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Your ref./date	Our ref.	Liable/phone	in Malacky
	L-II/1345-2023-ROaM	M. Beňa/034-772 5939 ext.214	on 31. August 2023
	File Nr.: 1345-2023-OaM		

Subject: Comments on consultation **V ENL G 01/23**

Dear Ladies and Gentlemen,

We welcome the opportunity to comment on the proposed changes to the Gas Intervention Data Ordinance 2017 ("Erdgas-Energielenkungsdaten-Verordnung 2017") as published on E-Control's website.

On a general note, please note that POZAGAS does not qualify as an Austrian storage operator. The amendments are – partly – phrased in a way, which suggests that they would also apply to POZAGAS: *"storage companies, for all storage facilities located on the territory of the Federal Republic of Austria as well as storage facilities located abroad, but whose connection points to the public network are located in Austria"*. We submit that POZAGAS is not in the position to fulfill and comply with these requirements. POZAGAS is a Slovakian storage operator and therefore bound by Slovak legislation. There is no Austrian or EU legal basis for E-Control to impose such obligations on a Slovak storage operator, who does not have any Austrian branch or subsidiary. Please note that POZAGAS – as Slovak storage operator - is bound by Slovak regulatory requirements and obliged to ensure compliance with the security of supply provisions under Slovak law.

In addition, some of the obligations can simply not be fulfilled by POZAGAS for practical reasons. Not only, but in particular, this is the case for the weekly reporting obligation stipulated in Section 3 para 2 clause 2 of the Amendment 2023 of the Gas Intervention Data Ordinance 2017. As you know, our customers have the flexibility to use our storage facilities not only for the Austrian but also the Slovak market. Reporting of such extended customers' rights could then lead to data misinterpretation.

In case our customers would choose to use the storage for the Austrian market, they will have the obligation to do the reporting in accordance with Section 3 para 2 clause 3 of the Amendment 2023 of the Gas Intervention Data Ordinance 2017. Therefore, E-Control will have a good overview of the storage situation to the extent this is necessary to monitor the security of supply situation for the Austrian market.

Irrespective of this, POZAGAS is highly committed to cooperate with the Austrian regulator as we did in the past. In this respect, POZAGAS will – of course – support E-Control to the extent possible to gather the necessary data in order to be able to monitor the security of supply situation.

Best regards,

A handwritten signature in blue ink, appearing to read 'M. Beňa'.

Martin Beňa

Sales and Marketing Director