

Draft

E-Control Executive Board Ordinance Amending the Gas Market Model Ordinance (2012 Gas Market Model [Amendment] Ordinance 2018)

In exercise of section 41 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG no 108/2017, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as amended by FLG I no 108/2017, the following Ordinance is issued:

The E-Control Executive Board Ordinance on Provisions for the Gas Market Model (Gas Market Model Ordinance 2012), FLG II no 171/2012, as amended by the Gas Market Model (Amendment) Ordinance in FLG II no 236/2017, is amended as follows:

1. After section 7 the following section 8 is added:

“Virtual interconnection points

Section 8. (1) If a virtual interconnection point has been established at a cross-border interconnection point pursuant to Article 19 of Regulation (EU) 2017/459, system operators shall offer available capacity at this cross-border interconnection point at the virtual interconnection point exclusively. This also applies to capacity pursuant to section 11 para. 9 and section 12 para. 2, to interruptible capacity and to incremental capacity to be auctioned under Articles 29 and 30 of Regulation (EU) 2017/459. It does not apply to capacity that becomes available due to capacity surrenders at cross-border interconnection points.

(2) Capacity contracts concluded before this Regulation enters into force remain unaffected, i.e. continue to refer to cross-border interconnection points. Should the system user wish so, they can be transferred to the corresponding virtual interconnection point for the rest of the contract term.

(3) Before they implement virtual interconnection points, system operators shall consult the market participants and notify the regulatory authority.”

2. After section 15 para. 3 the following sentence is added:

“The distribution area manager shall notify the regulatory authority in advance of any implicit capacity allocations under Article 2(4) of Regulation (EU) 2017/459.”

3. In section 18 para. 2 the following sentence is inserted before the last sentence:

“Distribution-level entry and exit points at market area borders are subject to the balancing rules for distribution-level cross-border interconnection points, unless different rules apply.”

4. Section 18 para. 6 reads:

“(6) Notwithstanding para. 5 above, the balancing (measurement) period for system users with a contracted capacity of more than 50,000 kWh/h per entry/exit/metering point (large consumers) is one hour.”

This document contains a non-binding English version of a draft legal text. It is provided for the reader's convenience only and in no way constitutes a legally binding document. E-Control assumes no liability or responsibility whatsoever for the accuracy, correctness or completeness of the text in this document or any parts thereof. For a legally binding version of the text, please refer to the relevant *Bundesgesetzblatt* (Federal Law Gazette).

5. Section 18 paras 7 and 7a are deleted.

6. In section 18 para. 8 and section 37 para. 8, the words “para. 5” substitute the words “paras 5 and 7” and the words “pursuant to para. 6” are added after the words “50,000 kWh/h”.

7. Section 24 para. 2 reads:

“(2) Balance responsible parties of balance groups under para. 1 above, of the clearing and settlement agent’s special balance group and of the distribution area manager’s balance group dedicated to executing plans of action under section 25 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, emergency supply and other operational transports do not require a formal licence but must notify the start of their activities to the regulatory authority in advance. When establishing a special balance group, it is the balance responsible party’s responsibility to conclude the contracts necessary under section 91 para. 2 items 1 and 2 Natural Gas Act 2011 and to make sure that they contain the rights and duties of all contractual parties for each of the tasks.”

8. In section 25 para. 4 item 4, section 25 para. 6 item 5, section 27 para. 3, section 32 para. 3, section 41 para. 2, section 41 para. 3, section 41 para. 7 and section 44 para. 3, the words “para. 5” substitute the words “paras 5 and 7”.

9. In section 25 para. 7 item 4, the full stop is replaced by a semicolon and the following item 5 is added:

“5. send throughput and pressure data for each cross-border interconnection point in the market area to the market area manager.”

10. After section 25 para. 8 item 3 the following item 3a is inserted:

“3a. each hour, submit preliminary meter readings for the previous hour for metering points that are equipped with load meters and for which a contracted capacity beyond 10,000 kWh/h but below 50,000 kWh/h has been agreed with the distribution system operator to the distribution system operator, indicating the supplier servicing each of these metering points, and to the supplier. Such meter readings shall also be submitted to consumers if they request so;”

11. In section 30 para. 1 the following sentence is inserted before the last sentence:

“Online meter data submission shall comply with the general terms and conditions of the distribution area manager.”

12. In section 37 para. 6, the words “10,000 kWh/h” are replaced by the words “50,000 kWh/h”.

13. Section 37 para. 7 is deleted.

14. After section 47 para. 12 the following para. 13 is added:

“(13) Section 8, section 15 para. 3, section 18 para. 2, section 24 para. 2, section 25 para. 7 item 5 and annex 2, as amended by the Gas Market Model (Amendment) Ordinance 2018, FLG II no xxx/2018, enter into force at the beginning of the gas day on 1 May 2018. All other provisions of the Gas Market Model (Amendment) Ordinance 2018 enter into force at the beginning of the gas day on 1 October 2018.”

15. In annex 2 point 2, the following sentence is added:

“The calorific value that applies for injections of biogenic gas may deviate from the currently applicable invoiced calorific value by no more than +/-2% on average during a month.”

16. In annex 2 point 3 the following sentence is inserted after the second sentence:

“The proper functioning of the calorific value metering equipment shall be verified at the intervals prescribed or recommended by manufacturers. In addition, an independent body shall perform annual checks, the results of whom shall be kept on record for three years.”