

To E-Control

- ☐ via e-mail to [bgv@e-control.at](mailto:bgv@e-control.at) or  
☐ in hardcopy to Rudolfsplatz 13a, 1010 Vienna, Austria

## APPLICATION FOR A LICENCE AS GAS BALANCE RESPONSIBLE PARTY pursuant to section 93 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011

Purpose of the application
<p>I/we, _____, hereby apply for a licence as balance responsible party (BRP) on the Austrian GAS market for the following functions (please tick the applicable boxes):</p> <p><input type="checkbox"/> <b>in the Tyrol and Vorarlberg market area</b>            (prerequisites are: contracts with the distribution area manager and clearing and settlement agent (A&amp;B))</p> <p>and/or</p> <p><input type="checkbox"/> <b>in the eastern market area:</b></p>

Applicant information (if the applicant is a legal person or partnership)	
Company name	
Company address (headquarters or seat in Austria, in another EU member state or EEA member state)	
Office address in Austria (if headquartered abroad)	
Domestic representative authorised to receive official communications (if there is no Austrian office address at all; in this case, please enclose form B3)	
Commercial register number	
Commercial register court (optional)	
VAT number	
Bodies authorised to represent towards third parties <ul style="list-style-type: none"> <li>- The meaning of the term "body authorised to represent towards third parties" depends on the relevant commercial law provisions. It must be clear who is authorised to represent the company towards third parties and whether they are authorised to individually or jointly represent; where this is not obvious from the entry in the commercial register,</li> </ul>	

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<p>applicants must enclose the relevant sections from law and/or the company statutes.</p> <ul style="list-style-type: none"> <li>- The bodies must be citizens of an EU or EEA member state.</li> <li>- If there are several bodies, please use an extra sheet.</li> </ul>	
<p>Qualified expert(s)</p> <ul style="list-style-type: none"> <li>- Name, date of birth and address where service can be received (normally, this will be the company address)</li> <li>- Please enclose CV(s).</li> <li>- If there are several persons, please use an extra sheet.</li> </ul>	
<p>Contact for follow-up questions (name, phone number, e-mail address)</p>	
<p>URL (optional)</p>	

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<b>Applicant information</b> (if the applicant is a natural person)	
Name	
Address (in Austria, or in another EU member state/EEA member state)	
Date of birth	
Citizenship (Austrian or other EU or EEA member state)	
VAT number	
Domestic representative authorised to receive official communications (if the applicant has no address in Austria)	
Contact (name, phone number, e-mail address)	

<b>Documents to be enclosed</b> <ul style="list-style-type: none"> <li>- Please note that <b>copies/scans</b> are sufficient.</li> <li>- <b>The application and forms B1, B2 and B3 are only valid if submitted in German;</b> other documents will be accepted in German or English.</li> </ul>
<b>Extract from the commercial register</b> (or equivalent register from other countries / for natural persons: proof of address)
<b>Expert CV</b> (proof that the balance responsible party, at least one (general) partner or at least one managing director or managing board member or executive has the requisite technical qualifications) <i>*The criterion of technical qualification is deemed to be met if the person has adequate theoretical and practical knowledge of handling natural gas transactions or has worked in an executive position in the natural gas business, especially in natural gas trading, natural gas production or in operating a grid or a storage facility. As a token of proof, the person listed may enclose a CV that shows his/her educational and professional background as well as the experience gained in the natural gas business, particularly regarding natural gas trading, natural gas production or operation of a network or storage facility.</i>
<b>Forms B1 and B2:</b> * Proof of the personal qualification of the applicant and all its bodies authorised to represent towards third parties <ul style="list-style-type: none"> <li>a. signed confirmation of personal qualifications (<b>Form B1</b>: for natural persons or, in case of legal persons, for each member of the body/bodies authorised to represent towards third parties)</li> <li>b. signed confirmation of personal qualifications (<b>Form B2</b>: for legal persons and partnerships)</li> </ul> <i>*Natural persons only need to enclose form B1.</i>
<b>Form B3</b> (only if there is no Austrian company address at all)
Recent extracts from the police records or equivalent confirmation by a court or administrative authority from the applicant's country, for all persons who have significant influence on business
<b>Copy of passport</b> of the bodies authorised to represent towards third parties or, for natural persons, of the applicant
<b>Liable equity capital:</b> proof that the balance responsible party has at its disposal a liable equity capital of at least EUR 50,000 for performing its activities as a balance responsible party, in the form of a bank guarantee or requisite insurance or similar, without prejudice to any higher capital which may be required for the type and scope of activities in accordance with the contract to be submitted under section 93 para. 1 item 1 Natural Gas Act 2011
<b>Contracts, depending on the scope of the application:</b> contracts with the market area manager, the distribution area manager, the clearing and settlement agent, the operator of the virtual trading point and the natural gas exchange at the virtual trading point

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[place, date]

name and company stamp with address\*

*\*To be signed by the applicant or its authorised representative(s) (including company stamp). If another person is authorised to sign, said authorisation is to be enclosed; for authorised lawyers, making reference to the authorisation is sufficient.*

*\*\*Copied or scanned signatures do not suffice. The form must be printed and signed or electronically signed in accordance with article 26 Regulation (EU) No 910/2014.*

#### PLEASE NOTE

1. All enclosed documents can be provided as photocopies/scans. All forms and documents can be submitted via e-mail. Should any of the required documents (such as the contract with the clearing and settlement agent, AGCS) not be available at the time of application, they may be handed in at a later point in time. Timely submission of the application facilitates quick processing.

#### 2. Fees

The applicable fee, comprising the below items in accordance with section 3(2) *Gebührengesetz* (Fees and Duties Act) 1957, FLG 267/157, as last amended, is to be transferred to the relevant account of Energie-Control Austria (sub-account name: Gebühren, BIC: GIBAATWWXXX , IBAN: AT57 2011 1403 1846 4201).

##### Eastern Market Area

Fee for applications (section 14 fee item 6[2][1] Fees and Duties Act)	€ 47.30
Fee for enclosed documents (section 14 fee item 5[1] Fees and Duties Act)	€ 27.30
Fee for issuing the licence (section 14 fee item 2[1][1] Fees and Duties Act)	€ 83.60
<b>Total</b>	<b>€ 158.20</b>

or

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**Market Area Tyrol and Vorarlberg**

Fee for applications (section 14 fee item 6[2][1] Fees and Duties Act)	€ 47.30
Fee for enclosed documents (section 14 fee item 5[1] Fees and Duties Act)	€ 23.40
Fee for issuing the licence (section 14 fee item 2[1][1] Fees and Duties Act)	€ 83.60
<b>Total</b>	<b>€ 154.30</b>

or

**Eastern Market Area and Market Area Tyrol and Vorarlberg**

Fee for applications (section 14 fee item 6[2][1] Fees and Duties Act)	€ 47.30
Fee for enclosed documents (section 14 fee item 5[1] Fees and Duties Act)	€ 35.10
Fee for issuing the licence (section 14 fee item 2[1][1] Fees and Duties Act)	€ 83.60
<b>Total</b>	<b>€ 166.00</b>

Payment of the above fees may be executed ahead or at the time of application or after the licence has been issued. If the former option is chosen, please enclose a copy of the bank transfer confirmation.

3. For further information, please contact

E-Control

Ms Lea Steinke

[bgv@e-control.at](mailto:bgv@e-control.at) or +43-1-24724-412

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