

Energie-Control Austria
Rudolfsplatz 13a
1010 Vienna
Austria

Applicant:

[Company name or name]

[For legal persons and partnerships: commercial register number; for natural persons: date of birth]

[VAT number]

[Address]

[Address]

Address of an office

in Austria:

[only applies to companies located abroad]

Domestic representative authorised to receive official mail (Form B 3):

[only applies to companies located in an EU or EEA member state that do not have an office in Austria]

Represented by:

[Stamp]

[only applies if the application is not filed by the applicant itself or by one of its bodies authorised to represent; please enclose the power of attorney or, in case of lawyers, reference to the power of attorney]

The English translation of this text is provided for the reader's convenience only and in no way constitutes a legally binding document. E-Control assumes no liability or responsibility whatsoever for the accuracy, correctness or completeness of the text in this document or any parts thereof. Please note that it is the signatory's responsibility to be informed about the applicable legal provisions. The references to such provisions in this text are meant to support the signatory in this task. Unless otherwise stated, all references are to Austrian acts and laws.

**I/we hereby apply for a licence as balance responsible party (BRP) on the Austrian
NATURAL GAS market.**

The following members of the applicant's authorised representative body, the following personally liable partners, general partners or executive staff have the required technical qualifications:

1)

2)

3)

[Please name at least one person and state their

- *Name,*
- *Date of birth and*
- *Postal address (normally, this will be the company address).*

If you would like to list more than three persons, please do so on an extra sheet and enclose this with the application.]

I/we enclose the following documents:

1. Contracts

- a) with the clearing and settlement agent (CSA),
- b) with the distribution area manager (DAM) and
- c) with the market area manager (MAM)

which are required to fulfil the tasks and obligations determined in the *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, in particular with regard to administrative and commercial matters;

[Please note that it is not absolutely necessary to submit the clearing and settlement agent's general terms and conditions.]

- *Contracts with MAM: when acting solely on the transmission network*

- Contracts with DAM and MAM: when also acting on the distribution system without supply of consumers
 - Contracts with CSA, DAM and MAM: when supplying consumers
2. Proof of the applicant's entry in the commercial register and proof of the company's seat, if this does not correspond to the address recorded in the register; for natural persons: proof of the company address and of the principal place of residence;
 3. Proof of the personal qualification of the applicant and all its bodies authorised to represent towards third parties;

[The meaning of the term "body authorised to represent towards third parties" depends on the relevant commercial law provisions concerning "alle nach außen vertretungsbefugten Organe".]

For natural persons:

- Signed form regarding the personal qualifications of natural persons (Form B 1);
- Extract from the police records;

For legal persons:

- Signed form regarding the personal qualifications of legal persons and (registered) partnerships (Form B 2);
- Form regarding the personal qualifications of natural persons (Form B 1) signed by the body authorised to represent towards third parties or each of its members respectively;
- Extracts from the police records concerning the persons who have significant influence on business;

4. Proof of the technical qualification of at least one member of the applicant's authorised representative body, a personally liable partner, an executive staff member or the balance responsible party itself;

[The criterion of technical qualification shall be deemed to be met if the person has adequate theoretical and practical knowledge of the handling of 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 system or storage facility. As a token of proof, the person listed may enclose written statements in the form of a CV about 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.]

5. Proof that the balance responsible party has at its disposal a liable equity capital of at least EUR 50,000 in the form of a bank guarantee or requisite insurance or similar, for performing its activities as a balance responsible party, without prejudice to any higher capitalisation which may be required for the type and scope of activities in accordance with the agreement to be submitted under point 1 above.

_____, _____
[Place and date of signature]

[Authorised signature and company stamp with address]

The following person is available on the part of the applicant for any further questions that may arise:

[Phone, fax and e-mail]

ADDITIONAL INFORMATION

1. All enclosed documents can be provided as photocopies. 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. In principle, all documents can be sent by e-mail.

2. Fees

The applicable fee of **€152.70**, comprising the below items in accordance with section 3(2) *Gebührengesetz* (Fees and Duties Act) is to be transferred to the relevant account of Energie-Control Austria (sub-account name: *Gebühren*, BIC: GIBAATWWXXX , IBAN: AT57 2011 1403 1846 4201).

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)	€ 21.80
Fee for issuing the licence (section 14 fee item 2[1][1] Fees and Duties Act)	€ 83.60
Total	€152.70

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 to avoid unnecessary payment notices being issued.

3. For further information, please contact

Dr. Josefine Kuhlmann
Energie-Control Austria
phone: +43-1-24724-412, e-mail: bgv@e-control.at