

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: _____

[Name of the person authorised to represent; 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]

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

Please note that the criterion of technical qualification shall be deemed to be met if the person has adequate theoretical and practical knowledge of the handling of electricity transactions or has worked in an executive position in the electricity business, especially in electricity trading, electricity generation or grid operation. The applicant shall provide proof of such technical qualification for each person listed above in the form of a CV.]

I/we enclose the following documents:

1. Contracts

- a) with the clearing and settlement agent and
- b) with the control area manager

which are required to fulfil the tasks and obligations determined in the applicable provincial legislation, in the *Elektrizitätswirtschafts- und –organisationsgesetz* (Electricity Act) 2010 and in the *Verrechnungsstellengesetz* (Settlement Agencies Act), in particular with regard to administrative and commercial matters;

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[Please note that particular importance is given to submission of the contract with the clearing and settlement agent, including the green card issued by the latter. Submission of the clearing and settlement agent's general terms and conditions is not absolutely necessary.]

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 commercial 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 (general or limited) partnerships (Form B 2);
- Form regarding the personal qualifications of natural persons (Form B1) 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;

[Please note

1. *That in the federal province of Vorarlberg, naming an executive member of staff is not admissible; instead, a member of the authorised representative body is nominated to take responsibility towards the authority ("Geschäftsführer" – an "executive officer" or "managing director"). The nominee must expressly agree to assume this role.*
2. *That the criterion of technical qualification shall be deemed to be met if the person has adequate theoretical and practical knowledge of the handling of electricity transactions or has worked in an executive position in the electricity business, especially in electricity trading, electricity generation or grid operation. As a token of proof, the person listed may enclose written statements about his/her educational and professional background as well*

as the experience gained in the electricity business, particularly regarding electricity trading, electricity generation or grid operation.]

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:

[Name]

[Phone, fax and e-mail]

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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, APCS) 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 **EUR 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. The requirements for receiving a BRP licence are laid down in provincial legislation. Though they do not vary much from province to province, the requirements listed above may not apply everywhere and in all cases. In case of doubt, please refer to the relevant provincial act.

4. For further information, please contact

Gabriel Gniesser, LL.M.
Energie-Control Austria
phone: +43-1-24724-605, e-mail: bgv@e-control.at

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