners with a lead time of at least one hour. As an exception from this rule, the lead time for renominations at transmission-level cross-border interconnection points is two hours.”

24. *In section 37 paras 5 and 6, the words “section 37” are deleted.*

25. *<amendment not relevant to the English-language version>*

26. *In section 43 para. 3, the words “section 43” are deleted.*

27. *Section 46 para. 8 is re-numbered as para. “(5)”; the following para. 6 is added:*

“(6) The capacity conversion service pursuant to section 5 is made available only for mismatched unbundled firm entry or exit capacity that was purchased before or at the annual auction on 6 March 2017.”

28. *After section 47 para. 11 the following para. 12 is added:*

“(12) Section 18 para. 8, section 25 para. 8 items 3 and 6, and section 34 paras 1 through 6 as amended by the Gas Market Model (Amendment) Ordinance 2017, FLG II no xxx/2017, enter into force at the beginning of the gas day on 1 February 2018. All other provisions of this amendment enter into force at the beginning of the gas day on 15 September 2017.”