

## Research RES LEGAL – Grid issues

### Country: Austria

#### 1. Overview of grid regulations

<b>Summary</b>	In Austria, electricity from renewable sources is granted access to the grid according to the general legislation on energy and according to non-discriminatory principles. Only the use of the grid by electricity from renewable energy sources is subject to a specific order. When grid capacity is insufficient, grid operators are obliged to give priority transmission to electricity from renewable sources.
<b>Connection to the grid</b>	System operators are entitled against the grid operator to the conclusion of a contract on the connection of a power generation system to the grid. The exact conditions are laid down in the implementing legislation of the federal states (Länder) (§ 45 no. 2 EIWOG). Renewable energy systems are not given priority.
<b>Use of the grid</b>	Electricity from renewable sources must be given priority transmission when grid capacity is not sufficient to meet all requests for use of the grid (§ 20 EIWOG). In general, entitlement to the use of the grid depends on the general legislation on energy and must be implemented so as not to discriminate against certain grid users.
<b>Grid expansion</b>	A grid user is entitled to the conclusion of a contract with the grid operator on the expansion of the grid, if this expansion is necessary to satisfy a claim for connection to the grid. The exact conditions are laid down in the implementing legislation of the individual Länder (§ 12 par. 1 EIWOG). Renewable energy systems are not given priority.
<b>Statutory provisions</b>	<ul style="list-style-type: none"><li>• EIWOG 2010 (General act on electricity) in connection with the related implementing acts of the federal states</li><li>• SNT-VO 2010 (Order on the calculation of the grid connection fees)</li><li>• Ökostromgesetz (Green Electricity Act)</li></ul>

## 2. Basic information on legal sources

Name of legal source (original language)			
<b>Full name</b>	Bundesgesetz, mit dem die Organisation auf dem Gebiet der Elektrizitätswirtschaft neu geregelt wird (Elektrizitätswirtschafts- und -organisationsgesetz – EIWOG 2010)	Verordnung der Energie-Control Kommission, mit der die Tarife für die Systemnutzung bestimmt werden (Systemnutzungstarife-Verordnung 2010, SNT-VO 2010)	Bundesgesetz, mit dem Neuregelungen auf dem Gebiet der Elektrizitätserzeugung aus Erneuerbaren Energieträgern und auf dem Gebiet der Kraft-Wärme-Kopplung erlassen werden (Ökostromgesetz - ÖSG)
<b>Name of legal source (English)</b>	Federal Act providing new rules on the organisation of the electricity sector (EIWOG 2010)	Order of the E-Control commission on the calculation of charges for use of the grid (Systemnutzungstarife-Verordnung 2010, SNT-VO 2010)	Federal Act on the Promotion of Electricity Produced from Renewable Energy Sources (Green Electricity Act)
<b>Abbreviated form</b>	EIWOG 2010	SNT-VO 2010	Green Electricity Act
<b>Entry into force</b>	01.12.1998	01.01.2010	24.08.2002
<b>Last amended on</b>	23.12.2010	01.01.2011	20.10.2009
<b>Future amendments</b>			
<b>Purpose</b>	Establishing rules for the generation, transmission, distribution and supply of electricity and the organisation of the electricity market; regulating fees related to the supply of electricity and making provisions with regard to accounting (§ 3 EIWOG).	Defining the basic principles for the calculation and distribution of the costs for use of the grid, for the criteria according to which the charges for use of the grid are to be calculated and for the amount of charges payable (§ 1 SNT-VO 2010).	The act regulates the support system for electricity from renewable sources and the use of certificates of origin (§ 2).
<b>Relevance for renewable energy</b>	This law gives priority grid access to renewable energy. In addition, its general rules on grid use are also applicable to renewable energy.	The rules imposed by the SNT-VO 2010 shall also be applied to the use of the grid by electricity from renewable sources.	The act aims to promote renewable energy and combined heat and power only.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.jusline.at/Elektrizitaetswirtschafts-und-organisationsgesetz_%28EIWOG%29.html">http://www.jusline.at/Elektrizitaetswirtschafts-und-organisationsgesetz_%28EIWOG%29.html</a>	<a href="http://www.e-control.at/portal/page/portal/medienbibliothek/strom/dokumente/pdfs/SNT-VO-Novelle-2011_konsolidierte-Fassung.pdf">http://www.e-control.at/portal/page/portal/medienbibliothek/strom/dokumente/pdfs/SNT-VO-Novelle-2011_konsolidierte-Fassung.pdf</a>	<a href="http://www.ris2.bka.gv.at/GeltendeFassung.wxe?QueryID=Bundesnormen&amp;Gesetzesnummer=20002168&amp;TabbedMenuSelection=BundesrechtTab">http://www.ris2.bka.gv.at/GeltendeFassung.wxe?QueryID=Bundesnormen&amp;Gesetzesnummer=20002168&amp;TabbedMenuSelection=BundesrechtTab</a>

Link to full text of legal source (English)			
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### 3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
<b>Federal Ministry of Economy, Family and Youth (BMWFJ), Energy and Mining Department</b>	<a href="http://www.bmwfj.gv.at/ENERGIEUNDBERGBAU/Seiten/default.aspx">http://www.bmwfj.gv.at/ENERGIEUNDBERGBAU/Seiten/default.aspx</a>		+43 171 10 00	service(at)bmwfj.gv.at
<b>E-Control Ltd. – Deregulation agency</b>	<a href="http://www.e-control.at/">http://www.e-control.at/</a>		+43 124 72 40	office(at)e-control.at
<b>Austrian Energy Agency</b>	<a href="http://www.energyagency.at/">http://www.energyagency.at/</a>		+43 158 615 240	office(at)energyagency.at

#### 4. Connection to the grid

<b>Legal sources</b>	<ul style="list-style-type: none"> <li>• EIWOG</li> <li>• SNT-VO 2010</li> </ul>	
<b>Summary</b>	<p>In Austria, the Federal Act is only a framework legislation, i.e. it does not provide detailed rules. Specific provisions are laid down in the legislation of the state governments. In general, the following rules apply:  A system operator is entitled against the grid operator to the conclusion of an agreement to connect a renewable energy system to the grid (general obligation to connect, § 5 par. 1 no. 2 EIWOG). Specific conditions for connection are agreed upon with the grid operator in charge and laid down in a grid access agreement as defined in § 7 no. 55 EIWOG. A claim for connection to the grid arises on the date on which the grid access agreement is concluded. A grid operator is defined as an operator of a transmission or distribution grid that has a nominal frequency of 50 Hz (§ 7 no. 28 EIWOG). The detailed conditions for entitlement to connection are laid down in the implementing legislation of the state governments and in the terms and conditions of the grid operators.</p>	
<b>Procedure</b>	<b>Procedure</b>	<p>The stages of the connection process are not defined by law. The connection process usually consists of the following steps:</p> <ul style="list-style-type: none"> <li>• <b>Application.</b> The system operator applies for connection to the grid.</li> <li>• <b>Technical test.</b> The grid operator assesses whether establishing a connection is technically feasible.</li> <li>• <b>Agreement.</b> The system operator and the grid operator conclude a connection agreement, which is required to complete the connection process.</li> <li>• <b>Extension/reinforcement.</b> If required, the grid is reinforced or extended.</li> <li>• <b>Connection.</b> The system is connected and may export electricity to the grid.</li> </ul>
	<b>Deadlines</b>	Applications for connection of a system to the grid and for access to the grid shall be answered within a period of 14 days (§ 17 par. 3 no. 12 EIWOG).
	<b>Obligation to provide information</b>	
<b>Priority to renewable energy (qualitative criteria)</b>	<input type="checkbox"/> Priority to renewable energy <input checked="" type="checkbox"/> Non-discrimination	All system operators have the same right to the connection of their systems to the grid, irrespective of the energy source used (§ 40 no. 9, § 29 no. 19 EIWOG).
<b>Capacity limits (quantitative criteria)</b>		
<b>Funding</b>	<b>State</b>	
	<b>Consumers</b>	

	<b>Grid operator</b>	
	<b>System operator</b>	<p>The costs of connection to the grid are borne by the grid users (§ 2 SNT-VO 2010). A grid user shall be defined as every natural person, legal entity or Erwerbsgesellschaft that exports electricity to or receives electricity from a grid (§ 7 Z. 49 EIWOG). Thus the costs of the connection of a renewable energy system are borne by the system operator, who pays the so-called grid-access fee (§ 2 SNT-VO 2010). In addition, he has to pay fees for measurements that have to be taken during the construction, the operation and the gauging of metering devices and the collection of data (§ 9 par. 1 SNT-VO 2010).</p>
	<b>Distribution mechanism</b>	

## 5. Use of the grid

<b>Legal sources</b>	<ul style="list-style-type: none"> <li>• EIWOG</li> <li>• Green Electricity Act</li> <li>• SNT-VO 2010</li> </ul>	
<b>Summary</b>	<p>The grid operators are entitled to the conclusion of grid access agreements, which set out the rules for connection to and use of the grid (§ 5 par. 1 no. 2 EIWOG in conjunction with § 7 no. 55 EIWOG). A claim for the purchase and transmission of electricity arises on the date on which a grid access agreement is concluded.</p> <p><b>Entitled party.</b> The entitled parties are the grid users (§ 54 par. 1 no. 2 EIWOG). A grid user is every natural person, legal entity or Erwerbsgesellschaft that exports electricity to or receives electricity from a grid (§ 7 no. 49 EIWOG). In the present case, the grid users are the system operators.</p> <p><b>Obligated party.</b> The obligated party is the grid operator (§ 5 par. 1 no. 2 EIWOG). Grid operators are the operators of transmission or distribution systems whose nominal frequency is 50 Hz (§ 7 no. 51 EIWOG).</p>	
<b>Procedure</b>	<b>Procedure</b>	<p>The Clearing and Settlement Agency is obliged to purchase and transmit all electricity from renewable sources. According to § 10 of the Green Electricity Act, this obligation to purchase is applicable only until a certain capacity is reached.</p> <p>The system operators are obliged to provide additional services. These services and related terms and conditions are set out in the grid connection agreements. The grid operator may deny access to the grid only under the circumstances described by law (disruption, insufficient grid capacity, etc.) (§ 20 EIWOG).</p>
	<b>Deadlines</b>	<p>On the national level, the obligation to give priority transmission to electricity from renewable energy sources is not subject to statutory deadlines.</p>
	<b>Obligation to provide information</b>	<p>If grid access was denied due to insufficient capacity, the grid operator shall inform the system operator on the measures required to reinforce the grid and why these have not yet been taken.</p>
<b>Priority to renewable energy (qualitative criteria)</b>	<p>( x ) Priority to renewable energy ( ) Non-discrimination</p>	<p>The transmission of electricity from renewable energy sources has to be given priority over the transmission of electricity from other, non-renewable energy sources when capacity is not sufficient to meet all demands for use of the grid (§ 20 EIWOG). Apart from that, the grid operator may deny grid use to electricity from traditional energy sources to prevent electricity from renewable sources from being driven out of the market even though the price for renewable energy is in line with current market prices. In doing so, he is entitled to sell this electricity to third parties (§ 21 par. 1 EIWOG).</p>
<b>Grid stability</b>		
<b>Funding</b>	<p>The costs and the distribution of the costs of the support mechanisms for renewable energy are not defined by law. The costs for the use of the grid by electricity from renewable energy sources must be in line with the general provisions of energy law.</p>	

	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	
	<b>System operator</b>	
	<b>Distribution mechanism</b>	

6. Grid expansion

<p><b>Legal sources</b></p>	<ul style="list-style-type: none"> <li>• EIWOG</li> <li>• SNT-VO 2010</li> </ul>	
<p><b>Summary</b></p>	<p>A system or plant operator may be contractually entitled against the grid operator to the expansion of the grid, if the expansion is necessary to establish a connection to the grid. The plant operator is entitled to the conclusion of such a contract. The exact conditions are laid down in the implementing legislation of the individual Länder (§ 12 par. 1 EIWOG). <b>Entitled party.</b> The entitled parties are the grid users. A grid user is every natural person, legal entity or Erwerbsgesellschaft that exports electricity to or receives electricity from a grid (§ 7 no. 49 EIWOG). For further information please see the implementing legislation of the individual Länder. <b>Obligated party.</b> The party obligated to expand the grid is the grid operator (§ 40 par. 1 no. 7 and. § 45 EIWOG). Further details are specified in the implementing legislation of the Länder.</p>	
<p><b>Procedure</b></p>	<p><b>Procedure</b></p>	
	<p><b>Enforcement of claims</b></p>	<p>A claim for the expansion of the grid arises on the date of the conclusion of the contract.</p>
	<p><b>Deadlines</b></p>	<p>Time limits for a possible claim for the expansion of the grid depend on the contract concluded.</p>
	<p><b>Obligation to provide information</b></p>	
<p><b>Incentives for grid development</b></p>		
<p><b>Funding</b></p>		
	<p><b>State</b></p>	
	<p><b>Consumers</b></p>	<p>Pursuant to the general provisions of energy law, the costs of the expansion of the grid are borne by the "receivers" (§ 3 SNT-VO 2010). One group of receivers are final consumers that receive electricity from the grid (§ 7 no. 14 EIWOG).</p>
	<p><b>Grid operator</b></p>	<p>Grid operators that receive electricity from the grid are also deemed to be receivers (§ 7 no. 14 EIWOG).</p>
	<p><b>System operator</b></p>	
	<p><b>Distribution mechanism</b></p>	<p>The expansion of the grid is financed from the so-called grid provision fee. The grid provision fee is a once-only payment that reflects all works already carried out or paid for in advance to expand those grid levels that are actually used (§ 3 SNT-VO 2010).</p>

<b>Grid development studies</b>	Every year, the transmission grid operator shall submit a 10-year grid development plan to the regulatory authority for authorisation. The development plan shall be based on the current situation and the forecasts for electricity supply and demand and help meet the future demand for grid capacity (§ 37 EIWOG 2010).
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