



**E-CONTROL**

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AUSTRIA

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V EGH 20/2019	12.09.2019	1990	33085	Christoph Altmann/hre	433	18.09.2019

**Notification on the commencement of activities as a natural gas trader in accordance with section 121 Natural Gas Act 2011<sup>1</sup>**

Dear Ms Costigan,

E-Control Austria notes that AIK Energy GmbH has notified us of their commencing activities as a natural gas trader under section 121 para. 1 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011 by way of a letter dated 12/09/2019.

In addition to this notification of traders according to section 121 para. 1 Natural Gas Act 2011, all network users are obliged to either join an already existing balance group or establish a new one according to section 90 Natural Gas Act 2011. Sections 18 et seq. of the *Gas-Marktmodell-Verordnung* (Gas Market Model Ordinance) 2012, as last amended, contain relevant provisions in this context. Further information and links to the necessary forms to apply with E-Control are available in the market entry guidelines on our website (<https://www.e-control.at/en/marktteilnehmer/gas/leitfaden-neue-gaslieferanten>).

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<sup>1</sup> This letter contains parts of a non-binding English version of a legal text. This 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).



In addition, we would like to point out a number of stipulations from the Natural Gas Act 2011 which are particularly relevant for natural gas traders. The Natural Gas Act 2011 contains, among others, the following requirements for natural gas traders:

- Natural gas traders and suppliers selling natural gas to consumers subject to the provisions of the *Konsumentenschutzgesetz* (Consumer Protection Act) shall always provide for an option to enter into **noninterruptible natural gas supply contracts**. (Section 121 para. 2 Natural Gas Act 2011)
- Retailers supplying consumers shall be obliged to transmit all **price relevant data** relating to consumers supplied with standard products immediately upon their becoming available to the regulatory authority in an electronic format defined by the regulatory authority, for the purpose of entering such data in the **Tariff Calculator**. (Section 121 para. 3 Natural Gas Act 2011)
- Natural gas traders, with the exception of traders that only trade at the virtual trading point, shall contribute to the preparation of the **long-term plan** and the **network development plan**. (Section 121 para. 4 Natural Gas Act 2011)
- Retailers supplying natural gas to **protected customers** as defined in Article 2 Regulation (EU) No 994/2010 shall be obliged to comply with the **supply standard** set in Article 8 Regulation (EU) No 994/2010. (Section 121 para. 5 Natural Gas Act 2011)
- The conclusion of natural gas supply contracts having a duration in excess of one year and involving the purchase of a quantity of natural gas in excess of 250 million normal cubic metres per year from the territory of the European Union or from third countries, as well as their duration and the quantity of natural gas they relate to, shall be notified to the regulatory authority. (Section 121 para. 6 Natural Gas Act 2011)
- Natural gas traders shall be obliged to deliver natural gas to consumers as defined in section 1 para. 1 item 2 Consumer Protection Act and small businesses that claim their right to be supplied with natural gas (**obligation to provide universal service**). They shall publish, in an appropriate manner (e.g. on the internet), their rates for universal service to consumers in the meaning of section 1 para. 1 item 2 Consumer Protection Act. (Section 124 Natural Gas Act 2011)



- Natural gas traders and suppliers shall draw up **general terms and conditions** for natural gas supply to customers whose consumption is not metered with load meters. Prior to their entry into force, the general terms and conditions and any amendments thereto shall be electronically notified to the regulatory authority, which may prohibit the application of the notified general terms and conditions to the extent that such terms violate a statutory prohibition or are unethical. The general terms and conditions must be published in a suitable format and must **contain at least** the information specified by law. (Section 125 Natural Gas Act 2011)
- **Information and advertising materials** as well as **bills** directed at consumers shall be transparent and consumer-friendly. This section also contains minimum requirements for bills. (Section 126 Natural Gas Act 2011)
- The **reporting requirements** according to the ordinances issued pursuant to sections 131 and 147 Natural Gas Act 2011 (cf. *Gas-Monitoring-Verordnung 2017 – GMO-VO 2017* and *Gasstatistikverordnung 2017 – GStat-VO 2017*) must be complied with.
- The reporting requirements according to the *Erdgas-Energielenkungsdaten-Verordnung 2017, G-EnLD-VO 2017* must be complied with (<http://www.e-control.at/marktteilnehmer/erhebungen/erhebungen-im-rahmen-der-bundesstatistiken>).

We would also like to draw your attention to Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT). The prohibition of insider trading (Article 3), linked with the obligation to publish inside information (Article 4), and the prohibition of market manipulation (Article 5) contained therein are directly applicable, i.e. you must comply with them as well. Furthermore, we draw your attention to the reporting obligations for wholesale energy market transactions pursuant to Article 8 of Regulation (EU) 1227/2011 (REMIT) and the *Energiegroßhandelsdatenverordnung* (Ordinance on Energy Wholesale Data Collection) at the national level. Please have a look at the information and forms provided in German language at <http://www.e-control.at/de/remit>.



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Please also find further information in the market entry guidelines on our website (<http://www.e-control.at/en/marktteilnehmer/gas/leitfaden-neue-gaslieferanten>).

Best regards,

Energie-Control Austria

Wolfgang Urbantschitsch  
Executive Director

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