



# Entering the Austrian market as an electricity supplier

Information starter kit

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To enter the Austrian electricity market as a supplier, you must comply with two types of obligations: there are conditions that must be fulfilled before you can take up activities, and there are tasks you must continuously fulfil while carrying out your activities.

## BEFORE TAKING UP ACTIVITIES

### A) Join the balancing system

#### LEGAL BASIS

- > Sections 85, 86 and 87 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > [Provincial legislation](#) (in German)
- > [General terms and conditions of the imbalance settlement responsible \(GTC ISR\)](#) (in German)

#### DESCRIPTION

To supply consumers with electricity in Austria, you must be part of a balance group. This membership guarantees your right to use the grid to physically transport your product to your wholesale and retail customers. Every balance group is represented by a balance responsible party (BRP) vis-à-vis the imbalance settlement responsible (ISR) [APCS – Austrian Power Clearing and Settlement AG] and the control area operator (CAO) [APG – Austrian Power Grid AG].

You have two options:

- > **Option I:** get licensed as a balance responsible party yourself (i.e. form a new balance group) and register as an electricity supplier and balance responsible party
- > **Option II:** get affiliated with an already existing balance group and then register as an electricity supplier

Option I is more complicated, technically more difficult, and more expensive than option II. On the other hand, option II implies depending on a third-party BRP, which will gain some insight into your business activities (procurement channels, quantities, etc.). Please also note that existing balance responsible parties are not legally required to accept you into their balance group.

For option I, you have to register at least as a balance responsible party and possibly also as electricity supplier with the ISR (APCS), and you must get a BRP licence from E-Control (cf. [section 86\(5\) Electricity Act 2010](#) and the relevant [provincial legislation](#)). For this purpose, we recommend that you ask E-Control in advance which documents need to be submitted and in which form. All required documents and the application

should, however, be submitted to E-Control at the end of the registration process with APCS in bundled form.

### **STEPS TO TAKE FOR OPTION I: REGISTERING AS A BRP**

To become a balance responsible party, you need to get a BRP licence from us. Licensing conditions depend on the applicable [provincial legislation](#), so we recommend that you familiarise yourself not just with [sections 86 et seq. Electricity Act 2010](#) but also with the relevant provincial rules. These may be different for each federal province. We also suggest that you contact us via [e-mail](#) or telephone (+43 1 24724 0) already when preparing your application.

To get a BRP licence from us, you must first register as a balance responsible party with the imbalance settlement responsible (APCS) and with the control area operator (APG). You should contact them as early as possible to prepare for registering. It also is recommended asking E-Control in advance which documents need to be submitted and in which form. All required documents and the application shall, however, be submitted to E-Control at the end of the registration process in bundled form.

#### Registering with the ISR

[APCS](#) is the imbalance settlement responsible for the Austrian electricity market (i.e. the APG control area). You will need to send them at least the following documents:

- > a recent extract from the *Firmenbuch* (commercial register)
- > a SEPA business-to-business direct debit mandate
- > annual reports for the past two business years
- > the balance group's forecast total annual energy transaction volume
- > the required collateral
- > the BRP contract, signed by a company representative, and several forms

The ISR will check whether your application is complete and formally correct and will enter you into the database. It will forward your annual reports and your extract from the commercial register to Oesterreichische Kontrollbank AG for a due diligence analysis which will then be used to calculate the required collateral. You also have to run data tests to prove that you fulfil the system requirements.

To download the forms and for further information about registration, please visit [APCS's website](#) (in German). The general terms and conditions of the imbalance settlement responsible (GTC-ISR) contain an [annex about risk management and the necessary collateral](#), also explaining the process. You can also contact the imbalance settlement responsible via [e-mail](#). Staff members will be happy to assist you with your registration.

If all the conditions for your registration as a balance responsible party are fulfilled, you will be sent a "Green Card" and a copy of the contract countersigned by the imbalance

settlement responsible. The ISR will forward your data to APG, the control area operator.

### Registering with the CAO

As soon as the imbalance settlement responsible has forwarded your data, you can arrange for testing with the control area operator, [APG](#) (+43 50320 53220).

To register with the CAO, you must

- > run a test to prove that you can transmit external schedules
- > return your signed data transmission contract

For more information, please visit the [CAO's website](#). When registration is complete, the CAO will send you a countersigned copy of your data transmission contract.

### Obtaining a licence from E-Control

To receive a BRP licence, you need to submit to us the documents listed below. We can forward all forms upon request.

- I. The BRP and data transmission contracts you have concluded with the ISR and with the CAO. These enable you to fulfil your tasks and duties as a BRP in Austria, in particular those of an administrative and commercial type.
- II. Your *Zulassungsantrag* (licensing application).
- III. If you are applying as a legal person, a recent extract from the *Firmenbuch* (commercial register); if you are applying as a natural person, a certificate of principal residence.
- IV. Proof that you fulfil the requirements and that none of the grounds for exclusion are present. If you are applying as a legal person, this must also be proven for all members of the company's representative body. For this purpose, you have to submit several [declarations](#) (in German) and extracts from the register of previous convictions.
- V. Proof that at least one member of the representative body, one general partner or a senior staff member is technically qualified to act as a BRP. We consider someone to be technically qualified if he or she has adequate theoretical knowledge and practical experience in electricity trading or in managing an electricity business, especially as trader, producer or system operator. To prove that, please submit extensive CVs and diplomas, etc.
- VI. Proof that you have a liable equity capital of at least 50,000 EUR for performing BRP activities. (Please note that the contracts under point I might require you to have more capital, but that these are two separate issues.) For this purpose, you need to submit a copy of your bank guarantee to APCS.

If your company seat or residence is outside of Austria, you must appoint someone who resides in Austria and is authorised to accept service of documents. You have to name this person on the application form and must submit a [declaration of consent](#) signed by them (in German).

Please send us all documents and queries via [e-mail](#).

Once we have checked all documents, the E-Control Executive Board issues an official licensing decision and we inform the ISR and the CAO. For technical reasons in the APCS system, your market entry will become effective on the first day of a month.

### CHECK LIST

Registering as a BRP	WD*
Registration with APCS (including transmission of documents) and entry into APCS database	1**
Due diligence analysis by Oesterreichische Kontrollbank AG	7-14
<ul style="list-style-type: none"> <li>&gt; Receive BRP contract and information about required security deposits</li> <li>&gt; Return BRP contract to APCS</li> <li>&gt; Transfer security deposits to Oesterreichische Kontrollbank AG</li> <li>&gt; Arrange SEPA direct debit mandate</li> </ul>	14-21
Registration and data test with APCS	1-7
Coordination between APCS and Oesterreichische Kontrollbank AG, followed by receipt of Green Card and BRP contract***	at least 1
Registration (including data tests) with APG	1-7
Licensing decision by E-Control (after complete clearance by APCS and APG and receipt of all necessary documents)	14****
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	<b>45</b>

\*WD = average/observed number of working days for reference

\*\* Provided that the documents sent to the ISR were complete and correctly filled out

\*\*\* Provided that all security deposits have been made

\*\*\*\* Please note that strictly speaking, the law allows for a two-month time frame for the regulatory authority to decide.

### GOOD TO KNOW

We cannot tell you how long licensing will take in your case, as it heavily depends on how quickly you submit the necessary documents. The average durations in the table are meant as a general orientation. They do not include the time you need to correctly fill in all documents and send them to the ISR, the CAO and to us.

In strictly legal terms, E-Control has two months to take a licensing decision. This period starts once we have received all the necessary documents listed in the [applicable provincial registration](#). Which set of provincial laws applies depends on your principal residence (for natural persons) or seat (for legal persons). If these are not in Austria,

what counts is the principal residence or seat of the person authorised to receive documents on your behalf.

To speed up your licensing process, you should take several steps at the same time. It is also recommended asking E-Control in advance which documents need to be submitted and in which form. All required documents and the application shall, however, be submitted to E-Control at the end of the registration process in bundled form.

### STEPS TO TAKE FOR OPTION II: JOINING AN EXISTING BALANCE GROUP

Joining an existing balance group is relatively easy and quick. You do not need a BRP licence from E-Control for it. Instead, an existing balance responsible party manages your balance group for you. Membership is bilaterally agreed upon with the balance responsible party of your choice in the form of a contract based on general terms and conditions. There is a list of companies that offer balance group management services on [our website](#) (in German). The next step is for you to register with APCS as an electricity supplier that belongs to an existing balance group. For more details about this process, please consult the [APCS website](#). For technical reasons in the APCS system, your market entry will become effective on the first day of a month.

### CHECK LIST

Joining an existing balance group	WD*
Negotiate your contract with the BRP of your choice	10
Get an EIC number (unless you already have one)	1
Register as a supplier with APCS	8
Get cleared in the APCS system	2-3
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	<b>20-25</b>

\*WD = Average/observed number of working days for reference

### GOOD TO KNOW

We cannot tell you how long it will take for you to join an existing balance group, since progress mainly depends on how quickly you agree with your BRP of choice. Registration with the ISR and clearance in their system should not take more than a few working days. Please note that for technical reasons, your market entry will become effective on the first day of a month.

## B) Inform the provincial government

### LEGAL BASIS

- > [Provincial legislation](#) (in German)

## DESCRIPTION

Regardless of which BRP option you have chosen (s. above), you must notify the provincial governments of all Austrian provinces where you want to operate. At the moment, electricity traders and suppliers have to notify the provincial governments only in the provinces of Carinthia and Styria. In the province of Vienna, they have to notify the distribution system operator (DSO) instead.

## STEPS TO TAKE

First, you need to find out whether informing the provincial government is mandatory in the provinces where you plan to be active. If so, you must notify them. You should do this via registered letter.

## CHECK LIST

Inform the provincial government	WD*
Check provincial legislation	0.2
Notify the provincial government(s) of your activities	0.1
<b>Average total time</b>	<b>0.3</b>

\*WD = average/observed number of working days for reference

## C) Book cross-border capacity (import & export)

### LEGAL BASIS


- > [Regulation \(EU\) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity](#)
- > [Commission Regulation \(EU\) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management](#)
- > [Commission Regulation \(EU\) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation](#)
- > [E-Control approvals](#) of terms and methodologies under Regulation (EU) 2015/1222 and Regulation (EU) 2016/1719 (in German)
- > [Chapter 3 of the Electricity Market Code](#)

### DESCRIPTION

To sell or buy electricity across certain borders, your BRP must submit so-called external schedules to the control area operator. This depends on the allocation method used at each border; e.g. it is not necessary for borders with market coupling where day-ahead allocations are concerned. The data formats to use, the procedures to follow and the deadlines to keep are laid down in [chapter 3 of the Electricity Market Code](#).

Cross-border interconnections in Europe are not designed to transport electricity across the Union to the extent requested by the market. When market players demand more





interconnection capacity than there is, the borders become congested. Capacity at congested borders is auctioned to market players. Your BRP must participate in these auctions to get the capacity you need for your cross-border operations. Prior to 1<sup>st</sup> October 2018, the border between Austria and Germany had never been congested, neither for annual or monthly nor for daily capacity. Since then, capacity has been auctioned at this border, too.

When capacity auctions are held, we speak of “explicit” capacity allocation. Regulation (EU) 2016/1719 prescribes this as the default procedure for long-term (i.e. monthly and annual) capacity. “Implicit allocation” (also called “market coupling”) means that trades at the power exchange are for both energy and capacity, i.e. it is not necessary to purchase capacity separately. Regulation (EU) 2015/1222 foresees that all day-ahead and intraday capacity in Europe should eventually be allocated through implicit procedures. In Austria, this is in place only for day-ahead capacity at the borders with Germany, with Italy and with Slovenia so far.

At the moment, capacity auctions are organised by different transmission system operators, power exchanges, or the [Joint Allocation Office \(JAO\)](#), depending on the border. The latter also publishes detailed information about all aspects of cross-border electricity trade.

### STEPS TO TAKE

To participate in an auction, you must register with the body that organises it. APG provides a [table of the borders and bodies](#).

The rules for external schedules also differ depending on the border and type of capacity (annual, daily, day-ahead, intraday). There are some useful tables with links to the relevant rules on the [APG website](#). For information on the ENTSO-E Scheduling System (ESS), please visit the [ENTSO-E website](#).

### CHECK LIST

#### Book cross-border capacity

Get information about capacity auctions, rules, auctioned products and dates at relevant border(s)

Register with body in charge of auctions

### GOOD TO KNOW

Registration procedures and the time required to complete them vary considerably depending on the border and body in charge.

## D) Register as a REMIT market participant

### LEGAL BASIS

- > Articles 8(1) and 9(1) [Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency \(REMIT\)](#)
- > [Commission Implementing Regulation \(EU\) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8\(2\) and Article 8\(6\) of Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency](#)
- > [Guidance on the application of REMIT by the Agency for the Cooperation of Energy Regulators](#)
- > [Großhandelsdatenverordnung \(Ordinance on Wholesale Data Collection\)](#) and its explanatory notes (in German)

### DESCRIPTION

REMIT is the EU regulation on wholesale energy market integrity and transparency. It was adopted in 2011 to promote transparent and well-functioning electricity and gas markets in the EU. REMIT does not regulate the supply or production of electricity, but instead complements the work of the Financial Market Authority: it focuses on trade in wholesale energy products, i.e. in contracts for supplying or transporting electricity or gas or their derivatives. To prevent market manipulation and insider trading, REMIT imposes extensive transparency obligations on market participants.

Under REMIT, you need to report certain data to the Agency for the Cooperation of Energy Regulators (ACER). The [European Commission's Implementing Regulation 1348/2014](#) states what data exactly these are and how you must report them.

In addition, wholesale markets are monitored at national level. E-Control has certain powers for this purpose and can impose sanctions (s. Electricity Act 2010 and the E-Control Act). We also collect data at national level, i.e. you as a market participant must report some data to the Agency and to E-Control and keep others on record for five years (cf. the Ordinance on Wholesale Data Collection).

As a market participant, you must register with us and provide a record of your wholesale energy market transactions pursuant to [Article 8\(1\) REMIT](#) (s. [Article 9\(1\) REMIT](#)). Further information on the data that need to be reported can be found in the [Commission Implementing Regulation \(EU\) No 1348/2014](#). Upon registration, you receive an ACER code for unambiguous identification of market participants.

### STEPS TO TAKE

Under REMIT, you need to register in order to receive your obligations as a market participant. For market participants based in Austria, registrations are handled through

the [Centralised European Register for Energy Market Participants \(CEREMP\)](#). Those market participants that are not established and do not reside in any EU country can register with any European regulatory authority. They are free to choose which one according to the activities they carry out, but they may register only with one. Further information on this matter and the necessary documents can be found on the [REMIT registration page](#) on our website.

If you have any questions or queries about REMIT registration, please contact us via [e-mail](#).

### CHECK LIST

Register as a REMIT market participant	WD*
Receive <a href="#">authorisation</a> for REMIT registration from an authorised signatory of the market participant (template only available in German)	5 min
Creation and activation of a CEREMP user account in the European <a href="#">REMIT registration system</a>	
Complete the five-part REMIT registration	30 min
Accept Agency code for market participant identification	
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	<b>5</b>

\*WD = Average/observed number of working days for reference

### GOOD TO KNOW

According to Article 9(5) REMIT, market participants have to make sure that the information submitted in the REMIT registration is correct and up-to-date. Therefore, the REMIT registration is to be considered a process and not a one-time procedure.

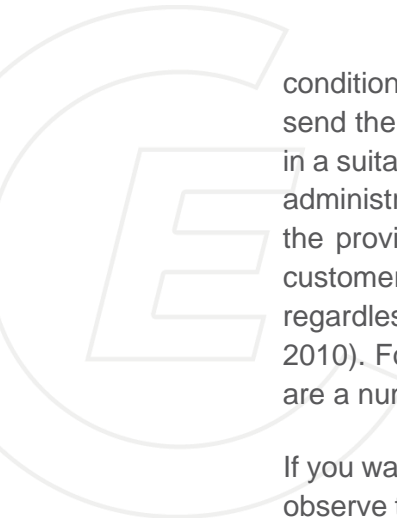
## E) Establish general terms and conditions for electricity supply

### LEGAL BASIS

- > Section 80 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > Section 98(2)(3) [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#) (reference to provincial legislation)
- > [Provincial legislation](#) (in German)
- > Section 12(1)(4) [Energie-Control-Gesetz \(E-Control Act\)](#)

### DESCRIPTION

Suppliers must draw up general terms and conditions (GTC) for supplying electricity to customers **whose consumption is not metered with load meters** (general terms and



conditions for electricity supply). Before you can start applying your GTC, you must send them to us electronically so that we can check them, and you must publish them in a suitable format (cf. [section 80\(1\) Electricity Act 2010](#)); otherwise, there might be an administrative penalty (cf. [sections 98\(2 and 3\) Electricity Act 2010](#), with reference to the provincial legislation). You do not need to send us your GTC for other types of customers. Even so, there are other statutory provisions that you must comply with regardless of the type of consumer to be supplied (cf. particularly the Electricity Act 2010). For instance, the law prescribes certain points that must be covered, and there are a number of information obligations ([section 80\(3\) and \(4\) Electricity Act 2010](#)).

If you want to change your general terms and conditions for electricity supply, you must observe the relevant portions of the *Allgemeines Bürgerliches Gesetzbuch* (Civil Code) and the *Konsumentenschutzgesetz* (Consumer Protection Act). Also, you must send all your customers a personally addressed letter that explains the changes in an easy-to-understand manner. Your customers can also ask you to get this information via e-mail. They can also decide not to accept the changes. If they do so, this effectively terminates your contract with them on the last day of the month three months later (cf. [section 80\(2\) Electricity Act 2010](#)).

The GTC for electricity supply that are submitted to us are checked by E-Control's Regulation Commission. If these violate a statutory prohibition or are unethical, the Regulation Commission can prohibit their application ([section 12\(1\)\(4\) E-Control Act](#)). You can find some examples of GTC provisions that were not allowed by the Commission on [our website](#) (in German).

The procedure before the Regulation Commission starts as soon as we receive your general terms and conditions, but please note that the meetings of the Commission take place at irregular intervals. We recommend handing in your GTC for electricity supply at least two months before you want to apply them. This even gives you enough time to adjust them if the Commission requests any changes.

Once you have made all the necessary changes and the Commission does not request any additional ones, the procedure ends. If you do not make the changes requested by the Regulation Commission, we issue an official decision that forbids you from using the questionable passages in your GTC. Please note that even after the procedure has ended, if anybody wants to take legal action against your GTC, they can still do so before the courts of law.

## STEPS TO TAKE

We strongly recommend that you study the relevant provisions of energy and civil law (in particular, consumer protection law) and already take them into account when you draft your GTC for electricity supply.

It could also be a good idea to take a look at the general terms and conditions of other companies (they usually publish these on their websites). If you do this, please bear in mind that the law might have changed since they were established and make sure that you stick to the legislation that is currently in force.

You can also informally check your draft with us before you hand it in; our experts will be happy to discuss any critical points with you so you are well prepared for the procedure before the Regulation Commission. Please note that these are informal suggestions and personal recommendations; the formal procedure and the final decision lie entirely with the Regulation Commission.

### CHECK LIST

Establish general terms and conditions for electricity supply	WD*
Review the relevant provision of energy and civil law (in particular, consumer protection law)	5
Review other companies' GTC	1
Review recent legal amendments	1
First draft of GTC	10
(Purely!) informal briefing with E-Control to fine-tune the draft	14
Officially notify your GTC	0.25
Waiting time until official decision of the Regulation Commission	max. 2 months**

*\*WD = average/observed number of working days for reference*  
*\*\* Might be longer, e.g. if additional information must be collected*

### GOOD TO KNOW


How long it takes you to draw up your GTC supply naturally depends on your available capacities and know-how (especially with regard to the legal situation and the electricity market in Austria). A well-informed legal team might be able to handle informal checks with us quicker.

Please bear in mind that the meetings of the Regulation Commission take place at irregular intervals. If you want to make sure that the Commission can discuss your GTC at a particular meeting, you must officially hand them in at least one week in advance.

## F) Register at the switching platform (ENERGYlink)

### LEGAL BASIS

- > Section 76 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)

- 
- > [Wechselverordnung \(Electricity Switching Ordinance\) 2014, including its annex and explanatory notes](#) (in German) ([2012 version in English](#))
  - > [General terms and conditions of the imbalance settlement responsible \(GTC ISR\)](#) (in German)

## DESCRIPTION

Supplier switching and enabling/disabling metering points are essential elements of a liberalised energy market. For them to work, suppliers and system operators must be able to exchange data with each other. In Austria, data are exchanged through a “switching platform”, which is operated by the imbalance settlement responsible (ISR) and ensures that all communication is secure.

Most steps in this communication process can be automated. Data are encrypted and exchanged via the switching platform. The platform itself does not save any customer data; these remain with the system operators and suppliers. To use the switching platform, you must register with the imbalance settlement responsible, set up the required interfaces and run them as indicated.

If you are a smaller supplier and this would be too much of an administrative and IT effort for you, you can use the ISR’s so-called self-storage service. It enables you to kickstart the switching process in line with the Electricity Switching Ordinance by uploading data via a web portal. For this solution, you do not need to set up a data interface in your own IT system.

## STEPS TO TAKE

Austria’s switching platform is called ENERGYlink. The general terms and conditions of the imbalance settlement responsible (GTC-ISR) state that you have to register with ENERGYlink to gain access.


The registration procedure starts when you submit your entirely filled out [application form](#) (in German). The imbalance settlement responsible will then check whether you meet the registration requirements.

If all requirements are met, you receive a registration confirmation. Your electronic access to ENERGYlink is activated within ten working days.

As soon as you receive your access data, you can start using ENERGYlink.

If you wish to use the self-storage service, you can register for it at the same time as you register at ENERGYlink or at a later point.

Registration forms, the recipient's address and all required information regarding the documents to be submitted are available on the [website](#) of the switching platform (in German).



If you need further information or assistance with completing the application form for your ENERGYlink registration, please contact the ENERGYlink customer service via [e-mail](#).

### CHECK LIST

#### Switching platform

Review procedures, rules, deadlines, etc. in the Electricity Switching Ordinance and the [technical documentation](#)

Prepare customer data so that they are suitable for automated data retrieval and processing

Register at the switching platform according to the general terms and conditions of the imbalance settlement responsible

If you use the self-storage service: Upload customer data

### GOOD TO KNOW

If you are a small supplier that has just entered the market and will only have to handle a small number of customer switches initially, we recommend using the self-storage service of the imbalance settlement responsible for switching, enabling and disabling consumer connections. This way, you can avoid complex IT adaptations. However, once your customer numbers start growing and you are involved in more and more switches, the self-storage solution will become too cumbersome for you. In this case, we recommend contacting the respective service and IT providers in time to adapt your IT systems to the provisions. The total time required to gain access to the switching platform depends on your corporate IT systems (the extent of the changes you need to make), and whether or not the self-storage solution is sufficient for you, at least in the beginning. The [technical documentation](#) (in German) for how to use the switching platform is continuously being further developed; we suggest that you get involved and state your views in the respective consultation processes.

## G) Register in the database of guarantees of origin (GO database)

### LEGAL BASIS

- > Section 10 [Ökostromgesetz \(Green Electricity Act\) 2012](#)
- > Section 78 to 79a [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)

### DESCRIPTION

If you supply Austrian consumers with electricity, you need to label this electricity, i.e. disclose how it was produced. Labelling proof consists in guarantees of origin (GOs)

that are created, traded and cancelled in a dedicated [GO database](#). When you buy electricity from a producer or trader, you also buy the corresponding GOs, which means you need an account in the GO database. Also, you receive a portion of the GOs that come from supported green power plant; the green power settlement agent OeMAG assigns these to all suppliers according to a specific distribution key.

You can use the GOs in your account for labelling or you can transfer them to another market player's account (s. chapter "Label your electricity")

### STEPS TO TAKE

1. Register at the GO database for your supplier user account (in German).
2. You will then receive a confirmation e-mail with your user ID for login.
3. Your password and PIN will be sent to you via registered mail.
4. Use these access data (user ID and password) to log in to the GO database as an electricity supplier.
5. Send us an [e-mail](#) with your supplier EIC number; this is for the purpose of the monthly green electricity allocation by OeMAG.

For information about the tasks of electricity suppliers regarding the database, see the [user manuals on the website](#) (General Part and Annex C, in German).

If you have any questions, please contact us via [e-mail](#) or call us at +43 1 24724-0, or directly at extension -712. Our experts will be happy to assist you.

### CHECK LIST

<b>Register in the GO database</b>	<b>WD*</b>
Review the user manual	1
Create user account	0.25
Fill out online registration form	0.1
Wait to receive access data	3-5
Administer guarantees of origin	...
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	...
<i>*WD = average/observed number of working days for reference</i>	

## H) Register for the tariff calculators

### LEGAL BASIS

- > Section 65(2) [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)



## DESCRIPTION

E-Control runs two price comparison tools: the tariff calculator for households and the tariff calculator for small businesses. They provide electricity price comparisons for consumers with an annual consumption of up to 100,000 kWh. Users simply enter their annual electricity consumption in kWh (or state how many people live in their household) and their postal code and are then presented with a list of all products available for them.

As an electricity supplier, you must send us the information we need for the tariff calculators; this is all price-relevant data for all your standard products. In this context, “standard products” are the products for which you have general terms and conditions, contract forms, price sheets etc. and which are not designed for a particular, restricted group of customers. You need to submit this data through a dedicated tariff calculator interface that we have developed, and you must send it right when it becomes available.

To be able to register for the tariff calculators, you need:

- > the EC number that you have received from APCS;
- > your completed registration for the guarantees of origin database;
- > channels for communicating with your customers (phone, e-mail address, website, link for online switching etc.); and
- > general terms and conditions that have not prohibited by the Regulation Commission (see “Establish general terms and conditions for electricity supply”).

## STEPS TO TAKE

1. Register your admins through our [service portal](#) (in German).
2. Send us an [e-mail](#) with a written confirmation stating that you fulfil the registration requirements, and add your admins’ contact information (names, e-mail addresses, phone numbers, company name).
3. If all requirements are met, we will clear you and your admins will get access to the admin interface. This should not take more than five working days.
4. On our [website](#), you can find some useful information material (in German):
  - > Tariff calculator guidelines for electricity and gas suppliers
  - > Tariff calculator manual for administrators
5. To access the admin interface, please go through our service portal.
6. Optionally, we can arrange an individual two-hour training for your tariff calculator admins.

If you have any questions about the tariff calculator, you can always contact us via [e-mail](#) or call us at +43 1 24724-701 or -723.

Further information (in German) can also be found [here](#).

## CHECK LIST

Register for the tariff calculators	WD*
Register through E-Control service portal	
Send required information via <a href="#">e-mail</a>	0.25
Waiting time until clearance	2-5
Review guidelines and manual	1
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	<b>5</b>

\*WD = average/observed number of working days for reference

## I) Information and communication platforms for data exchange in the energy market ([ebUtilities](#), [EDA-Plattform](#))

### LEGAL BASIS

- > Section 45(19) [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > Section 22 [Energie-Control-Gesetz \(E-Control Act\)](#)
- > [Chapter 5 of the Electricity Market Code](#)<sup>1</sup>

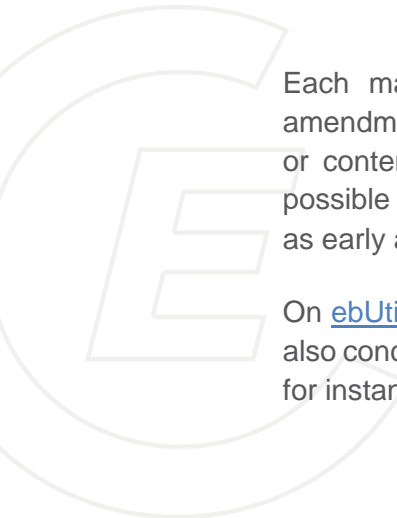
### DESCRIPTION

In order to carry out their activities, suppliers must engage in communication and exchange data with other market participants. Suppliers and distribution system operators exchange data through a specific platform for standardised data exchange in the energy sector (EDA-platform).

For communication through the EDA-platform to be smooth, there is some information you need to pay attention to, such as descriptions of business processes, data formats and data transmission rules. This information can be found either in the various chapters of the Electricity Market Code, in regulations and in other legal documents, or in the technical documentation.

The technical documentation can be found on the information platform [ebUtilities](#) (in German). This platform is operated by the Association of Austrian Electricity Companies (OE), the Association of Gas- and District Heating Supply Companies (FWG), and the Association of Austrian power plants (VÖEW). They also make sure that the technical documentation is compliant to the rules.

<sup>1</sup> Chapter 5 Version 2.0 of the Electricity Market Code was published on 14<sup>th</sup> May 2021 and came into force on 1<sup>st</sup> June 2021. Version 2.0 does not have any explanatory notes.



Each market partner can contact these operators through [ebUtilities](#), e. g. for amendment requests, further information, inquiries about the roadmap, for temporary or content-related involvement in expert groups etc. With regard to the latter, it is possible to ask for a topic-related cooperation with further stakeholders. This will start as early as possible but has to be requested in time on [ebUtilities](#).

On [ebUtilities](#), you can find the technical documentation relevant for electricity supply, also concerning data exchange between system operators and suppliers. This includes, for instance:

- > Electronic billing
- > Refund processes
- > Smart meter data
- > Customer processes

### STEPS TO TAKE

Seeing that you will need to comply with the documents published on [ebUtilities](#) (in German), we strongly recommend that you register with the website. This will enable you to stay up to date and participate in consultations. You can find a registration guideline (in German) [here](#).

[Chapter 5 of the Electricity Market Code](#) lists three options for how you can exchange data with other market players. You can either

- > Integrate the software into your own IT systems;
- > Contract an IT service provider; or
- > Use the ISR's self storage service.

Regardless of the chosen option, the basic version of the data exchange software package is free of charge for all except system operators. Chapter 5 of the Electricity Market Code also includes details about potential add-on costs, support packages and necessary contracts (licence, support, IT services).

### CHECK LIST

#### Registration on ebUtilities as a market partner

Read the information on [ebUtilities](#) (in German)

Register as a market partner on the [website](#)

Decide which data exchange option you want to use

Conclude the necessary contracts

Implement business processes, data formats, and data exchange

## GOOD TO KNOW

How long it takes you to implement these data exchange processes strongly depends on how many processes you need, what your current IT infrastructure looks like and which data exchange option you choose. We suggest that you get involved when the technical documentation at [ebUtilities](#) is revised and make your voice heard in the consultations that are conducted.

Whenever changes are made, all market participants must have a chance to contribute, as stated in [Chapter 5 of the Electricity Market Code](#). Depending on the extent of the agreed changes, additional rules and longer deadlines apply, so that all market participants have a chance to take the necessary implementation steps. You can also actively suggest issues for improvement; they must then be discussed, and further steps must be formally stated.

## J) Set up electronic data exchange

### LEGAL BASIS

- > [Chapter 5 of the Electricity Market Code](#)
- > [General terms and conditions of distribution system operators](#) (in German)

### DESCRIPTION

System charges and energy are separate on a liberalised energy market. Even so, the Austrian system enables you to offer combined bills to your customers. This means that you send them a single bill that lists both their network charges and their energy costs (and of course all related taxes and surcharges). To make this as efficient as possible, there is an obligation for system operators to send you their system charges data in a standardised electronic format.

### STEPS TO TAKE

If you opt for issuing combined bills to your customers, you should conclude framework agreements with the system operators about how to handle the tax aspect of system access services (e.g. about the retroactive refund model and the advance service model). Also, your IT experts should closely study the detailed provisions in the technical documentation *Elektronischer Rechnungsdatenaustausch Netzbetreiber-Lieferant* (electronic data exchanges between system operators and suppliers) on [ebUtilities](#). Any additional details are a matter of agreement between you and the system operator.

Please visit [ebUtilities](#) for further information (in German).



## CHECK LIST

### Set up electronic data exchange

Decide whether you will provide combined bills to your customers

Conclude agreements with the system operators about tax aspects of system access services

Incorporate processes, formats and data exchanges in line with the technical documentation on [ebUtilities](#)

Set down any additional arrangements in a data exchange contract

Set up your IT system and the system operator's

## GOOD TO KNOW

The entire setup of electronic data exchange processes can take more or less time depending on your IT infrastructure. Please also take a look at the chapter "Information and communication platforms for data exchange in the energy market (ebUtilities, EDA-Platform)". We recommend that you get involved whenever the technical documentation on [ebUtilities](#) or the Electricity Market Code are revised.

Whenever changes are made, all market participants must have a chance to contribute, as stated in [Chapter 5 of the Electricity Market Code](#). Depending on the extent of the agreed changes, additional rules and longer deadlines apply, so that all market participants have a chance to take the necessary implementation steps. You can also actively suggest issues for improvement; they must then be discussed, and further steps must be formally stated.

## K) Sign up for information e-mails by E-Control

### LEGAL BASIS

> [General Data Protection Regulation \(Regulation \(EU\) 2016/679\)](#)

### DESCRIPTION

E-Control tailors its information services to the interests of subscribers; through our website, you can choose what kind of e-mails to receive (including e.g. alerts whenever we open a consultation).

### STEPS TO TAKE

To keep on top of developments and to make sure that you are informed e.g. when E-Control consultations take place, we suggest that you sign up for the e-mail information service by E-control through our [website](#). For electricity, the following categories might be particularly interesting for you:

> Renewables

- > Electricity market rules and technical rules
- > Electricity events

#### CHECK LIST

Sign up for information e-mails by E-Control	
Subscribe through our <a href="#">website</a> and indicate what information you would like to receive	5 min

#### GOOD TO KNOW

You will only be informed about consultations if you subscribe to this service; in keeping with the GDPR, we cannot contact you if you do not sign up.

## L) Enter into a contract with the green power settlement agent

#### LEGAL BASIS

- > Sections 37 and 40 [Ökostromgesetz \(Green Electricity Act\) 2012](#)
- > [General terms and conditions of the green power settlement agent](#) (in German)

#### DESCRIPTION

In Austria's green power support scheme, the green power settlement agent OeMAG acts as a central body that purchases and redistributes subsidised green electricity. According to section 37 Green Electricity Act 2012, OeMAG allocates a quota of subsidised green electricity to every supplier each day. This is calculated from suppliers' market shares (monthly supply quantities) and the forecast production of green electricity (day-ahead forecast). The quotas are mapped through schedules, which are sent out by 10.00 hrs on the day ahead. They specify exactly how much subsidised green power each balance group and each supplier must take.

Your own quota depends on how much electricity you sold to consumers in Austria during the month three months before. This of course creates a time lag whenever you enter or leave the market and when your sales fluctuate. Once the assignment process has been completed, you will get an e-mail with the reference sales volume that counts for you and with your quota. All electricity suppliers are involved in this process.

You have to pay the EPEX day-ahead price for the electricity you purchase through this system. If the spot price is negative, your payable price is 1 cent/MWh. In addition, you will need to pay for the guarantees of origin that you receive together with the allotted green electricity. The price for these guarantees of origin is set by E-Control at the beginning of every year.

In terms of funding the Austrian renewables support scheme, system operators collect a flat-rate renewables charge per metering point and a renewables contribution from

consumers and pass them on to OeMAG. If you decide to send combined bills to your customers (s. chapter “Issue bills”), you must collect these charges and pass them on. Otherwise, you do not have to get involved in this payment cycle.

For further information about the green electricity support scheme, please visit our [website](#).

### STEPS TO TAKE

You must sign a contract with OeMAG about how to handle your subsidised green power quota. Also, you need to send OeMAG all contact data necessary for exchanging schedules (EIC, e-mail addresses for managing schedules and the quota-setting process, contact information of responsible persons etc.).

To enter into a contract with OeMAG, please contact them directly at the e-mail addresses [kundenservice@oem-ag.at](mailto:kundenservice@oem-ag.at) and [quoten@oem-ag.at](mailto:quoten@oem-ag.at). You will then receive a list of all data required. Once you have submitted all data, OeMAG will send you two signed counterparts of the contract. Please sign yourself and return one copy to OeMAG.

If you have any questions about scheduling or quotas, please contact OeMAG via [e-mail](#).

### CHECK LIST

Enter into a contract with OeMAG	WD*
Contact OeMAG and get list of required information	0.1
Send in all necessary contract data and details for scheduling	5
Receive OeMAG contracts and return signed copy	5
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	at least 14

\*WD = average/observed number of working days for reference

### GOOD TO KNOW

The quicker you send OeMAG all the necessary information, the sooner they can set up your contract and customer account.

## WHILE BEING ACTIVE

### M) Update the tariff calculators

#### LEGAL BASIS

- > Section 65(2) [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)

## DESCRIPTION

Our tariff calculators treat all competitors the same. They are transparent and non-discriminatory channels to publish all information that we get through this process. As you know, you are legally obliged to send us all price information relating to your standard products (for consumers with an annual consumption of up to 100,000 kWh) right when it becomes available, i.e. you need to continuously keep your information in the tariff calculators up to date.

When registering with the tariff calculators, you receive access to an admin interface (see the chapter “Register for the tariff calculators”); this is also the place where you update your data and provide any new information.

## STEPS TO TAKE

In the interest of data quality, E-Control checks all the data you enter through the admin interface (product information, labelling, contact details, brand). We verify whether the product information you have entered is the same as in the documents you have sent us. In addition, we check whether your data comply with the tariff calculator guidelines (e.g. how to categorise discounts).

Once you have entered all your data, you can kick off our verification process by clicking the respective button in the interface. We will get back to you within five working days, and your information will either be cleared or rejected (asking for corrections).

Two documents can be useful if you are new to the system: the manual, which is a technical handbook for how to handle the admin interface; and the guidelines, which define the data you need to enter, thereby guaranteeing that the tariff calculator gets fed with comparable information. Both documents are available on [our website](#) (in German).

Our tariff calculator experts are happy to help with any questions you might have. You can contact them via [e-mail](#) or phone (+43 1 24724-701 or -723).



## CHECK LIST

<b>Update the tariff calculators</b>	<b>WD*</b>
Enter a product's price-relevant data	0.5**
E-Control clearance of entered data	no more than 5
<b>Average total time</b> (may be shorter than sum of working days because some processes overlap)	<b>3</b>
<i>*WD = average/observed number of working days for reference</i>	
<i>**This can vary a lot depending on your product's complexity</i>	

## GOOD TO KNOW

If you need your data to be released particularly quickly, give us a call in advance. We will let you know how soon we can clear your data.

## N) Issue bills

### LEGAL BASIS

- > Sections 81 and 82 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > Section 12(1) [Systemnutzungsentgelte-Verordnung \(Electricity System Charges Ordinance\) 2012](#) in its latest version (in German)
- > Margin number 1536 of the [Umsatzsteuerrichtlinien \(Turnover Tax Guidelines\) 2000](#)

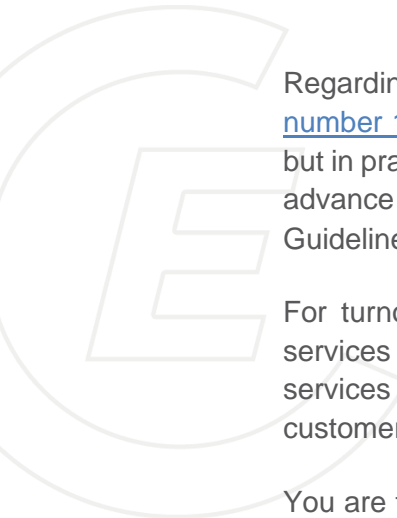
### DESCRIPTION

In Austria, it is the system operators that read meters or calculate how much electricity each consumer has used. You will receive this information from them.

When you issue bills, you must comply with sections 81 and 82 Electricity Act 2010; for instance, you must give your customers certain pieces of information on a separate sheet that you enclose with your bills.

You can issue combined bills to your customer, but this is completely optional for you. If you do so, you will receive all relevant data from the system operators so that you can list the system charges on your bills along with the price for your own product. Of course, your combined bills must then also comply with all legal rules for system charges bills (s. sections 81(3) and 82(1) Electricity Act 2010).

E-Control has drawn up a sample bill for combined bills that meets all legal requirements.



Regarding turnover tax, the view of the Ministry of Finance is expressed in [margin number 1536 of the Turnover Tax Guidelines 2000](#). There are basically three options, but in practice, the so-called “advance service model” prevails. The part relevant for the advance service model is the second paragraph of margin number 1536 Turnover Tax Guidelines 2000.

For turnover tax purposes, it is assumed that the system operator has performed services for you. This is merely a simplification as, in fact, the system operator performs services for the customer. The civil law contract between the system operator and the customer remains unaffected.

You are the recipient of the bill. You can reclaim the input tax of this bill and therefore issue a bill for system services and energy plus VAT.

For this setup to be legal, you need a corresponding agreement with the system operator and the customer. The most common approach would be for you to sign a framework agreement with the system operator and your customers then authorise you to make individual agreements with the system operator on their behalf.

The retroactive refund model is an expansion of the advance service model, i.e. must be applied in the same cases. It regulates what happens if your contract with a customer is terminated prematurely because the customer has failed to pay their bills. If this happens and if you have made payments to a system operator on behalf of this customer during the previous 63 days, the system operator will refund this money to you. This includes all payments listed on system charges bills (e.g. the system utilisation charge, the charge for system losses, metering charges, taxes and surcharges, renewables contributions and flat rates etc.). The system operator then issues a final bill that lists the open sum as a receivable, which enables you to issue a combined final bill to the customer.

If the consumer pays this bill, you pass the system charges on to the system operator. But if the customer fails to pay, even after the dunning procedure, you and the system operator enforce payment separately (through a debt collection agency or eventually legal action).

Whether you receive the data from the system operator electronically or in hard copy is a matter that you must agree on bilaterally (cf. chapter “Set up electronic data exchange”).

Regardless of whether you issue combined bills or not, you need to issue annual bills to your customers within six weeks after meter reading. To enable you to stick to this deadline, system operators are obliged to send you the relevant data within three weeks

(cf. [section 12\(1\) Electricity System Charges Ordinance 2012](#)). In addition to the regular annual bills, consumers can request bills during the year.

The six-week deadline also applies when a customer changes suppliers or ends their contract. Again, if you have chosen combined billing, the system operator must send you its own bill within three weeks so that you can issue a combined bill to the consumer (section 82(4) Electricity Act 2010).

### STEPS TO TAKE

To assist you with billing, we have drawn up a [combined sample bill](#) (in German) that meets all legal requirements. This document shows how to design a customer-friendly, clear and transparent invoice. We invite you to use the sample bill or parts of it as a template for your own bills.

### CHECK LIST

Billing
Review relevant legal rules and the E-Control <a href="#">sample bill</a>
Decide whether or not to provide combined bills
For integrated billing (optional): agree with the system operator or Oesterreichs Energie on how you wish to get system charges data
Install a billing system or contact service providers that can do it for you

### GOOD TO KNOW

Installing a billing system can be more or less of an effort depending on whether or not you have chosen to issue combined bills, what IT infrastructure you currently have and/or how quickly you can contract an external service provider. In any case, adopting the sample bill (or parts thereof) will considerably shorten the entire process and potential post-processing time.

## O) Provide information to customers

### LEGAL BASIS

- > Section 81 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > [Datenformat- und Verbrauchsinformationsdarstellungsverordnung \(Data Format and Consumption Data Ordinance\) 2012 and its amendment](#) (in German)

### DESCRIPTION

Information and advertising materials as well as bills for consumers must be transparent and consumer-friendly. The components of the system charges, taxes and surcharges,

and the electricity cost must be stated separately. The energy price has to be stated in cent per kWh, and any standing charges must be listed expressly. [Section 81 Electricity Act 2010](#) also states minimum requirements for bills and the billing system (also see chapter "Issue bills"). Non-compliance with these requirements is an administrative offence, and a fine of up to EUR 75,000 applies ([section 99\(2\)\(12\) Electricity Act 2010](#)).

If your customers are already equipped with smart meters, you have to send them information about how much they consume and how much they pay each month (cfr. Electricity Act 2010 and Data Format and Consumption Data Ordinance 2012). This service is free of charge for your consumers, regardless of whether they wish to receive it electronically or in hard copy. Please refer to [sections 5 and 6 of the Data Format and Consumption Data Ordinance 2012](#) for rules on what information you must provide and how it must be displayed.

Also for those of your customers who do not have smart meters, there are rules about consumption and cost information in section 7 of the [Data Format and Consumption Data Ordinance 2012](#).

### STEPS TO TAKE

We strongly recommend that you study the relevant provisions of energy and civil law (in particular, consumer protection law) to make sure that all your information and advertising materials are compliant.

You must adjust the information you provide depending on how a customer's consumption is metered. This concerns both the contents and the rhythm of this information.

We recommend that you get your customers' e-mail addresses right at the start, in particular if they have smart meters, so that you can send them monthly information. You are of course free to additionally put the information up on a website or an app.

### CHECK LIST

#### Prepare information for customers

Familiarise yourself with relevant legal rules

Check whether information material complies

Check whether advertising material complies

Use the data you receive to prepare monthly consumption and electricity costs information

## GOOD TO KNOW

It will be much quicker if you study the applicable legal provisions before you devise your information and advertising materials; this way, they can be designed to comply right from the start.

How much time will be needed also greatly depends on the data itself and your existing IT systems.

## P) Label your electricity

### LEGAL BASIS

- > [Directive \(EU\) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity](#)
- > [Directive \(EU\) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources](#)
- > Section 78 to 79a [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > [Stromkennzeichnungsverordnung \(Electricity Labelling Ordinance\)](#) (in German)

### DESCRIPTION

Consumers in Austria have a right to know what type of primary energy their electricity was generated from (see [section 78 para. 1 Electricity Act 2010](#)). This means you must provide information about the sources of the power you are selling (“supplier mix”), its environmental impact and the origin of the guarantees you use. Since 1<sup>st</sup> January 2015, labelling in Austria has been mandatory for all supplies; it is no longer acceptable to declare that (parts of) your electricity are from “unknown origin”. If you are a new supplier and have not taken over another supplier’s customer base, the labelling obligation applies to you with a one-year time lag.

### STEPS TO TAKE

E-Control must verify whether electricity labelling is done accurately ([section 78\(3\) Electricity Act 2010](#)). For this purpose, we review all relevant documents once a year. All of this is done in the Austrian GO database: creating, transferring and cancelling GOs, and checking that labelling is correct.

Please consult our [power labelling manual](#) (in German); it contains all technical details and lists what steps you must take.

For any questions or queries on electricity labelling, please contact us via [e-mail](#).

## CHECK LIST

### Label your electricity

Cancel guarantees of origin in GO database

Create labelling report in the database

Draft labelling based on data from database

Upload sample bill and advertising materials along with draft electricity labelling and other documents to database

Release power labelling report for review

## Q) Pay taxes and surcharges

### LEGAL BASIS

- > [Elektrizitätsabgabegesetz \(Electricity Levy Act\)](#) (in German)
- > [Finanzausgleichsgesetz \(Fiscal Equalisation Act\) 2017](#) (in German)
- > [Community levy links](#) (in German)
- > [Links about turnover tax](#) (in German)
- > [Ökostromförderbeitragsverordnung \(Renewables Contribution Ordinance\)](#) (in German)
- > [Ökostrompauschaleverordnung \(Ordinance on the Flat-Rate Renewables Charge per Metering Point\)](#) (in German)
- > [Biomasseförderung-Grundsatzgesetz \(Act on Financial Support for Biomass\)](#) (in German)

### DESCRIPTION

Consumers pay for the energy they consume, they pay the system charges - and they pay taxes and surcharges. These include the electricity charge, the community levy (in some cities and municipalities), the biomass charge (in some provinces), renewables charges (the renewables contribution and the flat-rate renewables charge per metering point), and VAT.

The **electricity charge** and, if applicable, the **biomass charge** are collected by system operators. You only have to collect these charges (and pass them on to the network operators) if you have decided to issue combined bills to your customers.

Some local authorities charge a **community levy** for using a municipality's public land and the airspace above. These community levies are usually a percentage that is applied either to the system charges or the energy cost on a consumer's bill. In the latter case, you need to collect the charge from your customers; in the former, you only need to get involved if you issue combined bills.

Community levies are strictly within the municipalities' remit ([Fiscal Equalisation Act 2017](#)). They can decide whether to collect such a levy and how high it should be. (This is done via an ordinance of the municipal council.) To find out the exact amount of the community levy collected in a municipality, you need to call their office or the office of the federal province; a complete overview of municipal law is not available in publicly accessible legal databases. Therefore, we cannot reliably tell you whether and which municipalities' levies you need to collect.

In terms of funding the Austrian renewables support scheme, system operators collect a **flat-rate renewables charge per metering point** from consumers as part of their system charges bills (and then pass them on to OeMAG). If you decide to send combined bills to your customers (s. chapter "Issue bills"), you must collect these charges and pass them on. Otherwise, you do not have to get involved in this payment cycle. For further information about the green electricity support scheme, please visit our [website](#).

Supplying consumers with electricity is subject to turnover tax (VAT). The Austrian **VAT** is 20% on the invoice total.

### STEPS TO TAKE

You must collect VAT from your customers.

If your customers reside in a municipality where the community levy is calculated from their energy cost, you must also collect this community levy, the amount of which can vary. The various community levy charges have to be integrated into your accounting and billing system. There is no authority or body that must publish a comprehensive list of all municipalities that apply a community levy. However, we have compiled information about the community levy in the individual federal provinces and a list of the applicable rules in municipalities that we know of. This information is available on [our website](#) (in German).

### CHECK LIST

Paying taxes and surcharges	WD*
Review the relevant legal situation on taxes and surcharges	2
Verify where you need to collect community levies	0.5
Adjust your billing system to comply with Austrian tax and surcharges system	varies considerably
Pass community levy on to local authority/authorities	ongoing
*WD = average/observed number of working days for reference	

## R) Improve energy efficiency

### **Please note:**

The *Bundes-Energieeffizienzgesetz (Energy Efficiency Act)* is going to be amended in 2021. It is expected that the obligations of suppliers to implement and report energy efficiency measures will be retained in the amended version.

Further information on the amended legal provisions will be included in this chapter as soon as it is available.

## S) Continuous reporting

### **LEGAL BASIS**

- > **Monitoring:** the [Elektrizitäts-Monitoring-Verordnung \(Electricity Monitoring Ordinance\)](#), FLG II no 403/2017, and its explanatory notes, issued pursuant to section 88(2) *Elektrizitätswirtschafts- und --organisationsgesetz* (Electricity Act) 2010 (in German)
- > **Statistics:** the [Elektrizitätsstatistikverordnung \(Electricity Statistics Ordinance\) 2016](#), FLG II no 17/2016, and its explanatory notes, both issued pursuant to section 92 Electricity Act 2010 (in German)
- > **Energy intervention measures:** the [Elektrizitäts-Energielenkungsdaten-Verordnung \(Electricity Intervention Data Ordinance\) 2017](#), FLG II no 415/2016, and its explanatory notes, both issued pursuant to section 15 *Energielenkungsgesetz* (Energy Intervention Powers Act) 2012 (in German)

### **DESCRIPTION**

If you trade in electricity, supply consumers or are a balance responsible party, you must send certain data to us. However, please note that legally, reporting is your own responsibility, and you have to send data without being prompted.

Normally, we ask all market participants (in particular electricity traders, suppliers and BRPs) to comply with reporting obligations when they become licensed. If you do not have to report at this time (for instance because you are not yet actually active) but become active later, you must promptly start to report then.

### **STEPS TO TAKE**

Once you have registered and are licensed in Austria, we will contact you and ask you to submit data. The survey forms you will need to fill in are available from [our website](#) (in German).



Please note that section 88(2) Electricity Act 2010 eliminates the need for you to send data to your provincial government(s), starting with data for 2017. Instead, you report to us, and we forward the information as appropriate.

Also, we have designed our forms so that they serve electricity statistics, crisis preparedness and monitoring purposes; this way, you have to submit each data item once only instead of having to enter data for each purpose separately (and possibly several times).

### CHECK LIST

#### Continuous reporting

Wait for us to prompt you

If you start up your business during the year: check what data you must report to us

### GOOD TO KNOW

Reporting can be more or less of an effort depending on your business activities (i.e. how much data you need to report) and depending on whether or not you have automated data collection.

## T) Ongoing REMIT duties

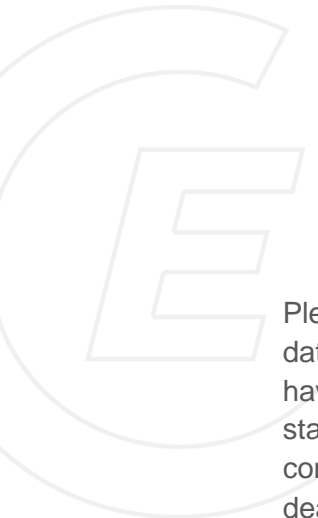
### LEGAL BASIS

- > Articles 4, 8(1), 8(5), and 9(1) [Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency \(REMIT\)](#)
- > [Commission Implementing Regulation \(EU\) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8\(2\) and Article 8\(6\) of Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency](#)
- > Section 10a [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > Section 25a(2) [Energie-Control-Gesetz \(E-Control Act\)](#)
- > [Großhandelsdatenverordnung \(Ordinance on Wholesale Data Collection\)](#) and its explanatory notes (in German)

### DESCRIPTION

As a market participant according to REMIT, you have to comply with reporting and publishing obligations. Mainly

- > you must publish inside information (Article 4 REMIT); this has to be published on a [platform accepted by ACER](#).
- > you must report transaction data (Article 8(1) REMIT);

- 
- > you must report the fundamental data laid down in Article 8(5) REMIT;
  - > you must report inside information to E-Control (section 10a Electricity Act 2010); but please note that this is not necessary if you publish inside information on a platform accepted by ACER. Most Austrian undertakings currently use the [CEGH's REMIT platform](#) and the [EEX platform](#).

Please note that you must use a registered reporting mechanism (RRM) to report data to ACER. RRM's are certified undertakings which submit to ACER the data that have to be reported by market participants. In doing so, they comply to high security standards. You can find a list of certified RRM's [here](#). Please make sure that you conclude a service agreement with a RRM ahead of time, in order to comply with the deadlines for data submission to ACER.

### STEPS TO TAKE

Fulfilling your reporting and publishing obligations is your own responsibility. Please consult our [website](#) for details about REMIT rules. In particular, these pages explain which energy wholesale products are subject to REMIT and/or the Ordinance on Wholesale Data Collection and which undertakings are market participants under REMIT.

For any questions or queries on REMIT, please contact us via [e-mail](#).

### CHECK LIST

<b>Ongoing REMIT duties</b>
Publish inside information...
...and report it to E-Control at the same time (unless you already published it through an ACER-accredited platform)
Report transaction data under REMIT
Report transaction data under the Ordinance on Wholesale Data Collection


### GOOD TO KNOW

REMIT can mean more or less of an effort depending on how extensive your business activities are and on whether or not you have automated data flows.

## U) Further obligations

### UNIVERSAL SERVICE

- > Section 77 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)
- > [Provincial legislation](#) (in German)
- > [Konsumentenschutzgesetz \(Consumer Protection Act\)](#) (in German)



Household consumers and small businesses that are consumers under section 1(1)(2) Consumer Protection Act have a right to be supplied with electricity (universal supply). If you have customers that fall within this category, you have a universal supply obligation. This means that you must supply electricity to any such protected consumer who makes reference to their statutory right. The rate you can charge them for this service is capped by law and you must publish it in an appropriate format (e.g. on the internet). You can ask for a prepayment or collateral from the customer, but these are again capped (see section 77(1) and (2) Electricity Act 2010). The law also regulates when you must return the collateral and lists cases where you cannot ask for prepayment (section 77(3) Electricity Act 2010). If certain conditions apply, universal service can also be paid through a prepayment system (section 77(4) and (5) Electricity Act 2010).

#### **DUNNING, SERVICE POINTS, PREPAYMENT**

- > Section 82 [Elektrizitätswirtschafts- und -organisationsgesetz \(Electricity Act\) 2010](#)

If one of your customers breaks their contract, there is a dunning procedure you must follow before you can terminate the contract or stop supplying electricity (section 82(3) Electricity Act 2010). The law also lists exceptions when the dunning procedure does not apply (section 82(4) Electricity Act 2010). If you ask a customer for prepayment or a collateral, they have a right to use a prepayment meter instead (section 82(5) Electricity Act 2010).

If you fulfil certain conditions, you must set up a customer service point for specified topics (section 82(7) Electricity Act 2010).

## **ANNEX: LEGAL BASIS**

This document contains links to and extracts of non-binding English versions of a variety of legal texts. The document and links are provided for the reader's convenience only and in no way constitute 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 the linked ones or any parts thereof. For a legally binding version of the texts, please refer to the relevant issues of the *Bundesgesetzblatt* (Federal Law Gazette).

#### **BASIC LEGAL FRAMEWORK**

The *Elektrizitätswirtschafts- und -organisationsgesetz* (Electricity Act) 2010 and the *Energie-Control-Gesetz* (E-Control Act) form the main legal framework for activities in the Austrian electricity market.


- > Electricity Act 2010 (in [English](#) and in [German](#))

- > E-Control Act (in [English](#) and in [German](#))

## LEGAL REFERENCES RELATING TO PARTICULAR TOPICS

Depending on the topics you are interested in, you might want to look at the following legislation:

- > [Regulation \(EU\) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity](#)
- > [Commission Regulation \(EU\) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management](#)
- > [Commission Regulation \(EU\) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation](#)
- > [Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency \(REMIT\)](#)
- > [Commission Implementing Regulation \(EU\) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8\(2\) and Article 8\(6\) of Regulation \(EU\) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency](#)
- > [Guidance on the application of REMIT by the Agency for the Cooperation of Energy Regulators \(ACER\)](#)
- > [Großhandelsdatenverordnung \(Ordinance on Wholesale Data Collection\) and its explanatory notes \(in German\)](#)
- > [Directive \(EU\) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity](#)
- > [Directive \(EU\) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources](#)
- > [Ökostromgesetz \(Green Electricity Act\) 2012 \(in \[English\]\(#\) and \[German\]\(#\)\)](#)
- > [Bundes-Energieeffizienz-Gesetz \(Energy Efficiency Act\): in review](#)
- > [Stromkennzeichnungsverordnung \(Electricity Labelling Ordinance\) and explanatory notes \(in German\)](#)
- > [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\)](#)
- > [Konsumentenschutzgesetz \(Consumer Protection Act\) \(in German\)](#)
- > [Wechselverordnung \(Electricity Switching Ordinance\) 2014, including its annex and explanatory notes \(in German\) \(2012 version in \[English\]\(#\)\)](#)
- > [Datenformat- und Verbrauchsinformationsdarstellungsverordnung \(Data Format and Consumption Data Ordinance\) 2012 and its amendment \(in German\)](#)
- > [Elektrizitätsabgabegesetz \(Electricity Levy Act\) \(in German\)](#)
- > [Community levy links \(in German\)](#)

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- > [Links about turnover tax](#) (in German)
  - > [Elektrizitätsstatistikverordnung \(Electricity Statistics Ordinance\) 2016](#) and its explanatory notes (in German)
  - > [Elektrizitäts-Energielenkungsdaten-Verordnung \(Electricity Intervention Data Ordinance\) 2017 and its explanatory notes](#) (in German)
  - > [Systemnutzungsentgelte-Verordnung \(Electricity System Charges Ordinance\) 2018](#) (in [English](#) and in [German](#))
  - > Electricity Market Code (in [English](#) and [German](#))
  - > [General terms and conditions of the imbalance settlement responsible \(GTC-ISR\)](#) (in German)
  - > [General terms and conditions of the green power settlement agent](#) (in German)

## EXTRACTS FROM LEGAL TEXTS

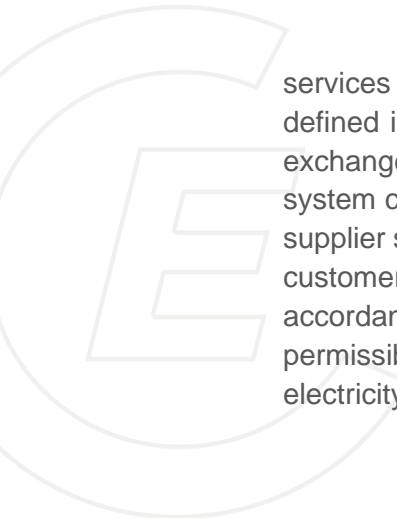
### General terms and conditions for DSOs (model version), chapter IXI – Billing

1. [...] Where a supplier also bills its customers for the system charges, the system operator shall submit the invoice for the system charges to the supplier within four weeks.

10. If there is a contractual agreement between the supplier, the system operator and the customer about the use of the advance service model pursuant to margin number 1536 *Umsatzsteuerrichtlinien* (Turnover Tax Guidelines) 2000, the formalities chosen for issuing and submitting bills must enable income tax deduction for the supplier in line with section 12 *Umsatzsteuergesetz* (Turnover Tax Act). In this case, the system operator shall send its bills to the customer's supplier. The supplier shall pay such bills and then issue combined bills for energy and system charges to the customer. The advance service model shall not be construed to imply a debt by the supplier towards the system operator. The system operator shall electronically submit the data necessary for billing in accordance with the format specified in the Market Code to the supplier, while ensuring that the data on the system charges bills (in particular with reference to the amount of energy consumed) corresponds to the consumption data submitted.

### Margin number 1536 para. 2 *Umsatzsteuerrichtlinien* (Turnover Tax Guidelines) 2000

If there is a contractual agreement on the application of this simplifying option between the electricity supplier, system operator and the customer, the services of the system operator shall be deemed rendered towards the electricity supplier for turnover tax purposes, notwithstanding civil law stipulations. In such a case, the system operator issues a bill as defined in section 11 *Umsatzsteuergesetz* (Turnover Tax Act) 1994 to the electricity supplier, who in turn bills electricity and system charges to the final customer. For these purposes, it is sufficient for the system operator to bill the system



services provided to an electricity supplier's customers through a collective invoice as defined in section 11 para. 1 item 4 Turnover Tax Act 1994 or through the electronic exchange of billing data pursuant to margin numbers 1561 to 1563. Regarding the system charges, the supplier shall have the right to input tax deduction. The electricity supplier shall pay taxes on both the electricity supply and the system charges. The final customer may deduct the input tax of the bill issued by the electricity supplier in accordance with section 12 Turnover Tax Act 1994. This procedure shall only be permissible as long as a respective agreement regarding its application between the electricity supplier, the system operator and the customer is in effect.