



Entering the Austrian market as an electricity trader

Information starter kit

June 2021

[This document was drawn up with the greatest care and caution, but mistakes cannot be excluded. 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. The document and links are provided for the reader's convenience only and in no way constitute a legally binding document. For a legally binding version of the texts, please refer to the relevant issues of the *Bundesgesetzblatt* (Federal Law Gazette).]

CONTENTS

Contents	2
Before taking up activities	3
A) Join the balancing system	3
B) Book cross-border capacity (import & export)	7
C) Register as a REMIT market participant	9
D) Sign up for information e-mails by E-Control	11
While being active	12
E) Continuous reporting	12
F) Ongoing REMIT duties	13
Annex: Legal basis	14

To enter the Austrian electricity market as a trader, 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 trade in 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 trader and balance responsible party
- > **Option II:** get affiliated with an already existing balance group and then register as an electricity trader

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 trader 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 YOURSELF

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 should, 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 are met, you will be sent a "Green Card" and a copy of the contract countersigned by the imbalance settlement responsible. By then,

you should have submitted all necessary documents in bundled form to us. The ISR will forward your data to APG, the control area operator.

Registering with the CAO

Once the ISR has forwarded your data, you can arrange for testing with the CAO, [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 imbalance settlement responsible APCS and with the control area operator APG. 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 with electricity trading or with managing an electricity business, especially a 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 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"> > Receipt of BRP contract and information about required security deposits > Return BRP contract to APCS > Transfer security deposits to Oesterreichische Kontrollbank AG > Arrange SEPA direct debit mandate 	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****
Average total time (may be shorter than sum of working days because some processes overlap)	45

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


** Provided the imbalance settlement responsible has received complete and correctly filled-in registration documents

*** 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 should, 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. You can find a list of companies that offer balance group management services on [our website](#) (in German). 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
Average total time	10

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

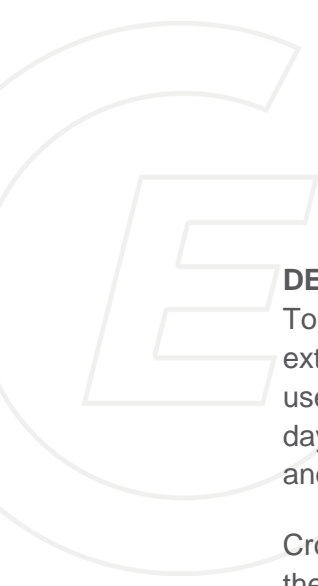
GOOD TO KNOW

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.

B) 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 1st 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 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.

C) 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. 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 ACER code and, consequently, be able to fulfil 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 authorisation for REMIT registration from an authorised signatory of the market participant	5 min
Create and activate CEREMP user account	
Complete the five-part REMIT registration	30 min
Accept Agency code for market participant identification	
Average total time (may be shorter than sum of working days because some processes overlap)	5

*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.

D) 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 website 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.

WHILE BEING ACTIVE

E) 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.

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

Check what data you must report at provincial level

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.

F) Ongoing REMIT duties

LEGAL BASIS

- > Articles 4, 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](#)
- > 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

Ongoing REMIT duties

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.

ANNEX: LEGAL BASIS

This document contains links to 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](#)
- > [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 \(General Data Protection Regulation\)](#)
- > [Elektrizitätsstatistikverordnung \(Electricity Statistics Ordinance\) 2016](#) and its explanatory notes (in German)
- > The [Elektrizitäts-Energielenkungsdaten-Verordnung \(Electricity Intervention Data Ordinance\) 2017](#) and its explanatory notes (in German)
- > Chapter 3 of the Electricity Market Code (in [English](#) and [German](#))
- > [General terms and conditions of the imbalance settlement responsible \(GTC-ISR\)](#) (in German)