

## **E-Control ordinance on gas labelling and disclosure (Gaskennzeichnungsverordnung – G-KenV) (Gas Labelling Ordinance)**

In exercise of section 130 para. 9 *Gaswirtschaftsgesetz (GWG)* (Gas Act) 2011, *BGBI.* (Federal Law Gazette [FLG]) I no 107/2011, as last amended by FLG I no 108/2017, the following Ordinance is issued:

### **Chapter 1**

#### **Basics**

##### **Regulatory matter**

**Section 1.** The present Ordinance is concerned with the scope and nature of voluntary disclosure of gas labelling information by suppliers pursuant to section 130 Gas Act 2011, mandatory disclosure when the threshold value pursuant to section 130 para. 10 Gas Act 2011 is reached, which includes the disclosure of origin and, on a voluntary basis, the environmental effects, as well as the detailed provisions for disclosure of the various primary energy sources. This Ordinance regulates exclusively the labelling of quantities of gas that are fed into or withdrawn from the public gas grid.

##### **Definitions**

**Section 2.** (1) For the purpose of this Ordinance, the term

1. “gas” means:
  - a) natural gas or synthetic gas based on natural gas as its energy source,
  - b) renewable gas pursuant to item 2, or
  - c) other gases pursuant to item 5;fed into the gas grid according to the technical rules;
2. “renewable gases” means renewable hydrogen pursuant to item 3, or gas from biological or thermochemical transformation that has been exclusively produced from renewable energy sources pursuant to section 5 para. 1 item 13 *Ökostromgesetz* (Green Electricity Act) 2012, or synthetic gas that has been produced from renewable hydrogen;
3. “renewable hydrogen” means hydrogen that has been exclusively produced from electricity from renewable energy sources pursuant to section 5 para. 1 item 13 Green Electricity Act 2012;
4. “synthetic gas” means gas that has been produced from hydrogen;
5. “other gases” means decarbonised gas pursuant to item 6 or gas that does not fall under item 1(a) or item 2(b);
6. “decarbonised gas” means hydrogen that has been produced from gas as laid down in item 1(a) and during whose production technical measures have permanently prevented, as far as technically possible, CO<sub>2</sub> emissions resulting from the production process.

(2) In addition to the above, the definitions in section 7 para. 1 Gas Act 2011 apply.

(3) *<paragraph not applicable to English translation>*

### **Chapter 2**

#### **Disclosure**

##### **Presentation**

**Section 3.** (1) The disclosure information must be presented in a legible, clear and easily understood way.

(2) The disclosure of origin of gas must be displayed in tabular format. On the gas bill, the disclosure of origin may be additionally presented in a diagram that is easily understood and is not misleading.

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(3) The size of the print that is used for all the information provided in the chapter *Gaskennzeichnung* (disclosure of gas labelling) must correspond to the size of the print of the main text of the gas bill or the promotional material subject to labelling obligations.

(4) The reference time period for the disclosure shall be placed at the top of the disclosure information.

(5) The present Ordinance as well as section 130 Gas Act 2011 shall be quoted as the legal basis in the disclosure information.

(6) The term *Gaskennzeichnung* shall be used consistently in disclosing gas labelling information.

(7) Information presented in a way that deviates from the specifications of this Ordinance must not be presented under the headline *Gaskennzeichnung* or be referred to as *Gaskennzeichnung*. In the order of presentation, any information that is not included in the gas labelling specifications must follow the chapter *Gaskennzeichnung*. In addition, the terms used or the presentation of the information must not cause any confusion with the disclosure information as defined by the present Ordinance.

(8) If the disclosure information is presented in the annex of the gas bill, the gas bill must contain a reference stating that the disclosure information is outlined in the annex.

#### **Supplier mix disclosure**

**Section 4.** (1) The primary energy sources of gas shall be broken down by percentages into primary energy source categories fossil gas, renewable gas, and other gases. Additional disclosure information may be presented in the following way:

1. fossil gas as laid down in the subcategories in annex 1 item (A);
2. renewable gases as laid down in the subcategories in annex 1 item (B);
3. other gases as laid down in the subcategories in annex 1 item (C).

Grouping synthetic hydrogen/methane from nuclear sources together with categories of renewable or fossil energy sources is not permissible.

(2) If no guarantee of origin can be provided for a portion or the entire supplier mix, this portion or the entire supplier mix must be disclosed as fossil gas. Gas, the origin of which is known because of cancelling a guarantee of origin, must not be disclosed as fossil gas instead.

(3) The following additional information can be presented in the chapter *Gaskennzeichnung*:

1. product mix: it must be clearly communicated to consumers that this is additional information beyond the information on the supplier mix;
2. countries of origin of the guarantees: if information on the countries of origin of the guarantees is provided, it must be presented broken down into percentages;
3. environmental impacts pursuant to section 5, with mandatory information about radioactive waste, if produced, expressed in mg/kWh;
4. the percentage of gas that was purchased together with corresponding guarantees of origin.

#### **Voluntary disclosure of environmental impacts**

**Section 5.** (1) Environmental impacts can be disclosed as CO<sub>2</sub> emissions in grams per kWh (g/kWh).

(2) If plant-specific values are available and they have been verified and confirmed by a control, auditing or certification body accredited pursuant to the *Akkreditierungsgesetz* (Accreditation Act) 2012 for relevant specialist fields, they must be used for the disclosure of environmental impacts. The data sources of such plant-specific values must be listed. If no plant-specific values are available, the average values published by E-Control must be used.

(3) For power-to-gas plants, the environmental impacts of the underlying power generation must be transferred to the disclosure of environmental impacts of the gas production. For this purpose, when presented, the environmental impacts underlying power generation must be reduced by the conversion losses resulting from the gas production, and they must be categorised as input of energy for gas production in the system of guarantees of origin of electricity. The conversion losses must be marked as final consumption in the electricity labelling and disclosure.

(4) If a supplier/product mix consists of 100% renewable gases, instead of listing the zero values for the CO<sub>2</sub> emissions, suppliers can explain in one sentence that during the production of the present supplier/product mix no CO<sub>2</sub> emissions have been generated.

## **Chapter 3**

### **Guarantees of origin**

#### **Use of guarantees of origin for gas from non-Austrian production**

**Section 6.** (1) The use of non-Austrian guarantees of origin for gas labelling in Austria is only permitted if a gas labelling system exists in the country in which the guarantees were issued pursuant to section 19 para. 7 Directive 2018/2001, and it is electronically available, unambiguous and protected against fraud, and ensures that guarantees of origin are not issued or used twice.

(2) Beyond the requirements under para. 1, guarantees of origin from gas production plants located in an EEA member state may be used for gas labelling in Austria only if their contents at least correspond to the requirements provided by section 19 para. 7 Directive 2018/2001 on the promotion of the use of energy from renewable sources (recast), OJ L 328/82, 21.12.2018. In addition, guarantees of origin from a third country may only be used upon conclusion of an agreement pursuant to section 19 para. 11 Directive 2018/2001.

#### **Validity of guarantees of origin**

**Section 7.** (1) If the regulatory authority determines that a guarantee of origin does not meet the legal requirements or the provisions of this Ordinance, the regulatory authority will not approve this guarantee of origin for the purposes provided by section 130 Gas Act 2011 and the present Ordinance.

(2) Suppliers shall use the guarantees of origin by the end of the calendar year following production of the corresponding gas unit.

#### **Database for guarantees of origin**

**Section 8.** (1) Plant operators shall submit structural data specific to the plant and the production process to the regulatory authority for the purpose of issuing guarantees of origin. The data may also be submitted indirectly through the database of the clearing and settlement agent or any other third party mandated by the plant operator.

(2) The auditor or sworn and certified expert who reviews the documents pursuant to section 130 para. 6 Gas Act 2011 shall be granted access to the accounts of the individual suppliers in the database of the regulatory authority for the purpose of verifying the cancelled guarantees of origin.

#### **Issuing, transmitting, and cancelling of guarantees of origin**

**Section 9.** (1) At the request of the plant operator, and on behalf of the system operators to whose grids the production plants are connected, the clearing and settlement agent shall report on a monthly basis to the regulatory authority the quantities of gas fed from these plants into the grid. The automated database of the regulatory authority shall be used for this purpose. Guarantees of origin shall be issued, transmitted, and cancelled by means of automated data processing by the regulatory authority.

(2) At the request of system operators to whose grids final customers are connected, the clearing and settlement agent shall submit to the automated database of the regulatory authority the quantities of gas withdrawn from the public grid by each individual supplier's final customers.

(3) The suppliers shall adapt their systems in such way that the disclosure of gas labelling information to final customers is exclusively based on the database of guarantees of origin of the regulatory authority and the guarantees of origin that it generates.

## **Chapter 4**

### **Final provisions**

#### **Entry into force**

**Section 10.** This Ordinance comes into force on 1 January 2020.

**Urbantschitsch    Eigenbauer**

## Annex 1

<b>A) Fossil gas</b>
A.1. Natural gas
A.2. Synthetic gas based on natural gas as its energy source
<b>B) Renewable gas</b>
B.1 Biomethane
B.1.1 Biomethane from biogas
B.1.1.1 Biomethane from biogas made from agricultural products
B.1.1.1.1 Residues
B.1.1.1.1.1 Farmyard manure
B.1.1.1.1.2 Straw
B.1.1.1.1.3 Other residues
B.1.1.1.2 Energy crops
B.1.1.2 Biomethane from biogas made from food industry residues
B.1.1.3 Biomethane from biogas made from residues separately collected from households, the hospitality industry, industrial kitchens, etc.
B.1.1.4 Biomethane from biogas made from other biogenic residues
B.1.2 Biomethane from landfill gas
B.1.3 Biomethane from sewage treatment plant gas
B.1.4 Biomethane from wood gas
B.1.4.1 Biomethane from forest residues
B.1.4.2 Biomethane from sawmill by-products
B.1.4.3 Biomethane from waste wood
B.1.5 Biomethane from other sources
B.2 Hydrogen from renewable sources
B.2.1 Hydrogen from wind or solar power
B.2.2 Hydrogen from electricity based on other renewable sources (not B.2.1)
B.2.2 Hydrogen from other renewable sources
B.3 Synthetic gas from renewable sources
B.3.1 Synthetic gas from wind or solar power
B.3.2 Synthetic gas from electricity based on other renewable sources (not B.3.1)
B.3.2 Synthetic gas from other renewable sources
B.4 Other renewable gases (not specified)
<b>C) Other gases</b>
C.1 Decarbonised gas
C.2 Coke oven gas
C.3 Furnace gas
C.4 Hydrogen from other sources (not B.2)
C.4.1 Hydrogen from fossil fuels
C.4.2 Hydrogen from nuclear power
C.5 Synthetic gas from other sources (not B.3)
C.5.1 Synthetic gas from fossil fuels (not A)
C.5.2 Synthetic gas from nuclear power
C.5 Gas from other sources