



# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

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251

**F O R O N** of

31 July 2012

**on energy and on amendment and supplementation of certain acts**

The National Council of the Slovak Republic has passed this law:

## **Art. I**

### **PART ONE BASIC PROVISIONS**

#### **§ 1**

#### **Subject of modification**

This law regulates

- a) conditions for doing business in the energy sector,
- b) market access, rights and obligations of market participants in the energy sector,
- c) measures to ensure security of electricity and gas supply and the functioning of the internal market for electricity and the internal market for gas,
- d) the rights and obligations of persons whose rights and obligations may be affected by energy market participants,
- e) performance of state administration in the energy sector,
- f) exercising state supervision and control over business in the energy sector.

#### **Provideralactivities**

#### **§ 2**

For the purposes of this Act it shall mean

##### **a) General**

1. energy, electricity, gas, transport of fuel or oil by pipeline, filling of pressure vessels with liquefied gaseous hydrocarbons (hereinafter referred to as 'pressure vessel') and the distribution of liquefied gaseous hydrocarbon gas,
2. the defined territory the territory of the Slovak Republic in which the transmission system operator or the distribution system operator is obliged to ensure the transmission of electricity or the distribution of electricity or in which the transmission network operator or the distribution network operator is obliged to ensure the transport of gas or the distribution of gas,
3. the timeÉou of the defined territory the timeÉ of the territory of the Slovak Republic in which the transmission system operator or the distribution system operator is obliged to ensure the transmission of electricity or the

distribution of electricity or in which the transmission network operator or the distribution network operator is obliged to ensure the transport of gas or the distribution of gas,

4. the territory of the European Union, defined as the territory and territories of the other Member States of the European Union and the Contracting States to the Agreement on the European Economic Area (hereinafter referred to as "Member State"),
5. the territory of third countries, territory which is not the territory of the European Union,
6. the security of electricity and gas supply the ability of the system and network to supply electricity end-users and gas end-users, ensuring the technical safety of energy facilities and the balance of supply and demand of electricity and gas in the defined territory or part thereof,
7. the internal market is the electricity or gas market which is implemented within the territory of the European Union,
8. system or network interconnection the interconnection of a transmission system or transmission network with a system or network which carries electricity or gas within the territory of the European Union or which carries electricity or gas within the territory of third countries,
9. settlement of deviations settlement of differences between the contractually agreed values of deliveries or withdrawals of electricity or gas and the values of deliveries or withdrawals of electricity or gas at a specified time determined in accordance with the rules for the operation of the electricity and gas markets established pursuant to a special regulation<sup>1</sup> ) (hereinafter referred to as the "market rules"),
10. regulated access to the system or to the network access to the system or to the network in accordance with a special regulation<sup>2</sup> ) and at regulated prices, )
11. by connecting to the system or the network, ensuring the necessary capacity for connection in the system or the network and the physical connection of an electricity installation or an electricity off-take facility to the system or the physical connection of a gas installation or a gas off-take facility to the network,
12. access to the system or network access on the basis of a contract for
  - 12.1. access to the transmission system and transmission of electricity, where access to the transmission system means the right of the electricity market participant to use the transmission system within the scope of the contractually agreed transmission capacity, and if it is a market participant supplying electricity at the point of connection, access to the transmission system means the right to supply electricity to the transmission system,
  - 12.2. access to the distribution system and distribution of electricity, where access to the distribution system means the right of the electricity market participant to use the distribution system within the scope of the contractually agreed distribution capacity, and if it is a market participant supplying electricity at the point of connection, access to the distribution system means the right to supply electricity to the distribution system,
  - 12.3. access to the transmission network and the transport of gas, where access to the transmission network means the right to use the transmission network within the scope of the contractually agreed transmission capacity,
  - 12.4. access to the distribution network and gas distribution, where access to the distribution network means the right to use the distribution network within the scope of the contractually agreed distribution capacity,
  - 12.5. access to the Transmission Network and the transport of gas, where access to the Transmission Network means the right to use the Transmission Network to the extent of the contracted capacity,
  - 12.6. access to storage and storage of gas, where access to storage means the right to useÉ storage within the scope of the contractually agreed storage capacity,
13. operational security the uninterrupted operation of the transmission system and the distribution system system or transmission network and distribution network under conditions that can be foreseen in operationÉ,
14. universal service a service to household electricity or household gas customers provided by an electricity supplier or gas supplier under a pooled electricity supply contract or a pooled gas supply contract of an established quality<sup>3</sup> ) at reasonable, competitive, easily and clearly comparable, transparent and non-discriminatory prices,

15. a smart metering system a set composed of designated meters<sup>1</sup> ) and other technical means that enables the collection, processing and transmission of measured data on the production or consumption of electricity or gas, as well as the provision of such data to market participants,
16. by controlling the possibility of exercising, on the basis of legal or factual considerations, decisive influence over the activities of the undertaking, in particular by
  - 16.1. ownership or other rights in the undertaking or part of it,
  - 16.2. rights, contracts or other facts that enable<sup>2</sup> to exercise decisive influence over the composition, voting or decision-making of the company's bodies, b) in the electricity sector
1. an electricity generating plant is a facility used to convert various primary or secondary sources of energy into electricity; it includes construction time<sup>3</sup> and process equipment,
2. transmission of electricity the transport of electricity through a transmission system within a defined territory or the transport of electricity through a transmission system from and to interconnected systems of Member States or third countries for the purpose of transporting it to electricity consumers,
3. the transmission system interconnected power lines of special high voltage and very high voltage and the power equipment necessary for the transmission of electricity in the defined territory, interconnected power lines of special high voltage and very high voltage and the power equipment necessary for the interconnection of the transmission system with the transmission system outside the defined territory; the measurement, protection, control, signalling, information and telecommunication equipment necessary for the operation of the transmission system are also part of the transmission system,
4. distribution of electricity the transport of electricity through the distribution system on parts of the defined territory for the purpose of its transport to electricity consumers,
5. distribution system interconnected power lines of very high voltage up to and including 110 kV and of high voltage or low voltage and the power equipment necessary for the distribution of electricity to parts of the defined territory; the distribution system also includes metering, protection, control, signalling, information and telecommunication equipment and electronic communication networks, the basic purpose of which is to ensure the operation of the distribution system; a power line and an electricity installation which ensures the transport of electricity from part of the territory of the European Union or from part of the territory of third countries to or within a defined territory shall also be part of the distribution system, unless such power line or electricity installation connects the transmission system with the transmission system of a Member State or with the transmission system of third countries; separate ownership of a transformer or part of an electricity substation shall not be deemed to be ownership of the distribution system,
6. a direct electric line that connects
  - 6.1. the electricity producer with the electricity end-user,
  - 6.2. a producer of electricity with a consumer of electricity who is not connected to the transmission system or the distribution system,
7. an interconnector is a line that connects a transmission system to the transmission system of Member States or to the transmission system of third countries,
8. interconnected electricity installations of an electricity producer, a transmission system operator, a distribution system operator, an operator of
 

of the direct line and the owner of the electrical connection, which are used for the generation, transmission and distribution of electricity; the measuring, protection, control, signalling, information and telecommunication equipment necessary for the operation of the system are also part of the system,
9. an electricity installation is a facility used for the generation, storage, connection, transmission, distribution or supply of electricity or the provision of flexibility,
10. an ancillary service a service purchased by the transmission system operator for the operation of the transmission system, including regulatory services and non-frequency ancillary services, or a non-frequency ancillary service purchased by the distribution system operator for the operation of the distribution system; an ancillary service does not include congestion management,

11. non-frequency support service a service used by a transmission system operator or distribution system operator to ensure steady-state voltage regulation, reactive power flows, steady-state and fault system stability, dark start capability or islanding capability,
12. regulatory service the provision of availability,<sup>4a</sup> ) the supply of regulatory electricity or the provision of both of these services to the transmission system operator,
13. system service the service of the transmission system operator necessary to ensure the operational reliability of the system in the defined territory; it also includes the services provided by the transmission system operator necessary to ensure the safe operation of the generating facilities of the electricity producer,
14. a point of consumption of electricity consisting of one or more metering points,
15. a transfer point a point of electricity transfer consisting of one or more metering points,
16. metering point the point of connection of the system user to the system equipped with a designated meter, )<sup>4</sup>
17. the consumption type diagram a sequence of average hourly consumption values for the year, on the basis of which the amount of electricity consumption by electricity consumers without continuous metering is determined, used for the purposes of the clearing entity's deviation settlement,
18. supply of electricity sale of electricity,
19. electricity sharing the provision of electricity to an active customer or energy community for a reason other than the sale of electricity,
20. domestic coal coal mined in the defined area,
21. control electricity control energy according to a special regulation, )<sup>4b</sup>
22. ensuring balance ensuring balance according to special regulation, )<sup>4c</sup>
23. deviation of an electricity market participant, a deviation that occurred in a certain period of time as a difference between the contractually agreed amount of electricity supply or withdrawal and the amount of electricity supplied or withdrawn in real time,
24. system deviation of the size<sup>5</sup> of the procured control electricity,
25. the activities of the short-term electricity market organiser organising and ensuring the evaluation of the organised short-term cross-border electricity market, clearing of deviations, organising and ensuring the clearing of support for the production of electricity from renewable energy sources and the production of electricity by high-efficiency combined production and related activities in the scope according to the special regulation<sup>4d</sup> ) or market rules,
26. organised short-term cross-border electricity market cross-border electricity market organised by a short-term electricity market organiser in which clearing entities participate,
27. by evaluating the organised short-term cross-border electricity market, determining the price and quantity of electricity traded by individual participants in the organised short-term crossborder electricity market,
28. the balance between supply and demand of electricity to meet predictable customer demand for electricity without the need to take measures to reduce consumption
 

electricity,
29. by measuring the electricity produced at the terminals of the electricity generating installation measuring the total electricity production by a designated meter<sup>1</sup> ) at the terminals of the generator installed in the electricity generating installation,
30. a regional distribution system is a distribution system to which more than 100 000 points of consumption are connected,
31. a local distribution system is a distribution system to which no more than 100 000 points of consumption are connected; separate ownership of a transformer or part of an electrical substation shall not be deemed to be ownership of a local distribution system,
32. energy efficiency management, a process aimed at influencing the amount of electricity consumption and the timing of electricity consumption in order to reduce primary electricity consumption; influencing the quantity of electricity consumption and the timing of electricity consumption may be achieved by prioritising investments that ensure energy efficiency over measures that involve additional investment to increase generation capacity or

- measures to interrupt electricity supply, if the prioritised investments are a more efficient and economically advantageous solution, taking into account also their positive environmental impact,
33. electric vehicle means a motor vehicle equipped with a powertrain consisting of at least one non-peripheral electric motor as an energy converter with a rechargeable electricity storage system that can be externally charged,
  34. a charging point is an interface that allows the charging of one electric vehicle with electricity or the replacement of the battery of one electric vehicle at a certain time,
  35. one or more charging points at the charging station,
  36. a publicly accessible charging station a charging station to which non-discriminatory access is provided to all users; non-discriminatory access may include different means of authentication and payment,
  37. Settlement of support for electricity production evaluation and settlement of electricity production from renewable energy sources and electricity production by high-efficiency combined production, purchase of the produced electricity and payment of support according to a special regulation, )<sup>46</sup>
  38. the activity of an electricity purchaser the purchase of electricity from a producer of electricity from renewable energy sources or a producer of electricity by high-efficiency combined generation and the assumption of responsibility for a deviation for a producer of electricity from renewable energy sources or a producer of electricity by high-efficiency combined generation in accordance with a specific regulation, )<sup>46</sup>
  39. the energy mix of electricity supply the value of the shares of each energy source in the electricity supplied, published by the short-term electricity market organiser, except for electricity produced from renewable energy sources for which guarantees of origin have been claimed under a specific regulation, )<sup>46</sup>
  40. the supply of electricity to the system means the physical flow of electricity from an electricity generator, electricity storage operator, active customer or energy community to the transmission system or distribution system,
  41. a dynamic electricity price a price of electricity whose level reflects price changes in the daily and intraday electricity markets at time intervals corresponding at least to the frequency of settlement of trades in those markets,
  42. Aggregation activities whereby an aggregator aggregates flexibility from multiple off-take points and transmission points for the purpose of offering and selling aggregated flexibility on organised electricity markets<sup>46</sup> ) or an ancillary services market or for the purpose of minimising deviation within the aggregator's balance sheet group,
  43. flexibility in the ability to controllably change the off-take of electricity from the system or the ability to controllably change the supply of electricity to the system in response to market signals, including changes in the market price of electricity over time or payments made as remuneration for the controlled change in the off-take or supply of electricity,
  44. activation of flexibility, a controlled change in the withdrawal of electricity from the system or a controlled change in the supply of electricity to the system triggered in response to market signals, including changes in the market price of electricity over time or payments made as remuneration for a change in the withdrawal or supply of electricity,
  45. electricity storage is the deferral of the consumption of electricity to a time later than that at which it was generated, or the conversion of electricity into a form of energy that can be stored, the storage of such energy and the subsequent reverse conversion of such energy into electricity within a single point of consumption or point of delivery,
  46. an electricity storage facility is a facility in which electricity storage takes place,
  47. a fully integrated system element is a functionally or operationally permanently interconnected electricity storage device, capacitor, flywheel or other functionally similar device owned by the transmission system operator or distribution system operator and intended solely to ensure the safe and reliable operation of the system; a fully integrated system element is not a device which serves or is intended to serve for the purpose of providing balance or control of overload,
  48. by reĎažením reĎaženie according to a special regulation, )<sup>46</sup>
  49. managing the transmission system operator's overload management activities when dealing with overloads,
  50. a near real-time time period of the longest duration of the time interval for which the short-term electricity market organiser deducts the system deviation and the clearing entity deviation,

51. the interoperability capability of the smart metering system to interoperate, exchange and use data with other energy or communication systems, devices, applications or elements in order to perform the required functions of the smart metering system,
52. billing information for the supply of electricity information provided by the electricity supplier on the billing for the supply of electricity to the final electricity customer, except for information on overpayment or underpayment and its due date,
53. reactive electrical power the component of apparent electrical power required to generate magnetic or electric fields, which may be of an inductive or capacitive nature; its measurement shall be carried out in accordance with a special regulation, )<sup>46</sup> c) in the gas industry
1. natural gas, including liquefied natural gas, biogas, biomethane, gas produced from biomass, as well as other types of gas, if these gases meet the conditions for the transport of gas or the conditions for the distribution of gas,
2. Gas production Natural gas production or biogas production, biomass gas production<sup>5</sup> ) or gas production from other gaseous hydrocarbons,
3. transport of gas the transport of gas through a transport network for the purpose of transporting it to gas customers,
4. distribution of gas the transport of gas through the distribution network for the purpose of transporting it to gas customers,
5. distribution network gas distribution facilities on part of the defined territory, including high-pressure gas pipelines, which serve primarily for the transport of gas on part of the defined territory, except for gas pipelines which are part of other networks,
6. the transmission network is the network of compressor stations and the network of mainly high-pressure pipelines which are interconnected and serve to transport gas in the defined area, except for the Production Network and the storage and high-pressure pipelines which serve primarily to transport gas in parts of the defined area,
7. a storage facility used for the storage of natural gas and liquefied natural gas, including ancillary services relating to the injection into the storage facility, the extraction from the storage facility, the treatment and transport of gas into or out of the network, excluding those storage facilities<sup>6</sup> ) or parts thereof which are used to provide Extraction Activities or which are exclusively reserved for transmission system operators or distribution system operators for the purpose of ensuring their operations,
8. a natural gas liquefaction facility a facility used for the liquefaction of natural gas or for the import, offloading or regasification of liquefied natural gas and which includes ancillary services and temporary storage of the liquefied natural gas for the necessary period of time required for the regasification and subsequent delivery of the gas to the transmission network,
9. the transmission network, the distribution network, the natural gas liquefaction plant, the storage tank, the ancillary services plant and the equipment necessary to provide access to the network,
10. a direct pipeline is a pipeline which is not part of a transmission network, distribution network, storage or production network in a defined territory,
11. the point of off-take of gas equipped with a designated meter, )<sup>4</sup>
12. gas sales, including resale, as well as the sale of liquefied natural gas to customers,
13. gas sharing the provision of gas by a community producing renewable energy for a reason other than the sale of gas,
14. an ancillary service a service necessary for access to the network, the operation of the network, including the operation of equipment necessary for balancing the network, equipment necessary for gas mixing or equipment necessary for the injection of inert gases, in addition to the equipment necessary to ensure the network operator's own operations,
15. accumulation of gas in the network storage of gas in a pipeline by compressing it in gas transmission networks and distribution networks; it does not include storage of gas in facilities reserved for the operators of these networks to ensure their own operations,
16. network balancing balancing the imbalance of the network by supplying gas to the network or withdrawing gas from the network or accumulating gas in the network,

17. a combined network comprising a transmission network, a distribution network and a storage network, or any combination of these,
18. Production network A network of pipelines which are intended for the transport of natural gas produced from the point of production of natural gas to the point of processing of natural gas or to the point of transfer of natural gas to the transmission network, to the distribution network or to a storage facility,
19. a gas installation a gas installation or a gas off-take facility,
20. a gas installation is a facility intended for the transportation of gas, distribution of gas, storage of gas, liquefaction of gas, including equipment necessary for the provision of support services, equipment necessary to ensure access to and operation of the network, including the main gas shut-off and the direct pipeline,
21. a gas-consuming installation is a gas-consuming installation of a gas customer intended for the consumption of gas,
22. a main gas shut-off device operated by the network operator which separates the gas supply facility from the gas off-take facility or from the gas supply facility of another gas undertaking,
23. the gas supply type diagram an alternative method for determining daily gas withdrawals, settlement of deviations and for the purpose of substitute readings for groups of end-users whose gas consumption data are not available to the gas supplier on a daily basis,
24. negotiated network access access to the network agreed by gas market participants with pre-published commercial terms and conditions for network access,
25. deviation of a gas market participant, a deviation that has occurred over a certain period of time as a difference between the contractually agreed quantity of gas supply or withdrawal and the quantity of gas supplied or withdrawn in real time,
26. billing information for gas supply the information provided by the gas supplier on the billing for gas supply to the final gas customer, except for information on the overpayment or underpayment and its due date,
27. solidarity in the supply of gas the receipt or supply of gas pursuant to a special regulation. )<sup>64a</sup>

### § 3

For the purposes of this Act it shall mean

#### a) General

1. a person carrying on business in the energy sector,
2. a related undertaking is an undertaking that is controlled by another undertaking or by several undertakings because the other undertaking or those undertakings are linked by ownership or personnel and thus have a controlling interest in the voting rights,
3. by virtue of an ownership link, a direct or indirect interest in the voting rights of another undertaking or undertakings by virtue of holding an interest in the share capital of an undertaking or shares in an undertaking to which a controlling interest in voting rights is attached,
4. a situation where the statutory body, a member of the statutory body, a member of the supervisory or controlling body of an undertaking and of another undertaking or undertakings are the same person or the same persons, or at least a majority of them, with a controlling interest in the voting rights of that body, or where the statutory body, a member of the statutory body, a member of the supervisory or controlling body of an undertaking and of another undertaking or undertakings are close persons; a controlling interest shall be understood to mean a majority of the voting rights,
5. an integrated undertaking a vertically integrated undertaking or a horizontally integrated undertaking,
6. a vertically integrated electricity undertaking or a vertically integrated gas undertaking,
7. a horizontally integrated undertaking is an undertaking carrying out one of the activities of electricity generation, electricity transmission, electricity distribution or electricity supply and another activity which is not the subject of an undertaking in the electricity sector, or an undertaking carrying out one of the activities of gas generation, gas transmission, gas distribution, gas storage or gas supply and another activity which is not the subject of an undertaking in the gas sector,

8. the person who provides the clearing of deviations shall be the clearing clearer of deviations,
  9. the supplier of last resort shall be the holder of the electricity supply permit who supplies electricity to electricity end-users, or the holder of the gas supply permit who supplies gas to gas end-users, who shall be designated by decision of the Office for the Regulation of Network Industries (hereinafter referred to as "the Office"),
  10. vulnerable customers
    - 10.1. household electricity consumer,
    - 10.2. household gas consumer,
    - 10.3. a non-household electricity customer with a total annual electricity consumption for the previous year of 30 000 kWh or less,
    - 10.4. a non-household gas customer with a total annual gas consumption for the previous year of 100 000 kWh or less,
    - 10.5. a non-household electricity customer other than an electricity customer under 10.3., who consumes electricity for the operation of a social services facility registered in the register of social services,<sup>64a</sup> ) for the operation of a facility for social protection of children and social welfare,<sup>64b</sup> ) for the operation of a residential building with rental flats owned by a municipality or a higher territorial unit, which are intended for social housing according to a special regulation,<sup>64a</sup> ) or for the operation of a residential building with rental flats within the framework of state-supported rental housing according to a special regulation, )<sup>64b</sup>
    - 10.6. a non-household gas customer, other than a gas customer as referred to in point 10.4, who takes gas for the operation of a social services establishment entered in the register
 

social services,<sup>64a</sup> ) for the operation of the facility of social protection of children and social guardianship,<sup>64b</sup> ) for the operation of a residential building with rental flats owned by a municipality or a higher territorial unit, which are intended for social housing according to a special regulation,<sup>64a</sup> ) or for the operation of a residential building with rental flats within the framework of state-supported rental housing according to a special regulation, )<sup>64b</sup>
    - 10.7. a group of end-users of gas, which are the owners of flats and non-residential premises in a residential building, consuming gas for the production of heat and domestic hot water, legally represented by a natural person or a legal person administering a common heat source supplying heat and domestic hot water to a residential building, )<sup>64c</sup>
    - 10.8. a group of end-users of electricity, which are owners of flats and non-residential premises in a residential building, consuming electricity for the production of heat and domestic hot water, legally represented by a natural person or a legal person performing the management of a common heat source supplying heat and domestic hot water to a residential building, )<sup>64c</sup>
  11. a universal service supplier is an electricity or gas supplier that supplies electricity or gas to household electricity or household gas customers,
- #### b) in the electricity sector
1. electricity producer a person who produces electricity in an electricity generation facility,
  2. the transmission system operator is a person who is authorised to transmit electricity in the defined territory,
  3. the distribution system operator is a person authorised to distribute electricity in part of the defined territory,
  4. vertically integrated electricity undertaking an electricity undertaking or a group of electricity undertakings in which the same person or persons or any of the persons exercising joint control are directly or indirectly entitled to exercise control and where the undertaking or group of undertakings carries out at least one of the activities of electricity transmission or distribution and at least one of the activities of electricity generation or electricity supply,
  5. an electricity undertaking is a person which carries out at least one of the activities of electricity generation, electricity transmission, electricity distribution, electricity aggregation, flexibility provision, electricity storage, electricity supply or electricity purchase for the purpose of electricity resale and which is responsible for commercial tasks, technical tasks or maintenance in relation to these activities; an electricity undertaking is not an electricity enduser,

6. the electricity supplier is a person who is authorised to supply electricity and at the same time does not assume at the point of consumption or at the point of the flexibility provider responsibility for the deviations caused by the activation of the flexibility at the time at which the flexibility is activated, except where the electricity supplier is also an aggregator, or an active customer or energy community if it supplies electricity to another person,
7. a person who purchases electricity for the purpose of resale, or an electricity end-user,
8. an electricity end-user is a household electricity customer or a non-household electricity customer who purchases electricity for their own consumption,
9. Household electricity customer a natural person who purchases electricity for their own household consumption, )
10. a non-household electricity customer who purchases electricity that is not used for the household electricity customer's own consumption,
11. a separate clearing entity under a separate regulation, )<sup>a</sup>
12. a participant in an organised short-term cross-border electricity market who has concluded a contract with the short-term electricity market organiser  
on access to and conditions for participation in the organised short-term cross-border electricity market,
13. a short-term electricity market organiser shall be a person pursuant to § 37 who is authorised to act as a short-term electricity market organiser,
14. a system user is a person who supplies electricity or withdraws electricity through the transmission system or distribution system or has a contractual relationship with the transmission system or distribution system operator,
15. a participant in the electricity market who has concluded a contract with the transmission system operator or distribution system operator for the provision of support services,
16. a dependent household electricity consumer is a household electricity consumer whose life functions depend on electricity consumption or who is severely disabled<sup>b</sup> ) and uses electricity for heating and has notified and demonstrated this fact to the distribution system operator to which his/her point of consumption is connected, either by him/herself or through his/her electricity supplier, in the manner specified in the market rules,
17. an aggregator is a person who is authorised to supply electricity and who carries out aggregation activities,
18. an independent aggregator is an aggregator that uses flexibility at the flexibility provider's point of off-take, supply or generation of electricity and at the same time does not take responsibility at that point of off-take or supply for deviations caused by the supply or off-take of electricity at the time when flexibility is not activated,
19. a flexibility provider is a person who operates an electricity installation or an electricity offtake facility with flexibility capability,
20. the operator of the electricity storage facility, the person who stores electricity in the electricity storage facility,
21. a dependent non-household electricity customer is a non-household electricity customer who uses electricity to provide the basic life functions of a natural person or a severely disabled<sup>b</sup> ) natural person on the basis of a contract and has notified and demonstrated this fact himself or through his electricity supplier to the operator of the distribution system to which his offtake point is c o n n e c t e d , in the manner specified in the market rules, c) in the gas industry
1. gas producer a person who produces natural gas, operates a natural gas production network or produces biogas, biomass gas<sup>c</sup> ) or gas from gaseous hydrocarbon pursuant to this Act,
2. vertically integrated natural gas undertaking a natural gas undertaking or a group of natural gas undertakings in which the same person or persons, or any of the persons exercising joint control, are directly or indirectly entitled to exercise control and where the undertaking or group of undertakings carries out at least one of the activities of transporting gas, distributing gas, operating gas liquefaction plants, storing gas and one of the activities of producing gas or supplying gas,
3. a natural gas undertaking is a person who carries out at least one of the activities of gas production, gas transportation, gas distribution, gas supply, gas purchase for the purpose of gas resale or gas storage, including the permanent storage of liquefied natural gas, and who is responsible for commercial tasks, technical tasks or maintenance in relation to these activities; a natural gas undertaking is not an end-user of gas,

4. the transmission network operator is a gas undertaking authorised to transport gas under this Act,
5. the distribution network operator is a gas undertaking authorised to distribute gas under this Act,
6. a person who is licensed to supply gas, or a renewable energy community if it supplies gas to another person, is the supplier of the gas,

7. the storage operator is a gas undertaking which holds a gas storage permit under this Act,
8. the operator of a natural gas liquefaction plant shall be a person authorised to operate a natural gas liquefaction plant under this Act,
9. a network user is a person who supplies or withdraws gas through the network or has a contractual relationship with the network operator,
10. a person who purchases gas for the purpose of resale or for his own consumption,
11. the final gas customer is a household gas customer or a non-household gas customer who purchases gas for his own consumption,
12. Household gas customer a natural person who purchases gas for his own household consumption, )
13. a non-household gas customer who purchases gas which is not used for the household gas customer's own consumption,
14. operator combined network Gas enterprise eligible  
operate the combined network pursuant to this Act,
15. a protected customer is a gas customer who is connected to the distribution network and who is
  - 15.1. to household gas customers,
  - 15.2. end-users of gas with an annual gas consumption of 100 000 kWh or less in the previous year,
  - 15.3. to a gas customer who produces heat and hot water intended for households<sup>7</sup> ) or for persons as referred to in points 15.4 to 15.7 and who is not able to switch to another fuel for the production of heat,
  - 15.4. health facility operator, )<sup>9</sup>
  - 15.5. Social Services Facility, )<sup>10</sup>
  - 15.6. social protection of children and social welfare, )<sup>11</sup>
  - 15.7. by the school<sup>12</sup> ) or school facility, )<sup>12a</sup>
  - 15.8. gas customers providing support services in the electricity sector,
  - 15.9. to end-users of gas other than gas customers pursuant to points 15.1 to 15.8 to the extent and under the conditions provided for by a special regulation<sup>13</sup> ) and by a generally binding legal regulation issued pursuant to § 95(1)(a),
  - 15.10. food industry operators, if it provides
    - a) meat industry,
    - b) the dairy industry,
    - c) livestock breeding and processing,
    - d) the fat industry,
    - e) mill industry,
    - f) baking industry,
    - g) the sugar industry,
    - h) canning and freezing industry,
    - i) production of bottled water,
    - j) production of plant-based foodstuffs,
    - k) establishments and plants for the disposal and processing of animal by-products,
16. A dependent household gas customer is a household gas customer who is severely disabled<sup>d</sup> ) and uses gas for heating and who has notified this fact

and demonstrated by himself or through his gas supplier to the operator of the distribution network to which his off-take point is connected in the manner specified in the market rules,

17. a solidarity-protected customer is a gas customer who is connected to the distribution network and who is
  - 17.1. to household gas customers,
  - 17.2. a gas customer who produces heat and hot water intended for households or for persons as referred to in points 17.3 to 17.5 and who is not able to switch to another fuel for the production of heat; a customer protected by solidarity under this point is only a customer who informs his gas supplier to the extent that he informs his gas supplier, 17.3. the operator of the healthcare facility,
  - 17.4. a social services facility,
  - 17.5. by a social protection institution for children and social guardianship; a customer protected by solidarity under this point is only a customer who informs his/her gas supplier thereof, only to the extent that he/she informs the gas supplier thereof.

## PART TWO,

### TITLE ONE BUSINESS IN THE ENERGY SECTOR

#### § 4 Business in the energy sector

(1) Doing business in the energy sector is

- a) generation, storage, transmission, distribution, aggregation and supply of electricity,
- b) activities of the short-term electricity market organiser,
- c) production, transportation, distribution, storage and supply of gas,
- d) the operation of pipelines for the transport of fuel or oil,
- e) operation of equipment for filling pressure vessels,
- f) the operation of equipment for the distribution of liquefied gaseous hydrocarbon.

(2) Business in the energy sector does not include the production of electricity, distribution of electricity, production of gas and distribution of gas solely for own consumption and the supply of electricity, including the provision of electricity transmission, distribution of electricity and other services associated with the supply of electricity, and the supply of gas, including the provision of gas transmission, distribution of gas and other services associated with the supply of gas to other persons, at purchase prices, including the components of the price for the transmission of electricity, distribution of electricity and other services associated with the supply of electricity and the components of the price for the transportation of gas, distribution of gas and other services associated with the supply of gas, without any further increase; this shall not apply in the case of the supply of electricity to final electricity customers connected to the local distribution system. This shall be without prejudice to the provisions of Sections 12 to 14.

(3) The price per unit of electricity and gas supplied pursuant to paragraph 2, including the components of the price for electricity transmission, electricity distribution and other services connected with the supply of electricity and the components of the price for gas transmission, gas distribution and other services connected with the supply of gas, shall be the same as the price on the tax invoice issued for such supply of electricity or gas, including the components of the price for electricity transmission, electricity distribution and other services connected with the supply of electricity or the components of the price for gas transmission, gas distribution and other services connected with the supply of gas.

(4) The production of electricity in an electricity generation facility with an installed capacity of up to 11 kW by an electricity generator, unless it claims support by means of a surcharge pursuant to a special regulation,<sup>14</sup> ) and the storage of electricity in an electricity storage facility with an installed capacity of up to 11 kW by the operator of the electricity storage facility, are not energy business activities.

(5) In the case of an active customer, the energy business is not the generation of electricity in a facility with an installed capacity of up to 1 MW, the storage of electricity in an electricity storage facility with an installed

capacity of up to 1 MW, or the supply of electricity. In the case of an energy community or a renewable energy community, the business of energy shall not include the generation of electricity in a facility with an installed capacity of up to 1 MW, the storage of electricity in an electricity storage facility with an installed capacity of up to 1 MW, the aggregation or supply of electricity and the production or supply of biomethane to its members.

(6) An active customer shall be deemed to be an electricity end-user or a group of jointly acting electricity end-users who consume or store electricity generated at their electricity generation facilities, supply their own generated electricity or provide flexibility, if these activities are not their main business activities. A household electricity consumer or a legal person established for a purpose other than business, which carries out at least one of the activities referred to in the first sentence, shall always be regarded as an active consumer for the purposes of this Act. Another electricity end-user who carries out at least one of the activities referred to in the first sentence shall be deemed to be an active customer for the purposes of this Act if the revenue from the activities referred to in the first sentence in the aggregate for the last accounting period does not exceed the revenue from any of its business activities.

(7) The business of energy is not the operation of a charging station, the provision of electric vehicle charging and the generation of electricity in the operation of electric traction vehicles.

(8) A person who carries out an activity pursuant to Section 6(2) must be registered in the register of public sector partners. )<sup>44</sup>

(9) Persons carrying out activities pursuant to paragraph 2 or paragraph 5 or operating a publicly accessible charging station shall be subject to a notification obligation under which they shall notify the Authority within 30 days of the commencement, cessation and change of that activity. The notification shall include the name, surname, residence address of the natural person or the business name, identification number of the legal person, the place of activity, the date of commencement, change or termination of the activity and a description of the energy equipment, if used for the notified activity. The notification obligation shall not apply to the production of electricity in an electricity production installation with an installed capacity of up to 11 kW and to the storage of electricity in an electricity storage installation with an installed capacity of up to 11 kW.

## § 5

### Professional competence

(1) Professional competence<sup>45</sup> is the demonstration of the required education, professional experience and successful completion of an examination.

(2) Education and experience shall be evidenced by evidence of completion of

- a) secondary vocational education in a technical field and seven years of professional experience in the energy sector,
- b) full secondary vocational education in a technical or economic field and six years' professional experience in the energy sector,
- c) full secondary vocational education with post-secondary technical studies, or of economic orientation and five years of professional experience in the energy sector,
- d) a first degree in a technical field of study, in an economic field of study, in a science field of study with a focus on mathematics, physics or chemistry and four years of professional experience in the energy sector; or
- e) a second-level university degree in a technical field of study, a field of study in economics, a field of study in natural sciences with a focus on mathematics, physics or chemistry, and three years of professional experience in the energy sector.

(3) The examination pursuant to paragraph 1 shall be conducted before an examination board established by the Ministry of Economy of the Slovak Republic (hereinafter referred to as "the Ministry").

(4) Professional competence<sup>46</sup> shall be demonstrated by a certificate of professional competence issued by the Ministry upon submission of the documents referred to in paragraph 2 and successful completion of the

examination referred to in paragraph 3. If the employer with whom the applicant carried out professional practice in the energy sector has ceased to exist, the applicant may replace the proof of professional practice by an affidavit.

(5) The holder of a certificate of competence shall be obliged to attend refresher training carried out by the Ministry or a legal person designated by the Ministry no later than the fifth calendar year from the date of completion of the previous refresher training. The holder of a certificate of competence shall attend refresher training for the first time no later than the fifth calendar year following the date of issue of the certificate of competence. The Ministry shall issue a certificate of attendance at the refresher training. After the expiry of five years from the issue of the certificate of competence, the holder of the certificate of competence shall be obliged to present, together with the certificate of competence, a certificate of attendance at the refresher training.

## § 6

### Authorisation to conduct business in the energy sector

(1) The energy business may only be carried out on the basis of and in accordance with a permit or certificate of compliance with the notification obligation or on the basis of a decision of the Authority pursuant to section 10(8) or (9) or pursuant to a special regulation. )<sup>46</sup>

(2) A permit shall be required, in the case of activities other than those referred to in paragraph 5, for

- a) generation, storage, transmission, distribution, aggregation and supply of electricity,
- b) activities of the short-term electricity market organiser,
- c) the production, transport, distribution, storage and supply of gas,
- d) operation of pipelines for the transport of fuel,
- e) the operation of pipelines for the transport of crude oil,
- f) operation of equipment for filling pressure vessels,
- g) the operation of equipment for the distribution of liquefied gaseous hydrocarbon, h) the activities of an electricity buyer.

(3) The activities referred to in paragraph 2 shall be authorised by the Authority; the authorisation may be granted for one or more activities, for an indefinite period, unless the applicant requests otherwise.

(4) An electricity supply licence is required to carry out aggregation activities.

(5) A permit is not required for the following activities:

- a) the generation or storage and supply of electricity by electricity generation installations; or electricity storage installations with a total installed capacity up to and including 1 MW,
- b) production and supply of gas from biomass,
- c) production and supply of biogas,
- d) sale of compressed natural gas intended for the propulsion of motor vehicles,
- e) the transport of the extracted oil from the point of extraction to the point of processing,
- f) sale of liquefied gaseous hydrocarbon in pressure vessels,
- g) sale of liquefied gaseous hydrocarbon intended for the propulsion of motor vehicles, including the filling of the tank of a motor vehicle liquefied gaseous hydrocarbon intended for the propulsion of motor vehicles, with the exception of the filling of pressure vessels,
- h) transport of liquefied gaseous hydrocarbon in pressure vessels.

(6) Persons carrying out activities for which a permit is not required pursuant to paragraph 5 shall be subject to a notification obligation under which they shall notify the Authority within 30 days of the commencement, cessation and change of that activity. The notification shall include the name, surname, residence address of the natural person or the business name, identification number, registered office and statutory body of the legal

person, the definition of the activity referred to in paragraph 5, the date of commencement, change or termination of the activity, and the description, address, cost of acquisition and installed capacity of the equipment on which the activities referred to in paragraph 5 are carried out. The notification shall be accompanied by an officially certified copy in duplicate of the applicant's ownership or lease of the electricity generating installation, gas generating installation or installation for the transport of crude oil or liquefied gaseous hydrocarbons in pressurised containers. The time limit for issuing a certificate of compliance with the notification obligation shall be 30 days. The notification certificate issued by the Authority shall constitute proof of the undertaking's authorisation. The notification certificate shall be amended or revoked by the Authority if it is established that it was issued on the basis of incorrect data, false data or if the conditions on the basis of which it was issued have changed.

(7) Neither an electricity storage permit nor a notification pursuant to paragraph 6 shall be required for electricity storage activities where the electricity storage facility is operated at a transfer point of an electricity generating installation of an electricity producer and the installed capacity of the electricity storage facility is less than the installed capacity of the electricity generating installation. Persons carrying out the activities referred to in the first sentence shall be subject to the notification obligation pursuant to Article 4(9).

(8) The permit for the transmission of electricity and the permit for the activity of the short-term electricity market organiser shall be issued for the entire territory of the Slovak Republic.

(9) A person who is resident or established in the territory of a State which is a Contracting Party to the Agreement on the European Economic Area and who is interested in supplying electricity or gas or performing aggregation activities in the defined territory on the basis of an authorisation to supply electricity or gas or perform aggregation activities which he has under the law of the State of his residence or establishment or of another State which is a Contracting Party to the Agreement on the European Economic Area, shall apply to the Authority for a licence to supply electricity or gas in the defined territory; it shall attach to the application an officially translated document<sup>(15)</sup> of authorisation to supply electricity or gas or to carry out aggregation activities under the law of the State of its permanent residence or registered office or of another State which is a Contracting Party to the Agreement on the European Economic Area (hereinafter referred to as the 'foreign person's authorisation').

(10) The authorisation of a person under paragraph 9 to supply electricity or gas or to carry out aggregation activities in a defined territory shall cease if the authorisation of the foreign person issued in his place of residence or registered office or in another State which is a contracting party to the Agreement on the European Economic Area ceases to exist.

(11) The person referred to in paragraph 9 shall notify the Authority of the termination of the authorisation of the foreign person in the State under whose law it arose as soon as he becomes aware of that fact.

(12) A person referred to in paragraph 9 who supplies electricity in a defined territory shall be subject to the obligations of an electricity supplier under this Act and under a special regulation.<sup>3)</sup>

(13) A person referred to in paragraph 9 who carries out aggregation activities in a defined territory shall be subject to the obligations of an aggregator under this Act and under a special regulation.<sup>3)</sup>

(14) A person referred to in paragraph 9 who supplies gas in the demarcated area shall be subject to the obligations of a gas supplier under this Act and under a special regulation.<sup>3)</sup>

(15) The authorisation and the acknowledgement of compliance with the notification obligation may not be transferred to another person.

## § 7

### Conditions for the issue of a permit

(1) A condition for the issue of a permit to a natural person other than a permit issued pursuant to Section 6(9) is

- a) at least 21 years of age at the time of application,

- b) full legal capacity,
- c) residence in the territory of the Slovak Republic;<sup>16)</sup> if the energy entrepreneur is a foreign natural person, proof of permanent residence in the territory of a state which is a contracting party to the Agreement on the European Economic Area,
- d) integrity,
- e) professional competence<sup>17)</sup> to carry out the required activities as demonstrated by a certificate pursuant to § 5(4),
- f) demonstration of the technical capacity to carry out the activities for which authorisation is sought,
- g) the designation of a responsible representative if the natural person does not have the professional competence referred to in point (e),
- h) indication of the owner of the electricity installation, gas production, transport, distribution and storage installation, fuel or oil transport installation, pressure vessel filling installation or liquefied gaseous hydrocarbon distribution installation.

(2) A condition for the issue of a permit to a legal person other than a permit issued pursuant to Section 6(9) shall be

- a) the location of the registered office, business or organisational unit of the legal person in the defined territory,
- b) professional competence<sup>18)</sup> to carry out the required activities, as demonstrated by a certificate pursuant to Section 5(4), and completed higher education and experience pursuant to Section 5(2)(d) or (e) of a member of the statutory body, if the legal person applying for a licence to produce electricity from nuclear fuel,
- c) demonstration of the technical capacity to carry out the activities for which authorisation is sought, d) designation of a responsible representative,
- e) integrity this legal of the person and integrity<sup>19)</sup> of the statutory authority or members of the statutory body,
- f) fulfilment of the requirements under a special regulation,<sup>16a)</sup> where the issue of a permit pursuant to Section 6(2)(h) is concerned,
- g) indication of the data on the owner of the electricity equipment, generation, transmission equipment,



distribution and storage of gas, fuel or oil transport equipment, equipment for filling pressure vessels or equipment for the distribution of liquefied gaseous hydrocarbons.

(3) The issuance of a permit for the transmission of electricity and a permit for the transportation of gas shall be subject to a legally valid decision of the Authority on the granting of certification of the transmission system operator and the transmission system operator pursuant to a special regulation. )<sup>7</sup>

(4) An applicant for a permit or an applicant for a variation of a permit shall be obliged to demonstrate the technical prerequisites for carrying out the activities for which the permit or variation of the permit is applied for; this shall not apply in the case of an applicant applying for a permit for the supply of electricity, the supply of gas or the activity of an electricity purchaser. The technical prerequisites referred to in the first sentence shall be demonstrated by the applicant for a permit or the applicant for a variation of a permit by a copy of the proof of ownership or lease of the electricity, gas production, transmission, distribution and storage installations, a fuel or petroleum transport facility, a pressure vessel filling facility or a liquefied petroleum gas distribution facility and by a copy of the certificate for the construction of an energy facility pursuant to Section 12, if the construction of the facility required the issue of a certificate for the construction of an energy facility pursuant to Section 12; the applicant for a permit or the applicant for a variation of a permit shall at the same time submit to the Authority, in duplicate, a marking of the technological part of such installation on a map of the area of the requested activity.

(5) In addition to meeting the conditions referred to in paragraphs 1 and 2, the applicant for an electricity transmission licence shall also demonstrate the technical prerequisites necessary to compensate for system deviations in the defined area. The technical prerequisites necessary to compensate for the system deviation in the defined area shall be demonstrated by the applicant for the electricity transmission licence by a copy of the contract for the provision of control electricity by the supplier of control electricity as measured by the electricity dispatching centre of the transmission system operator (hereinafter referred to as 'dispatching centre'). In the case of new distribution systems and distribution networks, the applicant for a permit for the distribution of electricity and the distribution of gas shall, in addition to meeting the conditions referred to in paragraphs 1 and 2, also be required to provide evidence of the certificate for the construction of the energy installation pursuant to Section 12. In addition to the conditions referred to in paragraphs 1 and 2, the applicant for a gas distribution licence shall be required to produce a certificate for the construction of an energy installation pursuant to

§ 12 even if it will operate a new distribution network built as an extension of the existing distribution network of another operator.

(6) If the applicant for a permit fails to comply with the conditions for the issue of a permit under this Act, the Authority shall refuse the application. The reasons for refusal shall be objective, nondiscriminatory and duly substantiated.

(7) For the purposes of this Act, a person of good character is a person who has not been convicted of a criminal offence, the facts of which are related to the subject matter of the business pursuant to Section 6(2). Good repute shall be proved by an extract from the criminal record; in the case of a foreign natural person, good repute shall be proved by a similar certificate issued by the competent authority of the State in which he or she has his or her permanent residence or habitual abode, not older than three months, or, if no similar certificate is issued in that State, by an affidavit made by the foreign natural person before a competent judicial authority, administrative authority or notary of that State, not older than three months. For the purpose of proving good character in proceedings under this Act, the applicant for a permit shall provide the data necessary to request an extract from the criminal record.<sup>12)</sup> The data pursuant to the third sentence shall immediately be sent by the Office in electronic form by means of electronic communication to the Office of the Attorney General of the Slovak Republic for the issuance of an extract from the criminal record.

(8) Persons performing only the activities of electricity supply, aggregation, electricity purchaser or gas supply shall be required to demonstrate professional competence pursuant to paragraph 1(e),

appoint a responsible representative pursuant to paragraph 1(g) and the obligation to appoint a responsible representative pursuant to paragraph 2(d) shall not apply.

(9) The issuance of a licence for the production of electricity is without prejudice to the licence holder's obligation to obtain licences and consents for the use of nuclear energy pursuant to a special regulation. )<sup>18</sup>

(10) If the subject of an application for a permit or its amendment is an electricity distribution installation which has been constructed or connected to the regional distribution system directly or through one or more local distribution systems as an electricity consumer installation or an electricity connection, the construction and connection of which would otherwise require a certificate for the construction of an energy installation pursuant to Section 12, the Authority shall reject the application for a permit or its amendment; this shall not apply if the applicant for the permit or its amendment is the operator of the regional distribution system.

## § 8

### Authorisation procedure

(1) A permit for energy business pursuant to Section 6(2) shall be issued on the basis of a written application in which the applicant shall specify the activity sought, the territory or part of the territory for the performance of the activity sought and the period for which the permit is sought. At the same time, he or she shall be obliged to prove that the conditions laid down in Section 6(9) or Section 7 have been fulfilled.

(2) The operative part of the decision to issue the permit shall include

- a) the name, surname, date of birth and address of residence of the natural person or the business name, legal form and registered office of the legal person,
- b) the subject, place and scope of business,
- c) the territory for the performance of the requested activity, except for the decision on the issue of a permit for the supply of electricity or the supply of gas,
- d) the period of validity of the permit,
- e) the name, surname, date of birth and residence address of the responsible representative, if appointed,
- f) the number of the certificate of competence, if proof is required,
- g) the obligations and technical conditions under which the activities for which the permit is issued may be carried out,
- h) information on the decision pursuant to Section 10(8) or (9), if any,
- i) data on the owner of the electricity installation, gas production, transport, distribution and storage installation, fuel or oil transport installation, pressure vessel filling installation or liquefied gaseous hydrocarbon distribution installation.

(3) Upon receipt of an application under paragraph 1, the Authority shall promptly issue an acknowledgement of receipt to the applicant. )<sup>19</sup>

(4) An application under paragraph 1 may also be made through a district office which acts as a single point of contact.<sup>20)</sup> The Authority shall inform the points of single contact without delay of the issue of a permit or of the refusal of an application if the application has been submitted to the points of single contact.

## § 9

### Responsible representative

- (1) The responsible representative is the natural p e r s o n who is responsible for the professional performance of

permitted activities under this Act.

- (2) The responsible representative shall have the professional competence to carry out the authorised activity certified in accordance with Section 5(4) and shall meet the condition of good repute in accordance with Section 7(7).
- (3) The function of responsible representative may be performed:
  - a) for only one person who has been issued with an energy business permit pursuant to section 6(2) (hereinafter referred to as the 'permit holder'), or
  - b) for a maximum of three permit holders, if the permit holder is linked by property or personal ties to several permit holders for whom the function of responsible representative is to be performed by the same natural person.
- (4) A member of the supervisory board or other controlling body of a legal person may not be a responsible representative of the legal person.
- (5) If the responsible representative ceases to perform the function for which he or she was appointed, the permit holder shall appoint a new responsible representative within 60 days and shall immediately apply for a change in the permit.
- (6) § 10

#### Modification, revocation and termination of authorisation

- (1) The holder of the permit shall apply in writing to the Authority for an amendment to the permit if the conditions and facts on the basis of which the permit was issued have changed within 30 days of the date on which these changes occurred. The holder of the permit shall be obliged to attach to the written request the documents justifying the change. Where the holder of an electricity distribution permit or the holder of a gas distribution permit applies for a change in the permit in connection with the construction of a new distribution system or a new distribution network for which a certificate for the construction of an energy installation pursuant to Section 12 is required, the holder shall, when submitting the application for a change, also provide evidence of the certificate for the construction of an energy installation pursuant to Section 12.
- (2) The Authority may also make changes to an issued permit on its own initiative if the conditions and facts on the basis of which the permit was issued have changed.
- (3) The Authority shall issue a decision on the changes made to the permit, with the requisites pursuant to Section 8(2).
- (4) A change of the equipment for which the permit holder has demonstrated the technical prerequisites for the performance of the permitted activity shall not be considered as a change of the permit, if the equipment has a similar purpose, the replacement or addition of the equipment has not resulted in a reduction or increase of the capacity of the system or network, and the condition for the construction of the energy equipment is not the issuance of a certificate for the construction of the energy equipment pursuant to § 12.
- (5) The authorisation shall expire
  - a) on expiry of the period for which it was issued,
  - b) the dissolution of the legal entity to which it was issued,
  - c) the Authority's decision to revoke the authorisation,
  - d) death of a natural person or declaration of death of a natural person.
- (6) The Authority shall revoke the authorisation if the holder of the authorisation
  - a) no longer meets the conditions on the basis of which the authorisation was granted,
  - b) failed to implement the measures imposed by the Authority to remedy the deficiencies identified by the inspection,
  - c) so requests in writing, in the case of an electricity distribution permit and a distribution permit

- gas if the permit holder so requests at least six months before the planned cessation of the permitted activity,
- d) has ceased to carry out the activities for which the licence was issued,
- e) is not registered in the Register of Public Sector Partners, )<sup>14a</sup>
- f) has seriously or repeatedly breached the obligations laid down by this Act or a special regulation. )<sup>20a</sup>

(7) Where the Authority has revoked a permit pursuant to paragraph 6(b) or (f), the same person may not be issued with a permit for a period of five years from the date of entry into force of the decision revoking the permit. Neither may a permit be issued to a person established or controlled by a person whose permit under paragraph 6(b) or (f) has been revoked within the last five years, nor to a person whose statutory body or member of the statutory body was or is, at the time of the application for the permit, a statutory body or member of the statutory body of a person whose permit under paragraph 6(b) or (f) has been revoked within the last five years.

(8) On the expiry or revocation of a permit, the Authority may decide that the owner of the facilities necessary for the performance of the regulated activity<sup>20b</sup> ) or part thereof shall be obliged to provide its facilities or part thereof to another permit holder, designated in the decision, for compensation for the operation and provision of the performance of the regulated activities in the defined territory specified in the expired or revoked permit. The owner of the facilities necessary for the performance of the regulated activity or part thereof shall inform the Authority of the change of ownership of the facilities or part thereof referred to in the decision pursuant to the first sentence within five days of the occurrence of the change.

(9) The Authority may issue an interim measure pursuant to Section 43 of the Administrative Procedure Code imposing an obligation on the owner of the facilities necessary for the performance of the regulated activities or part thereof to provide its facilities or part thereof to another, designated by the Authority, permit holder for the purpose of operating and ensuring the regulated activities in the defined territory, if the Authority has initiated proceedings for the revocation of the permit. The owner of the facilities necessary for the performance of the regulated activity or part thereof shall inform the Authority of a change in the ownership of the facilities or part thereof referred to in the interim measure within five days of the occurrence of the change. Unless otherwise provided for in the decision, the interim measure shall cease to have effect at the latest on the date on which the Authority's decision pursuant to paragraph 8 becomes final. The interim measure shall be served by public notice by posting it on the official notice board of the Authority for a period of five days. The last day of that period shall be the date of service. The Authority shall publish the interim measure simultaneously on its website. Information on the publication of the interim measure shall be sent to the owner of the facilities necessary for the performance of the regulated activity or part thereof and to the operator to whom the interim measure has given rise an obligation to operate and ensure the regulated activities.

(10) The owner of the facilities necessary for the performance of the regulated activity or a part thereof shall be obliged to provide the other, designated in the decision, holder of the permit, who has incurred the obligation to operate and ensure the regulated activities, with the cooperation to ensure the activities pursuant to paragraph 8 or paragraph 9.

(11) An operator who has incurred the obligation to operate and ensure regulated activities shall, when carrying out the activities referred to in a decision issued pursuant to paragraph 8 or paragraph 9, comply with the obligations of the holder of the permit under this Act and under a special regulation. )<sup>30c</sup>

(12) In the performance of activities pursuant to a decision issued under paragraph 8 or paragraph 9, the right to payment for the performance of regulated activities shall pass to the operator to whom the obligation to operate and ensure the regulated activities has arisen. The operator to whom the obligation to operate and provide regulated activities has arisen shall apply the prices for the performance of the regulated activities in accordance with the pricing decision issued to the previous Page 20

until such time as the price for the performance of that regulated activity is approved or determined by the Authority.

(13) The previous operator shall, within three days of notification of the decision pursuant to paragraph 8 or paragraph 9, provide the new operator, which has become obliged to operate and provide the regulated activities, with a list of customers, a list of suppliers of energy, goods and services necessary for the operation and provision of the regulated activities, complete documentation on the facilities necessary for the performance of the regulated activities or parts thereof, and data for the purposes of measurement and billing of electricity and gas.

(14) A customer to whom electricity or gas is supplied or distributed by a new operator to whom the obligation to operate and ensure regulated activities has arisen on the basis of a decision pursuant to paragraph 8 or paragraph 9 shall be obliged to pay the price for the supply and distribution of electricity and gas to that operator.

(15) If, before the declaration of bankruptcy on the property of the owner of the facilities necessary for the performance of the regulated activities or part thereof, an interim measure pursuant to paragraph 9 has been issued in respect of the facilities necessary for the performance of the regulated activities or part thereof, the facilities concerned or part thereof shall only become subject to bankruptcy when that interim measure has been revoked.

(16) The holder of a permit which has incurred the obligation to operate and provide regulated activities shall, within three days of the provision of information pursuant to paragraph 13, inform the suppliers of energy, goods and services necessary for the operation and provision of regulated activities of the obligation to operate and provide regulated activities pursuant to paragraph 8 or paragraph 9.

## § 11

### Rights and obligations of the permit holder

(1) The holder of the permit or a person authorised by him may, to the extent necessary and in the public interest

- a) enter and enter foreign land and foreign buildings and facilities to the extent and in the manner necessary for the performance of permitted activities,
- b) in compliance with the conditions of environmental protection, remove and clear trees and other vegetation that threaten the safety or reliability of the operation of energy facilities, if the owner has not done so after a previous invitation; the invitation must be delivered to the owner in accordance with paragraph 3,
- c) modify grassland in compliance with environmental protection conditions,
- d) to enter and enter after prior consent in accordance with special regulations<sup>21</sup>) the closed premises and facilities of the Ministry of Defence of the Slovak Republic, the Ministry of the Interior of the Slovak Republic, the Armed Forces of the Slovak Republic, the Police Corps, the Prison and Judicial Guard of the Slovak Republic, the Slovak Information Service, the Slovak Railways and the National Security Office,
- e) Entering and entering land or premises where special telecommunications facilities<sup>22</sup>) and associated facilities<sup>23</sup>) are located to the extent and in the manner necessary for the performance of the permitted activity,
- f) to establish on foreign land outside the built-up area of the municipality<sup>24</sup>) power lines and power equipment of the transmission system and distribution system, gas pipelines<sup>25</sup>) and gas equipment of the transmission network, distribution network, storage tank and equipment intended for their protection, prevention of their failures or accidents, or to mitigate the consequences of failures or accidents for the protection of life, health and property of persons; when permitting such a construction, the building authority shall decide on the conditions under which the construction may be carried out and operated on foreign land.

land; the builder's rights to carry out the construction shall arise upon the entry into force of such a decision,

- g) perform on other people's real estate permitted activities on electricity or gas facilities necessary to ensure the operation of the system or network, the construction of which has been permitted under the building regulations.

(2) The activities referred to in paragraph 1(a), (b), (c) and (e) shall be notified in advance to the owner by the holder of the permit or a person authorised by the holder of the permit, except where

- a) imminent threat to life, health or property of persons and in the elimination of these conditions,
- b) an emergency or the prevention of an emergency,
- c) faults, maintenance or accidents on the system or network equipment and during their rectification,
- d) inspection of the electricity consumption facility or the electricity production facility when detecting unauthorised consumption of electricity or unauthorised supply of electricity to the system and carrying out activities pursuant to § 46(4) and (5) and § 46a(3),
- e) checking the gas consumption equipment when unauthorised gas consumption is detected.

(3) The invitation referred to in paragraph 1(b) or the notification referred to in paragraph 2 shall be delivered by the holder of the permit or a person authorised by him to the owner at least 15 days before the planned start of the activity. Service by public notice shall be used in the case of a large number of owners or where the residence of the owner is unknown. Service by public notice shall be effected by posting the notice for at least 30 days on the official notice board of the municipality whose cadastral area will be directly affected by the activity. In that case, the notice shall also be published in the usual manner in the place.

(4) The owner of the real estate is obliged to allow the holder of the permit or a person authorised by him to carry out the activities under paragraph 1. The property owner shall be entitled to reimbursement of the costs after the activities have been carried out following a call pursuant to paragraph 1(b), which shall be paid by the permit holder if the scope and manner of carrying out the activities and the estimated costs of carrying out the activities have been agreed in advance in writing by the permit holder; in the case of a system operator, the details shall be governed by the commercial terms and conditions forming part of the operating rules of the system operator.

(5) If a property owner suffers property damage as a result of the exercise of the rights of the permit holder or a person authorised by the permit holder, the property owner shall be entitled to compensation for damages. The provisions of the Civil Code shall apply to proceedings for compensation for damages. If the owner of the property is restricted in the normal use of the property, he shall be entitled to an appropriate lump sum compensation for the compulsory restriction of the use of the property, unless a lump sum compensation is provided pursuant to paragraph 9; or

12. The claim for a reasonable one-off compensation for the forced restriction of the use of the real estate may be filed with the permit holder or a person authorized by him within two years from the date when the owner became aware of it, but not later than within three years from the occurrence of the forced restriction of the use of the real estate, otherwise the owner's right to a reasonable one-off compensation for the forced restriction of the use of the real estate shall expire. If the permit holder and the owner of the immovable property do not agree on the amount of the appropriate lump-sum compensation, either of them may apply to the court for a decision on the amount of the appropriate lump-sum compensation within one year from the date of the claim to the permit holder.

(6) The permit holder or a person authorised by the permit holder is obliged to act in such a way as not to cause damage to the rights of the owners of the properties concerned and, if such damage cannot be avoided, to limit the damage to the least possible extent. Upon completion of the necessary earthworks, the permit holder or the person authorised by him shall restore the land to its original state or, if this is not possible, shall reimburse the landowner for the damage

- (7) For the purposes of paragraphs 1 to 6, owner means the owner, manager or lessee

Property.

(8) Obligations corresponding to the rights under paragraph 1 are easements<sup>26</sup> ) associated with the ownership of real property. The holder of the permit<sup>27</sup> ) shall be obliged to submit a proposal for registration in the Land Register within three months from the notification pursuant to paragraph 2 or from the date on which the entitlement pursuant to paragraph 1 is exercised for the first time; the annex to the proposal for registration in the Land Register shall also include a geometrical plan determining the extent of the easement.

(9) The owner of the property shall be entitled to a reasonable one-off compensation for the establishment of the easement; the compensation shall be provided for the area in which the owner is restricted in the use of the property as a result of the exercise of the statutory easement by the holder of the permit, except for the area for which the owner is entitled to a reasonable one-off compensation pursuant to paragraph 12.

(10) The claim for a reasonable one-off compensation for the application of a statutory easement may be filed with the permit holder within two years from the date when the property owner became aware of the application of the statutory easement by the permit holder, but no later than within three years from the date of the application of the statutory easement by the permit holder, and in the case of statutory easements pursuant to paragraph 1, letter 1. (f) and (g) from the date of registration of the easement in the land register, otherwise the right to appropriate one-off compensation for the application of the statutory easement by the permit holder shall cease. If the permit holder and the owner of the immovable property do not agree on the amount of the appropriate one-off compensation, each of them may submit a petition to the court for a decision on the amount of the appropriate one-off compensation within one year from the date of the claim to the permit holder.

(11) The rights corresponding to the easements belong to the permit holder. If there is a change in the person of the permit holder, the rights corresponding to the easements shall pass to the new permit holder.

(12) For forcibly restricting a landowner from using land in a buffer zone pursuant to § 43, § 79, § 87 and in the safety zone according to § 80 established after 1 September 2012, the permit holder is obliged to pay<sup>É</sup> to the land owner a reasonable one-off compensation corresponding to the degree of restriction of the normal use of the land. In the case of relocation of an electricity installation and relocation of a gas installation, the appropriate one-off compensation pursuant to this paragraph shall be paid to the land owner by the person who caused the need for the relocation; the permit holder is obliged to provide the land owner within 30 days upon request with the identification data of the person who caused the need for the relocation, in the scope of name, surname and address of permanent residence if it is a natural person, or name and registered office if it is a legal entity. The landowner must claim the payment of the appropriate one-off compensation from the permit holder or the person who caused the need for the relocation within two years from the date on which the landowner became aware of the forced restriction of the use of the land, but at the latest within three years from the date of the forced restriction of the use of the land, otherwise the right to the appropriate one-off compensation will expire. If the permit holder or the person who caused the need for the relocation and the landowner do not agree on the amount of the appropriate lump sum compensation, either of them may apply to the court for a decision on the amount of the appropriate lump sum compensation within two years from the date on which the claim was lodged with the permit holder or the person who caused the need for the relocation.

(13) The owner of the property is entitled to request the Authority to issue a decision on the termination of the authorisations under paragraph 1 and under the previous regulations and obligations corresponding to these authorisations concerning the power lines or power equipment located on his property. In addition to the request for a decision pursuant to the first sentence, the property owner shall be obliged to attach the opinion of the relevant distribution system operator to the property owner's request.

(14) The Authority shall issue a decision pursuant to paragraph 13 if the relevant distribution system operator fails to demonstrate to the Authority in its opinion the justification for maintaining **251/2012 Coll.** Collection of Laws of the Slovak Republic

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power line or

of the electricity installation in view of the demonstrable current or future needs of the distribution system operator, the electricity line or electricity installation located on the property of the owner concerned has not been used for at least five years for the distribution of electricity to the points of consumption of electricity consumers connected to the distribution system via such electricity line or electricity installation and at the same time the electricity consumers concerned do not prove to the Authority within the time limit specified in the Authority's invitation to comment the justification for the connection of their points of consumption; the Authority is obliged to invite the affected electricity consumers to make a statement in the notice of initiation of the procedure.

(15) The authorisations under paragraph 1 and under the previous regulations and the obligations corresponding to these authorisations relating to the power lines or power equipment located on the property of the owner concerned shall cease on the date of the final decision of the Authority. Existing connection contracts or other existing rights for connection to the distribution system of electricity customers connected to the distribution system via a power line or an electricity installation located on the property of the owner concerned shall also terminate on the date of the final decision of the Authority. The application for the deletion of the easement shall be submitted by the certificate holder within three months of the end of the activities referred to in paragraph 1.

(16) The permit holder or a person authorised by the permit holder shall

- a) provide the Ministry with information necessary for the exercise of state administration,
- b) allow persons authorised by the state administration to enter the premises where the activities permitted under this Act are carried out,
- c) ensure that work connected with the performance of authorised activities requiring professional competence is carried out only by persons who are professionally competent to carry out that work,
- d) ensure that the technical equipment used for the performance of the authorised activity meets the quality, occupational safety and health, safety and environmental protection requirements of the technical equipment; in the gas sector, the technical installations used for the performance of the authorised activity must also comply with the technical rules for gas registered with the relevant chamber established by law, except for those installations to which special regulations of the State Mining Administration apply; a technical rule for gas is a rule reflecting the state of technical knowledge and technology in the gas sector,
- e) notify<sup>É</sup> the Authority within 30 days of the commencement, change and termination of the permitted activity; the notification shall include the name, surname, residence address of the natural person or the business name, identification number, registered office and statutory body of the legal person, the definition of the permitted activity, the date of commencement, change or termination of the permitted activity,
- f) provide the transmission system operator and the transmission system operator with the information necessary for the fulfilment of the transmission s y s t e m operator's and the transmission system operator's obligations to develop or cooperate in the development of system or network development plans, including for the system or network outside the defined area, pursuant to this Act and special regulations. )<sup>28</sup>

(17) The authorisation under paragraph 1 (f) shall arise upon the finalisation of the building permit by which the building authority authorises the execution of the construction. If the notification to the building authority is sufficient for the execution of the construction referred to in paragraph 1(f), the authorisation referred to in paragraph 1(f) shall arise on the date of the notification of the construction referred to in paragraph 1(f). Where neither a building permit nor a notification is required for the execution of the construction referred to in paragraph 1(f), the authorisation referred to in paragraph 1(f) shall arise on the date on which the execution of the construction referred to in paragraph 1(f) begins. The authorisation under paragraph 1(f) shall also arise for the permit holder under this paragraph if the builder of the construction referred to in paragraph 1(f) is a person other than the permit holder and

- a) the owner of the structure is, under this Act or under a contract entered into between the builder Page 24 Collection of Laws of the Slovak Republic **251/2012 Coll.** Republic of such structure and the permit holder, the permit holder; or

- b) such a structure shall, pursuant to a contract entered into between the builder of such a structure and the permit holder, be established for the permit holder, who shall become the owner thereof.

### § 11a

#### Energy community and renewable energy community

(1) The Energy Community is a legal entity,

- a) which is established for the purpose of generating electricity, supplying electricity, sharing electricity, storing electricity, aggregation activities, distributing electricity, operating a charging station or performing other activities or providing other services related to meeting the energy needs of its members or associates (hereinafter referred to as "Member") for the purpose of realizing environmental, economic or social community benefits,
- b) which does not carry out the activities referred to in point (a) for profit,
- c) which may be joined, acquire a share or otherwise become a member, and which may be withdrawn, terminated or membership terminated by a decision of the member; and
- d) whose members, who individually or jointly with other members may exercise control in the energy community, are only natural persons, small enterprises,<sup>29a</sup> ) higher territorial units or municipalities in the territorial district of the higher territorial unit in which the energy community has its seat.

(2) A renewable energy community is a legal entity,

- a) which is established for the purpose of generating electricity from renewable energy sources or biomethane and which may be simultaneously established for the purpose of supplying electricity or gas, sharing electricity from renewable energy sources or biomethane, storing electricity from renewable energy sources, aggregation activities, distributing electricity, operating a charging station or performing other activities or providing other services related to meeting the energy needs of its members in order to realise environmental, economic or social community benefits,
  - b) which does not carry out the activities referred to in point (a) for profit,
  - c) which may be joined, acquired or otherwise become a member, and which may be withdrawn, terminated or membership terminated by a decision of the member,
  - d) whose members are only natural persons, small and medium-sized enterprises,<sup>29b</sup> ) higher territorial units or municipalities in the territorial district of the higher territorial unit in which the renewable energy producing community is located, and
  - e) the members of which are entitled, individually or jointly with other members, to exercise control in the renewable energy community, reside or have their registered office in the territory of the higher territorial unit in which the renewable energy community-owned electricity generation facility or biomethane production facility, or the majority of such facilities, is located, if the renewable energy community produces electricity or gas in more than one such facility; where a higher territorial unit cannot be determined under the preceding sentence, it shall be determined according to the location of the renewable energy producing community.
- (3) An energy community shall also be deemed to be a renewable energy community, except as otherwise provided in this Act.

(4) If, according to a special regulation,<sup>29c</sup> ) the constituent document or the statutes, an energy community or a community producing energy from renewable sources may distribute no more than 50 % of the profit generated among its members, for the purposes of this Act, the activities referred to in paragraph 1(a) or paragraph 2(a) shall not be deemed to be carried out for the purpose of making a profit.

(5) In legal relations with other electricity market participants or gas market participants, compliance with the conditions referred to in paragraph 1 or paragraph 2 shall be demonstrated by a certificate from the energy community or the community producing energy from renewable sources. The certificate shall be issued and revoked by the Authority. The provisions of § 6(9) to (14) shall apply mutatis mutandis to the issue of the certificate.

(6) The Authority shall issue a certificate within 30 days upon written application by a person who demonstrates that the conditions under paragraph 1 or paragraph 2 are met. If the applicant fails to meet the conditions for the issue of a certificate, the Authority shall by decision reject the application for the issue of a certificate.

- (7) The certificate referred to in paragraph 5 shall contain the following particulars: a) the designation of the office,
- b) the name or business name of the energy community or renewable energy community,
- c) the registered office address and identification number of the renewable energy community or community energy organisation,
- d) a declaration that the applicant is an energy community or a renewable energy community under this Act,
- e) the date of issue of the certificate,
- f) signature with the name, surname and function of the authorised person and the official stamp.

(8) Where an energy community or a renewable energy community ceases to meet any of the conditions under paragraph 1 or paragraph 2, it shall notify the Authority without delay.

(9) Where the Authority finds that an energy community or a renewable energy community has ceased to comply with any of the conditions referred to in paragraph 1 or paragraph 2, or is carrying out activities contrary to the purpose for which it was established, it shall invite the energy community or renewable energy community to remedy its situation and shall give it a reasonable period of time to do so.

(10) The Authority shall revoke the certificate if it finds that

- a) the energy community or renewable energy community, after the issue of the certificate, ceases to comply with any of the conditions under paragraph 1 or paragraph 2, or carries out activities contrary to the purpose for which it was established and fails to remedy them within the time limit set by the Authority; or
- b) the certificate is issued on the basis of false information.

(11) The Authority shall keep a record of the certificates issued to Energy Communities and Renewable Energy Communities. The Authority shall publish a list of Energy Communities and Renewable Energy Communities on its website.

### § 12

#### Construction of energy equipment

(1) For the purposes of this provision, an energy installation means an electricity installation, a gas installation, a fuel or oil pipeline and a liquefied petroleum gas pipeline.

(2) The construction of an energy facility can only be carried out on the basis of a certificate for the construction of an energy facility. This does not apply if the construction of the energy installation is for

- a) the production of electricity from solar energy or wind energy with a total installed capacity of up to and including 5 MW; the total installed capacity of such an energy installation may be increased above 5 MW in the case of the production of electricity from solar energy or wind energy only on the basis of a certificate for the construction of the energy installation,
- b) electricity generation with a total installed capacity of up to and including 1 MW which uses a primary energy source other than solar energy or wind energy; the installed capacity of such an energy installation may be increased above 1 MW only on the basis of a certificate for the construction of the energy installation,
- c) gas production,
- d) the distribution of electricity which is an extension of the existing distribution system of the distribution system operator in part of the demarcated territory or in the territory immediately adjacent to the demarcated territory and which will be operated by the distribution system operator up to and including a voltage level of 22 kV, except where it is a power line and an electrical installation which provides for the transport of electricity between the territory of the European Union or the territory of third countries and the demarcated territory or the territory of the demarcated territory,
- e) distribution of gas which represents an extension, reconstruction or upgrade of the existing distribution network of the distribution network operator in part of the demarcated area or in the area immediately adjacent to the demarcated area and which will be operated by the distribution network operator within part of the demarcated area,

- f) transport of gas, which represents a reconstruction or modernisation of the existing transmission network of the transmission system operator and which will be operated by the transmission system operator,
- g) the operation of a storage facility which represents the reconstruction or modernisation of an existing storage facility of the storage operator and which will be operated by the storage operator,
- h) transmission or distribution of electricity, which represents the reconstruction or modernisation of the existing transmission system or distribution system of the transmission system operator or distribution system operator and which will be operated by the transmission system operator or distribution system operator,
- i) the production of electricity from renewable energy sources, which is the reconstruction or modernisation of an existing installation for the production of electricity from renewable energy sources, provided that the installed capacity of the existing installation for the production of electricity from renewable energy sources is not increased,
- j) storage of electricity where the installation has a total installed capacity up to and including 10 MW, or
- k) direct connection of the renewable gas production facility to the gas consumer.

(3) The Ministry assesses the compliance of the application for the issuance of a certificate for the construction of an energy facility with the energy policy approved by the Government of the Slovak Republic (hereinafter referred to as the "Government").

(4) A certificate for the construction of an energy facility shall be issued by the Ministry by decision on the basis of a written application by the applicant, which shall include

a) identification data of the applicant

- 1. name and surname, date of birth and residence in the defined territory, if a natural person,
- 2. business name, identification number, if assigned, legal form, registered office, name and surname and date of birth of the members of the statutory body, if it is a legal person, b) an investment plan which includes
  - 1. the characteristics of the energy equipment,
  - 2. details of the location of the energy equipment,
  - 3. expected impact
    - 3.1. of the electricity installation to the transmission system and the distribution system in the defined territory to which the electricity installation is to be connected directly or through the local distribution system, in terms of safety and reliability,
    - 3.2. of the gas installation to the transmission network or distribution network in the defined area in terms of safety and reliability,
    - 3.3. fuel or oil pipelines to existing pipelines for safety and reliability,
    - 3.4. liquefied gaseous hydrocarbon distribution equipment to the distribution network<sup>Ď</sup> in the defined area in terms of safety and reliability,
- 4. data on primary energy sources, including data on the type and quantity of primary energy sources for one year of normal operation,
- 5. the energy efficiency of the energy installation, unless it is an installation for the production of electricity from hydroelectricity, solar energy or wind energy or an installation for the distribution and transmission of electricity,
- 6. the anticipated impact of the energy facility on the protection of public health and the environment,
- 7. financial security of the investment project,
- 8. impact

- 8.1. of an electricity installation for the security of electricity supply in the defined territory, if it is an installation with a total installed capacity of more than 5 MW,
- 8.2. the gas installation for the safety of gas supply in the defined area,
- 8.3. fuel or oil transport pipelines for the safe delivery of fuel or the safe delivery of oil,
- 8.4. liquefied gaseous hydrocarbon distribution equipment for the safe distribution of liquefied gaseous hydrocarbons in the defined area,
- 9. compliance of the investment plan with the municipality's zoning plan demonstrated by a binding opinion of the municipality; in the case of the construction of an electricity facility used for the transmission or distribution of electricity, the compliance of the investment plan with the municipality's zoning plan may be replaced by compliance with the Concept of the Territorial Development of Regions or the zoning plan of a micro-region demonstrated by a binding opinion of the self-governing region,
- 10. method of connection
  - 10.1. of the power equipment to the grid,
  - 10.2. of the gas installation to the network,
  - 10.3. fuel or oil pipelines to an existing pipeline,
  - 10.4. equipment for the distribution of liquefied gaseous hydrocarbon gas to the distribution network<sup>Ď</sup>,
- 11. the expected contribution of the generating capacity of the electricity installation to
  - 11.1. Achieving the designated share of renewable energy sources<sup>Ď</sup> in gross final energy consumption according to a specific regulation, )<sup>29</sup>
  - 11.2. Emission Savings, )<sup>30</sup>
  - 11.3. improvement of the quality of the environment, if no benefit is foreseen under points
    - 11.1. a 11.2.,
- 12. the importance of the gas installation for the internal gas market,
- 13. an economic and technical assessment of the use of the heat produced or waste heat,
- 14. compliance of the investment plan with the comprehensive assessment of the national potential for the application of high-efficiency cogeneration,<sup>30a</sup> ) if it is a fuel-burning or geothermal power plant,
- 15. compliance of the investment plan with a comprehensive assessment of the potential for the use of district heating systems,<sup>30b</sup> ) if it is a facility that may have an impact on district heating,
- 16. alternatives to the construction of the energy facility.

(5) The written request referred to in paragraph 4 shall be accompanied by the opinion of the operator

- a) of the distribution system to which the electricity installation will be connected, to the data pursuant to paragraph 4(b)(2), (3.1), (10.1) and (14),
- b) of the transmission system to the data pursuant to paragraph 4(b)(2), (3.1), (8.1) and (10.1),
- c) of the distribution network to which the natural gas installation will be connected, to the data referred to in paragraph 4(b)(3.2) and (10.2),
- d) of the transmission network to which the natural gas installation will be connected, to the data referred to in paragraph 4(b)(2), (3.2), (8.2) and (10.2),
- e) of the fuel pipeline or the operator of the crude oil pipeline to which the fuel or crude oil pipeline will be connected, to the data referred to in paragraph 4(b)(3.3) and (10.3),
- f) of the distribution network to which the liquefied gaseous hydrocarbon liquefaction equipment will be connected, in addition to the data referred to in paragraph 4(b)(3.4) and (10.4).

(6) The written application for a certificate for the construction of an energy facility for the distribution of electricity or the distribution of gas shall include an opinion from the distribution system operator or the operator of the distribution network to which such a facility is to be connected as to whether

- a) there is an existing distribution system or distribution network in the area of interest, the capacity of which is not fully utilised and which covers the needs foreseen in the investment plan,
- b) according to the distribution system development plan pursuant to Section 31(2)(q) or the distribution network development plan pursuant to Section 64(7)(f), plans to build a distribution system or a distribution network in the area of interest that will cover the needs envisaged in the investment plan.

(7) A written application for a certificate for the construction of a power generation installation with a total installed capacity exceeding 30 MW shall be accompanied by a demonstration of the applicant's professional competence pursuant to Section 5(4) or Section 9(2).

(8) If the applicant's investment plan is in line with the energy policy, the Ministry shall issue the certificate for the construction of the energy facility within 60 days from the date of receipt of the application; this period may be extended by 30 days. If the application for a certificate is incomplete, the Ministry shall invite the applicant to complete the application within a time limit set by the Ministry. If the applicant fails to complete the application within the time limit set, the Ministry shall terminate the procedure. If the investment plan of the applicant for the certificate for the construction of the energy installation is not in accordance with the energy policy, the Ministry shall reject the application for the certificate for the construction of the energy installation. The reasons for rejecting an application for a certificate for the construction of an energy facility shall be objective,

non-discriminatory, duly substantiated and duly reasoned.

(9) If the transmission system operator, the distribution system operator or the distribution network operator does not deliver to the applicant an opinion pursuant to paragraph 5 or paragraph 6 within 20 working days of receipt of the application and the applicant notifies the Ministry of this fact, the investment plan shall be deemed not to have negative impacts pursuant to paragraph 5 and for the purpose of the assessment pursuant to paragraph 6 it shall be deemed to have, that there is no distribution system or distribution network in the area to which the application for a certificate for the construction of the energy installation relates, or that its existing or planned capacity is utilised and the distribution system operator or distribution network operator has no plans to build its distribution system or distribution network. When issuing an opinion pursuant to paragraph 5 or paragraph 6, the transmission system operator, distribution system operator or distribution system operator shall follow its operating rules.

(10) The Ministry shall reject the application if the distribution system operator or distribution network operator states in the statement under paragraph 6 that

- a) there is a distribution system or a distribution network in the area of interest whose capacity is not fully utilised and covers the needs foreseen in the investment plan, or
- b) according to the distribution system development plan pursuant to § 31(2)(q) or the distribution network development plan pursuant to § 64(7)(f), a distribution system or a distribution network is planned to be built in the area of interest which will cover the needs foreseen in the investment plan.

(11) If the distribution system operator or the distribution network operator fails to submit to the Ministry a legally valid zoning decision for the construction of the planned distribution system or distribution network within two years from the date of entry into force of the decision on the rejection of the application pursuant to paragraph 10, the Ministry may issue a certificate for the construction of the energy facility to another applicant.

(12) The validity of the opinion of the distribution system operator pursuant to paragraph 5(a) and paragraph 6 and the opinion of the transmission system operator pursuant to paragraph 5(b) shall expire six months from the date of its issue, unless an application for a certificate for the construction of the energy installation is made during that period. The validity of the opinion referred to in the first sentence shall also expire upon the entry into force of the decision to discontinue the certificate procedure or the rejection of the application for a certificate.

(13) The certificate for the construction of the energy facility is a document for the planning and construction procedure and a document for the connection of a distribution network to which less than 100 000 end-users are connected to a distribution network to which more than 100 000 end-users are connected. The certificate for the construction of an energy facility for the construction of a distribution system or distribution network shall be a document for the issue of an energy business permit pursuant to Sections 6 and 7. The certificate for the construction of an energy installation for a combined production facility shall also be assessed pursuant to a special regulation.)<sup>31</sup>

(14) The criteria for the issuance of a certificate for the construction of an energy installation designed to ensure compliance with the energy policy, compliance with which is a condition for the issuance of a certificate for the construction of an energy installation, shall be published by the Ministry on its website.

(15) The Ministry shall keep a register of applicants for the issue of a certificate for the construction of an energy installation and shall publish a list of certificates issued for the construction of an energy installation pursuant to paragraph 8, which shall include the data pursuant to paragraph 4(a) and (b) of the first subparagraph and the second subparagraph, in addition to the date of birth of the natural person and the date of birth of the members of the statutory body, on the Ministry's website.

(16) The validity of the decision to issue a certificate for the construction of an energy installation shall be three years from the date of its entry into force. The validity of the decision to issue a certificate for the construction of an energy installation for the construction of an installation for the production of electricity from nuclear fuel shall be seven years from the date of its entry into force. An applicant to whom the Ministry has issued a certificate for the construction of a power plant shall be obliged to inform the Ministry in writing once a year from the date of the final decision on the issue of a certificate for the construction of a power plant of the state of preparation and progress of the construction of the power plant.

### § 13

#### Construction of a direct line

(1) An electricity producer shall have the right to transport electricity to its own point of consumption or to the point of consumption of a vertically integrated electricity undertaking via a direct line. The electricity consumer shall have the same right as the electricity producer.

(2) The construction of a direct line may only be carried out with the consent of the Authority. Consent for the construction of a direct line shall be issued by the Authority by decision if the electricity producer or electricity consumer proves that the conditions referred to in paragraph 3 are met.

(3) A condition for the issuance of consent for the construction of a direct line is the demonstration of

- a) compliance with the general economic interest and energy policy pursuant to § 88(2)(t),
- b) that the electricity producer or electricity consumer has been refused access to the transmission system or distribution system,
- c) that a dispute settlement proceeding has been initiated before the Authority concerning access to the transmission system or distribution system and the dispute settlement proceeding has not been discontinued at the initiative of one of the parties to the proceedings,
- d) that the construction of the direct line does not favour any participant in the electricity market.

(4) The list of direct lines shall be published by the Authority on its website and the amount of electricity transported by these lines shall be published by the relevant direct line operator on its website.

(5) The operator of the direct line shall be obliged to conclude a data provision contract with the short-term electricity market organiser.

### § 14

#### Construction of a direct gas pipeline

(1) The gas producer and the gas consumer shall have the right to transport the gas intended for their own consumption through a direct pipeline.

(2) The construction of a direct pipeline may only be carried out with the consent of the Authority. Consent for the construction of a direct pipeline shall be granted by the Authority by decision if the gas producer or gas consumer proves that the conditions referred to in paragraph 3 have been met.

(3) A condition for the issuance of consent for the construction of a direct pipeline is the demonstration of

- a) compliance with the general economic interest and energy policy pursuant to § 88(2)(t),
- b) that the gas producer or gas customer has been refused access to the transmission or distribution network,
- c) that a dispute settlement procedure has been initiated before the Authority in respect of access to the transmission network or distribution network and the dispute settlement procedure has not been discontinued at the initiative of one of the parties to the proceedings,
- d) that the construction of the direct pipeline does not favour any participant in the gas market.

## TITLE TWO

### ELECTRICITY AND GAS MARKETS, PROTECTING ELECTRICITY AND GAS CUSTOMERS AND ENSURING SECURITY OF ELECTRICITY AND GAS SUPPLY

#### § 15

(1) The subject matter of the electricity market and the gas market is the supply of electricity and gas, connection to the transmission system, distribution system, transmission network and distribution network, access to the transmission system and transmission of electricity and access to the distribution system and distribution of electricity in the defined territory, access to the transmission network and transportation of gas and access to the distribution network and distribution of gas in the defined territory, access to and storage of gas, provision of electricity and gas support services, provision of electricity system services, provision of flexibility, storage of electricity, aggregation, connection and access of new electricity and gas producers to the system or to the network.

(2) An electricity market participant is

- a) electricity producer,
  - b) the transmission system operator,
  - c) the distribution system operator,
  - d) electricity supplier,
  - e) the end user of electricity,
  - f) the short-term electricity market organiser,
  - g) electricity buyer,
  - h) Aggregator,
  - i) the operator of the electricity storage facility,
  - j) Energy Community,
  - k) direct line operator,
  - l) another person carrying out activities pursuant to a special regulation. )<sup>14</sup>
- (3) A participant in the gas market is
- a) gas producer,
  - b) the transmission system operator,

- c) the distribution network operator,
- d) the operator of the storage tank,
- e) gas supplier,
- f) the end-user of gas,
- g) a renewable energy community.

(4) An electricity and gas market participant shall have the right of access to the electricity and gas markets on the basis of

- a) regulated access,
- b) agreed approach.

(5) Regulation of access to the electricity and gas markets shall be carried out by the Authority pursuant to a special regulation. )<sup>2</sup>

(6) A market participant has regulated access to the electricity market to the transmission system and the distribution system.

(7) The electricity market participant shall be obliged to conclude a contract for the settlement of the deviation with the clearing entity or a contract for the assumption of responsibility for the deviation with another electricity market participant which is the clearing entity or which has transferred the responsibility for the deviation to the clearing entity, or a contract for the mandatory assumption of responsibility for the deviation with the electricity buyer; the electricity buyer shall be obliged to conclude a contract for the settlement of the deviation with the clearing entity.

(8) If the electricity market participant does not conclude a contract on the settlement of the deviation with the clearing entity, it shall be obliged to transfer the responsibility for the deviation for the off-take points or transfer points to another electricity market participant which is the clearing entity or which has transferred the responsibility for the deviation to the clearing entity by concluding a contract on the assumption of the responsibility for the deviation.

(9) A gas market participant with regulated market access rights shall be responsible for the gas market participant's deviation and, unless it has transferred its responsibility for the deviation to another entity, shall be the network deviation settlement entity. The responsibility for the gas market participant's deviation may also be transferred to another entity by contract. Where the responsibility for a gas market participant's deviation has been transferred to another entity by contract, that entity shall become the network deviation clearing entity.

(10) The electricity market participant is obliged to provide the short-term electricity market organiser with the data necessary for the performance of the activities of the short-term electricity market organiser pursuant to § 37 to the extent, in the manner and within the deadlines according to the market rules and the operating rules of the short-term electricity market organiser. The data provider shall be responsible for the provision of the data within the specified time limit and for the accuracy and completeness of the data.

(11) The clearing entity shall be obliged to timely pay to the short-term electricity market organiser obligations related to the clearing and settlement of the organised short-term cross-border electricity market and the clearing and settlement of deviations.

(12) Regulated access to the gas market is granted to a gas market participant to the transmission network, to the storage and to the distribution network.

(13) The agreed access to the gas market applies to access to the Distribution Network and to gas storage in the Distribution Network. The electricity network operator, the storage operator and the distribution network operator shall publish annually the commercial terms and conditions for access to and use of the electricity network, storage and gas storage in the distribution network. The transmission system operator, storage system operator and distribution system operator shall give network users the opportunity to comment on the draft commercial terms and conditions for access to and use of the transmission system, storage or accumulation of gas in the distribution network and on draft amendments to those terms and conditions.



(14) An electricity market participant and a gas market participant shall comply with the market rules and provide the transmission system operator with the data necessary for the fulfilment of its disclosure obligations to the extent required by the market rules.

(15) The short-term electricity market organiser shall, to the extent provided for by this Act, a special regulation<sup>32a</sup>) or the operating rules of the short-term market organiser

is entitled to communicate with electricity in electronic form, to provide electronic documents and to perform legal acts in electronic form through the electronic system pursuant to Section 37(10).

## § 16 Record keeping

(1) In order to prevent discrimination and cross-subsidies, the electricity producer, gas producer, transmission system operator, distribution system operator, electricity purchaser, transmission system operator, distribution system operator and storage system operator are obliged to keep records of the facts, accounting, records of costs, revenues, assets, liabilities, determine the rules for allocating assets, liabilities, costs, revenues and determine the rules for depreciation separately for each of the activities of electricity generation, electricity transmission, electricity distribution, gas generation, gas transmission, gas distribution and gas storage; a cross-subsidy is the partial or full offsetting of losses or costs from one activity against profits or revenues from another activity.

(2) The operators referred to in paragraph 1 shall also be required to keep separate records of the facts for activities carried out by them in the course of their business other than those referred to in paragraph 1.

(3) An electricity supplier and a gas supplier shall keep separate records of the facts referred to in paragraph 1 for the supply of electricity or the supply of gas to an electricity consumer or a nonhousehold gas consumer and separate records for the supply of electricity or the supply of gas to an electricity consumer or a household gas consumer and separate records for other activities carried out in the course of business.

(4) The persons referred to in paragraphs 1 to 3 shall

- a) prepare for each activity a separate profit and loss account and a separate statement of assets and liabilities, the amount of electricity or gas supplied for the preceding calendar year, broken down by household and non-household electricity or gas customers, and submit them to the Authority by 15 July each year,
- b) submit to the Authority for approval the rules for the allocation of assets and liabilities, costs and income within 30 days of the date of commencement of business,
- c) submit to the Authority new rules for the allocation of assets and liabilities, costs and revenues within 30 days of a change in the scope of the energy business under Section 8 or within 30 days of a change in the method of allocation of assets, liabilities, costs, revenues.

(5) The rules for the allocation of assets and liabilities, costs and revenues under paragraph 4(b) and (c) shall be approved by the Authority for an indefinite period of time, unless the applicant requests otherwise. The rules for the allocation of assets and liabilities, costs and income approved by the Authority shall be applied by those persons from 1 January of the following year, unless the Authority decides otherwise. For the allocation of assets and liabilities, costs and revenues which cannot be directly attributed to the activities referred to in paragraphs 1 to 3, the ratio of revenues for the activities referred to in paragraphs 1 to 3 to the other activities carried out by them in the course of their business shall be used.

(6) It is not an obliged person to submit rules for the allocation of assets and liabilities, costs and income for approval by the Authority,

- a) which holds a licence but does not carry out activities in that area,
- b) which has not experienced a change in business activity and has an approved policy for the allocation of assets and liabilities, expenses and income in perpetuity,

c) who, in the course of his business, carries out only one of the activities referred to in paragraph 1 and no other activity; paragraphs 3 and 4(a) shall apply mutatis mutandis to that person.

(7) The provisions on the chart of accounts and the chart of accounts under the special regulation shall apply mutatis mutandis to the keeping of records of the facts referred to in paragraphs 1 to 4.<sup>33</sup>) The provisions of paragraphs 1 to 4 shall be without prejudice to the obligations of accounting units under a special regulation.

(8) The operators referred to in paragraph 1 shall be obliged to have their annual accounts audited, to attach to the annual accounts a statement of mutual financial and other transactions with related undertakings and to publish the annual accounts in accordance with the procedure laid down under a special regulation.<sup>33</sup>) If the publication of the annual accounts is not required by a special regulation, they shall make the annual accounts available to the public on request. A summary of mutual financial and other transactions with related undertakings shall not form part of the annual accounts of the operator referred to in paragraph 1.

## § 17 Electricity and gas customer protection and universal service

(1) In addition to consumer protection rights under special regulations<sup>34</sup>), household electricity and gas customers and other electricity end-users and gas end-users shall have the right, in the supply of electricity and the supply of gas

a) conclude with the electricity supplier or gas supplier a pooled electricity supply contract or a pooled gas supply contract in accordance with paragraph 9, which shall contain in particular 1. identification

1.1. supplier and customer in the scope of name, surname, residence address and date of birth of a natural person or business name, identification number, registered office and statutory body of a legal person,

1.2. the point of withdrawal,

2. the extent and quality<sup>34a</sup>) of the supply of electricity or gas and services related to that supply, and maintenance services for electricity off-take equipment, gas off-take equipment and the electricity connection, where the electricity supplier or gas supplier offers to provide such maintenance services in conjunction with the supply of electricity or the supply of gas,

3. the terms and conditions of the supply of electricity or gas and the services related to the supply; where, pursuant to a pooled electricity supply contract or a pooled gas supply contract or any other contract the conclusion of which is conditional upon the conclusion of a pooled electricity supply contract or a pooled gas supply contract, in addition to the supply of electricity or gas, other performance is provided, the terms and conditions for the provision of that other performance,

4. the source, manner and possibilities of obtaining information on the price for the supply of electricity or for the supply of gas or other performance provided in conjunction with the supply of electricity or gas, including the structure of the price,

5. the date of commencement of the electricity or gas supply, the duration of the contract and whether the contract may be terminated or renewed and under what conditions, including information on the contractual penalty in the event of a breach of the obligation of the electricity or gas end-user to take electricity or gas during the agreed period or during the duration of the contractual relationship, and whether the contract may be terminated without charge; this shall also apply to any other performance provided in conjunction with the supply of electricity or gas,

6. information on compensation for non-compliance with the agreed quality of the electricity or gas supplied and services related to the supply, including compensation for erroneous or delayed billing of payment for the supply of electricity or gas and the procedures for claiming it under a specific regulation,<sup>34ab</sup>)

7. the place, method and time limits for making a claim and the place, method and time limits for making a claim the means available to settle the dispute,

8. the method of notification of the date of replacement of the designated meter and information on the reasons for the replacement of the designated meter,

9. information on the rights and obligations of the final electricity customer or the final gas customer at least by way of a link to such information published on the website of the electricity supplier or gas supplier,

10. an alternative method of determining the quantity of electricity or gas supplied in the event of a malfunction of the designated meter or outside the designated reading date,
- b) to provide information on any change in the price for electricity supply or the price for gas supply, including the reasons and assumptions for such a change and information on the change in the commercial terms and conditions of electricity supply or gas supply and related services, and an instruction on the right to terminate the electricity pooling contract or the gas pooling contract pursuant to paragraph 6 in a transparent and comprehensible manner agreed in the contract or specified in the commercial terms and conditions no later than 30 days prior to the entry into force of the change,
- c) to choose a non-discriminatory form and method of payment for the supply of electricity or gas and related services; where the electricity end-user or gas end-user is obliged, under a contract concluded with the electricity supplier or gas supplier, to pay additional payments associated with the chosen method of payment for the supply of electricity or gas or advance payments, such additional costs shall be non-discriminatory and their agreed amount shall not exceed the directly induced costs on the part of the electricity supplier or gas supplier incurred by the electricity supplier or gas supplier in connection with the chosen method of payment for the supply of electricity or gas or the payment of the electricity end-user or gas end-user, d) to provide
1. written information on the content of the pooled electricity supply contract or the pooled gas supply contract to the extent referred to in point (a) in reasonable time before the conclusion of the contract; reasonable time shall be understood as the time needed by the final electricity customer or the final gas customer to assess the information on the content of the pooled electricity supply contract or the pooled gas supply contract referred to in point (a),
  2. in the case of a contract with a dynamic electricity price, a written explanation of the mechanism of dynamic electricity pricing, a warning of the benefits and risks associated with the conclusion of a pooled electricity supply contract with a dynamic electricity price and an instruction on the necessity of installing a smart metering system and the costs of its installation, if the final electricity consumer does not have the right to its installation free of charge pursuant to this Act,
  3. a concise and easily legible summary of the content of the electricity pooling contract or gas pooling contract, including at least the identification of the electricity supplier or gas supplier, the main terms and conditions of the electricity supply or gas supply offered, information on the price or how to obtain price information, the duration of the contractual relationship and the conditions for termination of the contract,
- e) to provide information on
1. the right of the household electricity customer or household gas customer to withdraw in writing from the pooled electricity supply contract or the pooled gas supply contract within 14 days from the date of conclusion of such contract and in the case of a pooled electricity supply contract or a pooled gas supply contract concluded during a visit of the electricity supplier or gas supplier to the household electricity customer or household gas customer, which the household electricity customer or household gas customer has not previously requested from the electricity supplier or gas supplier or explicitly agreed to in advance
- has not agreed to (hereinafter referred to as "unsolicited visit")<sup>34c</sup> ) or in connection therewith or at or in connection with a sales event<sup>34b</sup> ) within 30 days of the date of conclusion of the contract; such information shall be provided by the electricity supplier or gas supplier to the household electricity customer or household gas customer in the form of a separate written instruction together with the withdrawal form as set out in Annex 1 at the latest upon conclusion of the pooled electricity supply contract or the pooled gas supply contract,
2. the obligation, if any, of the household electricity customer or household gas customer to pay the electricity supplier or gas supplier the price for the performance actually provided if the household electricity customer or household gas customer withdraws from the electricity pooling contract or the gas pooling contract after having given explicit consent pursuant to paragraph 15.
- (2) The provisions of paragraph 1 shall also apply where the final electricity customer or the final gas customer concludes a contract for the combined supply of electricity or a contract for the combined supply of gas and related services with an electricity supplier or a gas supplier through a third party.
- (3) The information referred to in paragraph 1(a) and (e) shall be provided to the household electricity customer or household gas customer in the case of

- a) a contract concluded at a distance<sup>34c</sup> ) in a manner appropriate to the means of distance communication; where such information is provided on a durable medium,<sup>34d</sup> ) shall be legible to the household electricity consumer or household gas consumer,
  - b) a contract concluded outside the premises of the electricity supplier or gas supplier<sup>34e</sup> ) legibly in paper form or, with the consent of the household electricity customer or household gas customer, on another durable medium.
- (4) A household electricity consumer or a household gas consumer shall be entitled to withdraw from the pooled electricity supply contract or the pooled gas supply contract within the period referred to in paragraph 1(e) first subparagraph or within the period referred to in paragraph 16 without giving any reason. The period for withdrawal from a pooled electricity supply contract or a pooled gas supply contract shall be preserved if the household electricity customer or household gas customer sends the withdrawal from the pooled electricity supply contract or the pooled gas supply contract on the last day of the period pursuant to paragraph 1(e), first subparagraph, or pursuant to paragraph 16. A household electricity consumer or a household gas consumer may exercise the right to withdraw from an electricity pooling contract or a gas pooling contract in paper form, in the form of a notation on another durable medium or by using the withdrawal form set out in Annex 1.
- (5) During the duration of the contractual relationship with the electricity supplier or gas supplier, the electricity end-user or gas end-user shall have the right to disclose the content of the concluded electricity pooling contract, gas pooling contract or other contract, the conclusion of which is conditional upon the conclusion of the electricity pooling contract or gas pooling contract. If the electricity or gas end-user so requests, the electricity or gas supplier shall, within 15 days of receipt of the request, provide the content of the concluded contract referred to in the first sentence in the form specified by the electricity or gas end-user pursuant to § 17f(3). Where the content of the concluded contract is provided in a form other than electronic, the end-user of electricity or the end-user of gas shall be obliged to pay the costs associated with the production of the content of the concluded contract and its delivery by the postal service provider.
- (6) If the electricity supplier or gas supplier is entitled to change the agreed price for the supply of electricity or for the supply of gas or the commercial terms and conditions for the supply of electricity or for the supply of gas pursuant to a contract concluded with an electricity end-user or a gas end-user, the electricity supplier or gas supplier shall be entitled to change the agreed price for the supply of electricity or for the supply of gas or the commercial terms and conditions for the supply of electricity or
- gas supply and the electricity end-user or gas end-user with a change in the price for electricity supply, the price for gas supply or with a change in the commercial terms and conditions of electricity supply or gas supply notified to him by the electricity supplier or gas supplier pursuant to paragraph 1(1)(b). (b) does not agree, he shall have the right to terminate the electricity pooling contract or the gas pooling contract free of charge and with effect at the earliest on the planned effective date of the change by delivering a notice of termination of such contract to the supplier not later than 15 days before the planned effective date of the change; this right shall also apply to contracts concluded for a fixed term.
- (7) If the electricity supplier or gas supplier fails to notify the electricity end-user or gas end-user of a change in the price for electricity supply, the price for gas supply or a change in the commercial terms and conditions of electricity supply or gas supply within the period referred to in paragraph 1(1)(a), the electricity supplier or gas supplier shall notify the electricity end-user or gas end-user of the change in the price for electricity supply, the price for gas supply or the change in the commercial terms and conditions of electricity supply or gas supply. (b), the electricity end-user or gas end-user shall have the right to terminate the pooled electricity supply contract or the pooled gas supply contract free of charge by delivering a notice of termination of such contract to the supplier no later than three months after the effective date of the change, with effect on the fifteenth day after the date of delivery of the notice of termination of the contract to the supplier, unless the electricity end-user or gas end-user specifies a different effective date for termination of the contract in the notice of termination, but no later than the expiry of three months from the effective date of the change.
- (8) A pooled electricity supply contract and a pooled gas supply contract shall terminate on the effective date of termination specified in the notice of termination of such contract pursuant to paragraph 6 or paragraph 7. The electricity end-user and the gas end-user shall ensure that the switching process is completed on the effective date of termination of the electricity pooling contract or gas pooling contract.
- (9) A household electricity consumer and a household gas consumer shall have the right to be supplied with electricity and gas within the defined territory under universal service in the prescribed quality<sup>2</sup> ) and at prices which are easily

and clearly comparable, transparent, competitive and non-discriminatory and which take account of costs and a reasonable profit, provided that they comply with the commercial terms and conditions of the universal service provider.

(10) The distribution system operator and the distribution network operator shall, on a part of the defined territory, connect a household electricity customer and a household gas customer to the system and the network under the conditions determined by the Authority and in compliance with the price or the methodology for its formation determined by the Authority, provided that the technical conditions and the commercial conditions are met. The connection contract shall also contain a time limit within which the distribution system operator or the distribution network operator is obliged to ensure the connection of the electricity consumer equipment or gas consumer equipment.

(11) The electricity end-user and the gas end-user have the right to change electricity supplier, aggregator or gas supplier. The electricity supplier, aggregator or gas supplier shall not require the electricity end-user or gas end-user to make a financial payment for the change or any other similar or related payments.

(12) The universal service provider shall publish the price list for electricity or gas supplied in the framework of the provision of universal service on its website before its entry into force; it shall also inform the Authority of the place of publication of the price list on its website. The Authority shall publish on its website a list of universal service providers together with a link to their websites.

(13) The electricity end-user and the gas end-user shall be entitled to submit<sup>Ě</sup> to the Authority for out-of-court settlement a dispute with the electricity supplier, gas supplier, aggregator, distribution system operator or distribution network operator under the following conditions

and the procedure laid down by special regulation. )<sup>18</sup>

(14) The provisions of a pooled electricity supply contract or a pooled gas supply contract may deviate from the information provided to a household electricity customer or a household gas customer prior to the conclusion of a pooled electricity supply contract or a pooled gas supply contract pursuant to paragraph 1(a) or pursuant to a special regulation<sup>18a</sup> ) only with the express consent of both parties.

(15) If the supply of electricity or the supply of gas under a pooled electricity supply contract or a pooled gas supply contract is to commence before the expiry of the withdrawal period under paragraph 1(e), first subparagraph, or if a household electricity customer or a household gas customer requests the commencement of the supply of electricity or the commencement of the supply of gas before the expiry of the withdrawal period under paragraph 1(e), first subparagraph, first subparagraph, or if a household gas customer requests the commencement of the supply of electricity or the commencement of the supply of gas before the expiry of the withdrawal period under paragraph 1(e), first subparagraph, first subparagraph, (e) of the first subparagraph, the electricity supplier or gas supplier shall require the explicit consent of the household electricity customer or household gas customer to commence the supply of electricity or gas before the expiry of the withdrawal period. Where the electricity pooling contract or gas pooling contract is a contract concluded away from the premises of the electricity supplier or gas supplier, such consent shall be recorded on a durable medium.

(16) If the electricity supplier or the gas supplier has not informed the household electricity customer or the household gas customer of the right to withdraw from the pooled electricity supply contract or the pooled gas supply contract pursuant to paragraph 1(e) first subparagraph, the household electricity customer or the household gas customer may withdraw from the pooled electricity supply contract or the pooled gas supply contract within

- a) 14 days from the date of the additional fulfilment of the information obligation on the right of withdrawal a pooled electricity supply contract or a pooled gas supply contract and, if it is a pooled electricity supply contract or a pooled gas supply contract concluded on or in connection with an unsolicited visit or at or in connection with a sales event within 30 days of the date of the additional fulfilment of the information obligation on the right of withdrawal, if the electricity supplier or gas supplier has additionally fulfilled its information obligation, but at the latest within 12 months of the date of conclusion of the pooled electricity supply contract or the pooled gas supply contract,
- b) 12 months and 14 days from the date of conclusion of the pooled electricity supply contract or contract a gas pooling contract and, in the case of an electricity pooling contract or a gas pooling contract concluded on or in connection with an unsolicited visit or at or in connection with a sales event within 12 months and 30 days of the date of conclusion of

the contract, unless the electricity supplier or gas supplier has provided information on the right to withdraw from the contract a pooled electricity supply contract or a pooled gas supply contract, or subsequently.

(17) If a household electricity customer or a household gas customer withdraws from a pooled electricity supply contract or a pooled gas supply contract, he shall not be obliged to pay for the electricity supplied or the gas delivered during the withdrawal period referred to in paragraph 1(e) of the first subparagraph, irrespective of the extent of the performance provided, if

- a) the electricity supplier or gas supplier has failed to provide him with the information referred to in paragraph 1(e); or
- b) the household electricity customer or household gas customer has not given consent pursuant to paragraph 15.

The household electricity consumer or household gas consumer shall have the right to be provided with information on alternative measures to prevent disconnection due to non-fulfilment of the contractual obligations of the household electricity consumer or household gas consumer well in advance of the planned disconnection. Alternative measure include at least information on whether the electricity supplier or gas supplier allows the household electricity customer or household gas customer to agree before disconnection<sup>Ě</sup> to meet outstanding payments in instalments, information on the terms and conditions of such instalments, and a link to the Authority's website with information on the related rights of the household electricity customer and household gas customer.

(18) The provisions on the pooled electricity supply contract and the pooled gas supply contract under this paragraph shall also apply to the electricity supply contract and the gas supply contract.

(19) The electricity or gas supplier shall publish the price list for electricity or gas customers who take electricity or gas at a price not subject to price regulation by 30 November for the following calendar year and update it regularly at least once every three months, depending on the development of the costs of ensuring the supply of electricity or gas to electricity end-users and gas end-users, on its website, if there is a change in them. The electricity or gas supplier shall also inform the Authority of the place of publication of the price list.

## § 17a

### Handling of complaints

(1) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator shall be obliged to properly inform the household electricity customer or household gas customer of the conditions and method of claiming a complaint, including information on where the complaint can be lodged; the procedure under paragraph 2 shall be deemed to be fulfilment of this obligation.

(2) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator are obliged to draw up a complaints procedure and publish it on their website and in a visible place accessible to the household electricity customer or household gas customer at the place where the electricity supplier, gas supplier, aggregator, distribution system operator or distribution network operator carries out its activities.

(3) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator are obliged to notify<sup>Ě</sup> a complaint filed by a household electricity customer or a household gas customer. A household electricity consumer and a household gas consumer may lodge a complaint at the premises of the electricity supplier, gas supplier, aggregator, distribution system operator or distribution network operator where the complaint can be accepted. The electricity supplier, gas supplier, aggregator, distribution system operator and distribution system operator shall also be obliged to accept complaints in electronic form.

(4) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator are obliged to issue a confirmation of receipt of the complaint to the household electricity customer or household gas customer when a complaint is made. If the complaint is made by means of remote communication, the electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator shall deliver the acknowledgement of receipt of the complaint to the household electricity customer or household gas customer immediately; if it is not possible to deliver the acknowledgement immediately, it shall be delivered without delay, but at the latest together with the proof of complaint handling. The acknowledgement of receipt of the complaint need not be delivered if the household electricity customer or household gas customer has the possibility to prove the claim in another way.

(5) Electricity supplier, gas supplier, aggregator, distribution system operator

and the distribution system operator shall decide on the validity of the complaint without delay. The complaint shall not take more than 30 days from the date of the complaint to be settled; in complex cases, the complaint may be settled within three months at the latest from the date of the complaint. The electricity supplier, the gas supplier, the aggregator, the distribution system operator and the distribution network operator shall inform the household electricity customer or the household gas customer within a period of 30 days after the complaint has been lodged of the fact that the complaint will take more than 30 days to be processed.

(6) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator are obliged to inform the household electricity customer or household gas customer in writing without delay about the handling of the complaint. The settlement of a complaint shall be understood as the conclusion of the complaint procedure by the acceptance of the complaint or the reasoned rejection of the complaint.

(7) The electricity supplier, gas supplier, aggregator, distribution system operator and distribution network operator are obliged to keep a record of the claims made and submit it for inspection during supervision. The record of claims shall contain information on the date of the claim and the date and manner of handling the claim.

(8) The costs associated with the handling of the complaint shall be borne by the electricity supplier, gas supplier, aggregator, distribution system operator or distribution network operator. The costs incurred by the household electricity customer or household gas customer in connection with the claim shall be borne by the household electricity customer or household gas customer if the claim has not been substantiated.

#### § 17b

##### Supply of electricity and gas to vulnerable customers at a price regulated by the Authority

(1) A vulnerable customer shall have the right to be supplied with electricity or gas at a price regulated by the Authority pursuant to a special regulation<sup>2</sup>) on the basis of a pooled electricity supply contract at a price regulated by the Authority or a pooled gas supply contract at a price regulated by the Authority. A vulnerable customer shall have the right to conclude a pooled electricity supply contract at a price regulated by the Authority or a pooled gas supply contract at a price regulated by the Authority at any time during the calendar year. This does not apply to vulnerable customers for whom the Authority has decided to limit or not to implement price regulation in accordance with a special regulation<sup>3\*</sup>).

(2) The contract for the pooled supply of electricity at a price regulated by the Authority and the contract for the pooled supply of gas at a price regulated by the Authority shall be concluded for an indefinite period or for a fixed period of twelve consecutive calendar months, with the possibility of repeatedly extending the duration of the contract for a further twelve consecutive calendar months, on the basis of a written expression of intent by the vulnerable customer. The extension of a fixed-term contract for a further period shall be possible at the latest two calendar months before the end of the electricity pooling contract at a price regulated by the Authority or the gas pooling contract at a price regulated by the Authority concluded with the electricity supplier or the gas supplier. A contract for the pooled supply of electricity at a price regulated by the Authority or a contract for the pooled supply of gas at a price regulated by the Authority may be terminated only pursuant to paragraph 3. In the absence of a written expression of intent by the vulnerable customer to extend the duration of the pooled electricity supply contract at the price regulated by the Authority and the pooled gas supply contract at the price regulated by the Authority for a further period, or a written expression of intent to terminate the pooled electricity supply contract at the price regulated by the Authority and the pooled gas supply contract at the price regulated by the Authority, on the expiry of the last day of the term of the electricity pooling contract at the price regulated by the Authority

and the gas pooling contract at the price regulated by the Authority, the electricity pooling contract at the price regulated by the Authority shall be terminated for a fixed period of time

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regulated by the Authority and a contract for the pooled supply of gas at a price regulated by the Authority shall be deemed to be a contract concluded for an indefinite period of time.

(3) A vulnerable customer has the right to terminate a contract for the combined supply of electricity at a price regulated by the Authority concluded for an indefinite period of time and a contract for the combined supply of gas at a price regulated by the Authority concluded for an indefinite period of time at any time during the duration of the contractual relationship, without giving any reason, within a notice period of two calendar months starting on the first day of the month following the month in which the vulnerable customer delivers the notice of termination to the electricity supplier or the gas supplier. The vulnerable customer shall have the right to terminate the contract for the pooled supply of electricity at a price regulated by the Authority, concluded for a fixed period and a contract for a gas pooling contract at a price regulated by the Authority, concluded for a fixed term at any time during the duration of the contractual relationship without giving any reason, at the latest two calendar months before the termination of the electricity pooling contract and the gas pooling contract concluded with the electricity supplier or the gas supplier, with the termination taking effect on the date which is the last day of the current contractual period. This shall be without prejudice to the right of a vulnerable customer under Article 17(10).

(4) Where a vulnerable customer takes electricity or gas at a price not subject to price regulation, the right to have electricity or gas supplied at a price regulated by the Authority pursuant to a special regulation<sup>2</sup>) shall be exercised by requesting the electricity supplier or gas supplier to for the conclusion of a pooled electricity supply contract at a price regulated by the Authority or a contract for the pooled supply of gas at a price regulated by the Authority, whereby the electricity supplier or gas supplier shall be obliged to conclude such a contract within 30 calendar days of receipt of a request from the electricity customer or gas customer. A contract for the pooling of electricity at a price regulated by the Authority or a contract for the pooling of gas at a price regulated by the Authority concluded pursuant to the first sentence shall take effect on the first day of the third month following the month in which the contract was concluded. The conclusion of an electricity pooling contract at a price regulated by the Authority or a gas pooling contract at a price regulated by the Authority pursuant to the first sentence shall terminate the electricity supply contract or the contract a pooled electricity supply contract with the original electricity supplier or a gas supply contract or a pooled gas supply contract with the original gas supplier under which the vulnerable electricity customer takes electricity or the vulnerable gas customer takes gas at a price not subject to price regulation as of the last calendar day of the second calendar month following the month in which the pooled electricity supply contract at a price regulated by the Authority or the pooled gas supply contract at a price regulated by the Authority was concluded. The conditions and procedure for terminating a contract under the third sentence shall be governed by the market rules. This shall be without prejudice to the provisions of Section 17(10) to (12).

(5) A vulnerable customer who connects to the system or network or who continues to receive electricity or gas at the off-take point after a change of electricity or gas customer and a vulnerable customer to whom electricity or gas is supplied by the supplier of last resort shall exercise the right to be supplied with electricity or gas at a price regulated by the Authority pursuant to a special regulation<sup>2</sup>) during the calendar year by, by requesting the universal service electricity supplier or the universal service gas supplier to conclude a pooled electricity supply contract at a price regulated by the Authority or a pooled gas supply contract at a price regulated by the Authority. This shall be without prejudice to the provisions of Article 17(10) to (12).

(6) An electricity supplier providing universal service or a gas supplier providing universal service shall be obliged to enter into a pooled electricity supply contract at a price regulated by the Authority or a pooled gas supply contract at a price regulated by the Authority with a vulnerable customer who exercises a right under paragraph 4 or 5.

(7) The electricity supplier or gas supplier shall inform the vulnerable customer with whom it has Page 42  
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Republic concluded a pooled electricity supply contract  
or a pooled gas supply contract

of his right to change electricity or gas supplier, of the offers of electricity or gas supplies at prices not subject to price regulation and of the procedure for exercising the right to change electricity or gas supplier, including the procedure for terminating the contract pursuant to paragraph 3, at least once a year if the contract is for an indefinite period and at least 90 calendar days before the termination of the contract in the case of a contract for a fixed period.

(8) An electricity supplier who is obliged to enter into a contract for the pooled supply of electricity at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) with a vulnerable customer, or who enters into such a contract, is further obliged to inform the vulnerable customer with whom it has entered into the contract on the pooled supply of electricity at a price regulated by the Authority pursuant to a special regulation,<sup>2</sup> ) no later than one month after the commencement of the supply of electricity at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) of his right to install a smart metering system on request pursuant to Section 42(4) and of the types of smart metering systems offered for installation by the distribution system operator, and to instruct him on the procedure for exercising his right to install a smart metering system on request pursuant to Section 42(4).

(9) Where the Authority has decided, by a procedure under a special regulation<sup>38c</sup> ), to restrict or not to implement price regulation, a contract for the pooled supply of electricity at a price regulated by the Authority or a contract for the pooled supply of gas at a price regulated by the Authority shall, from the date of the entry into force of the effects of the restriction or non-implementation of price regulation, be deemed to be contracts with prices not subject to price regulation. Until a new price is agreed between the vulnerable customer and the electricity supplier or gas supplier or a price change is agreed in another way, the electricity supplier or gas supplier shall have the right to determine the electricity supply price or the gas supply price for the period following the date on which the effects of the restriction or non-exercise of price regulation under the first sentence come into effect. The electricity supplier or gas supplier shall notify the determined electricity supply price or gas supply price to the vulnerable customer no later than 30 days before the date on which the effects of the restriction or non-implementation of price regulation under the first sentence take effect. The provisions of Section 17(5) and (6) shall also apply mutatis mutandis to the determination of the electricity supply price or the gas supply price by the electricity supplier or the gas supplier.

(10) If the electricity supplier or gas supplier fails to notify the vulnerable customer of the determined electricity supply price or the determined gas supply price pursuant to paragraph 9, the price that was in force immediately before the date on which the restriction or non-implementation of price regulation pursuant to a special regulation takes effect shall continue to apply. )<sup>38c</sup>

#### § 17c

##### Further requirements for the content of the contract concluded with the electricity or gas customer

(1) In the case of an electricity supply contract, a pooled electricity supply contract, a gas supply contract and a pooled gas supply contract concluded for an indefinite period of time, the period of notice shall be one month, commencing on the first day of the month following the delivery of the written notice and ending on the last day of the month concerned. This is without prejudice to the provisions of § 17(6) to (8).

(2) The electricity supply contract or the electricity pooling contract with dynamic pricing may be terminated by the household electricity consumer even if the contract is concluded for a fixed period of time. If the electricity supply contract or the electricity pooling contract with dynamic pricing is concluded for a fixed period and unless a shorter notice period is agreed, the notice period shall be one month from the first day of the month following receipt of the written notice and shall end on the last day of the month concerned. For an electricity supply contract or a contract on the pooled supply of electricity concluded with a household electricity consumer, in which a different method of determining or calculating the electricity price derived from changes in the 251/2012 Coll.

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electricity

price at

organised electricity markets, the first sentence and the second sentence shall apply equally.

(3) An arrangement that allows the electricity supplier to change the agreed electricity price to a dynamic electricity price without the explicit consent of the electricity end-user shall be null and void.

(4) If an electricity supply contract, a pooled electricity supply contract, a gas supply contract or a pooled gas supply contract is concluded with a household electricity customer or a household gas customer for a fixed period of more than 3 years, the duration of the contractual relationship shall be changed to 12 months after the expiry of 3 years from the conclusion of the contract, if the remaining duration of the original contractual relationship exceeds 12 months. The same shall apply if a contract concluded with a household electricity or household gas customer for a fixed period contains a clause which allows the contract to be renewed or the duration of the contractual relationship to be extended without the explicit expression of the household electricity or household gas customer's will, so that the total duration of the contractual relationship exceeds 3 years from the conclusion of the contract. The contract may be renewed or the duration of the contractual relationship extended after the expiry of the period referred to in the first sentence for a maximum of a further 12 months, including repeatedly.

(5) If a household electricity customer or household gas customer enters into a contract an electricity supply contract, a pooled electricity supply contract, a gas supply contract or a for a gas pooling contract for a fixed period and the contract contains a clause which allows the contract to be renewed or the duration of the contractual relationship to be extended without the explicit expression of the will of the household electricity customer or household gas customer, the electricity supplier or gas supplier shall, at the earliest three months and at the latest one month before the expiry of the duration of the contractual relationship, inform the household electricity customer or household gas customer of the following information the impending termination of the contractual relationship and the conditions under which the contract will be renewed or extended. The household electricity consumer or household gas consumer shall have the right to terminate the contractual relationship by a declaration of intent made no later than the 15th day following receipt of the information from the electricity supplier or gas supplier referred to in the preceding sentence. If the electricity supplier or gas supplier does not inform the household electricity customer or household gas customer in accordance with the first sentence, the contract shall be converted into a contract for an indefinite period of time upon expiry of the contractual relationship.

(6) In a contract concluded with a household electricity customer or a household gas customer, the provision of a financial security for the fulfilment or security of the obligations of the household electricity customer or household gas customer may be agreed only up to an amount that does not exceed two expected pro rata monthly payments for the supply of electricity or the supply of gas according to the price for the supply of electricity or the supply of gas in force at the time of the agreement of the financial security. On termination of the contractual relationship, the electricity supplier or gas supplier shall return the financial security to the household electricity customer or household gas customer at the latest on the date of the electricity supply bill or gas supply bill; in doing so, it shall be entitled to set off what the household electricity customer or household gas customer owes it for the supply of electricity or gas.

(7) A contractual penalty for a breach of the obligation of a household electricity consumer or household gas consumer to take electricity or gas during the agreed period or during the duration of the contractual relationship may be agreed only in the electricity supply contract, the pooled electricity supply contract, a gas supply contract or a pooled gas supply contract concluded for a fixed period of time and with the price for the supply of electricity or for the supply of gas agreed in a precise amount for the entire duration of the contractual relationship. The agreed contractual penalty may not exceed in total three times the estimated pro rata monthly payment for the electricity supply or gas supply, excluding payment for the electricity distribution or gas distribution and related services, according to the electricity supply or gas supply price in force at the time the contractual penalty is agreed, or the sum of such remaining payments, if less than three Page 44 Collection of Laws of the Slovak

251/2012 Coll.

Republic calendar months remained at the end of the period for which the contract is concluded at the time of the breach. Arrangement,

according to which the electricity supplier or gas supplier has the right to claim compensation for damages caused by the breach of the obligation to which the contractual penalty relates, is invalid. Payment of the contractual penalty under this paragraph shall terminate the contractual relationship between the electricity supplier or gas supplier and the household electricity customer or household gas customer. If the electricity supplier or gas supplier fails to provide the household electricity customer or household gas customer with the information referred to in Section 17(1)(a)(5) prior to the conclusion of the contract, the contractual penalty agreed pursuant to the first sentence shall be null and void.

(8) The contractual penalty arrangement for the breach of the obligation of a flexibility provider who is a household electricity customer to provide flexibility under an electricity supply contract, a pooled electricity supply contract or an aggregation contract during the agreed period or for the duration of the contractual relationship shall be null and void.

(9) The provisions of paragraphs 7 and 8 shall apply equally to the severance pay agreed in the event of withdrawal from the contract before the expiry of the period for which the contract was concluded. The provisions of paragraphs 7 and 8 shall apply equally to contracts concluded with small enterprises<sup>30a</sup> ).

(10) Where an electricity supply contract, a pooled electricity supply contract, a gas supply contract or a pooled gas supply contract contains an arrangement for the payment of payments for the supply of electricity or for the supply of gas in the form of advance payments with the right of the electricity supplier or gas supplier to determine the amount of the advance payments, the electricity supplier or gas supplier shall take into account the amount of the advance payments for the same period of the previous billing period when determining the amount of the advance payments. The determined amount of the prepayment shall take into account the actual electricity or gas consumption for the previous billing period or the planned electricity or gas consumption for the forthcoming billing period and may only be adjusted by the difference between the electricity or gas price applied in the previous billing period and the electricity or gas price to be applied in the forthcoming billing period.

#### § 17d

##### Change electricity supplier, aggregator and gas supplier

(1) The final electricity consumer has the right to choose or change the electricity supplier to his/her point of consumption connected to the transmission system or distribution system and to choose or change the aggregator. The final gas customer shall have the right to choose or change the supplier of gas to his off-take point connected to the transmission network or distribution network.

(2) A condition for exercising the right to choose or change the electricity supplier or gas supplier is the conclusion of a contract for the supply of electricity or a contract for the combined supply of electricity to the point of consumption of the final electricity customer or a contract for the supply of gas or a contract for the combined supply of gas to the point of consumption of the final the gas customer and the termination of the electricity supply contract or the contract for the combined supply of electricity to the point of consumption of the final electricity customer with the original electricity supplier or the gas supply contract or the contract for the combined supply of gas to the point of consumption of the final gas customer with the original gas supplier, on the date of the change of electricity supplier or gas supplier. The right to choose or change the electricity supplier or gas supplier shall be exercised by registering the electricity end-user's or gas end-user's off-take point with the new electricity supplier or gas supplier.

(3) The registration of the electricity end-user's or gas end-user's off-take point to the electricity supplier or gas supplier shall be carried out free of charge by the transmission system operator or distribution system operator to which the electricity end-user's off-take point is connected, or by the transmission system operator or distribution system operator to which the gas end-user's off-take point is connected

connected, at the request of the electricity end-user or gas end-user. An electricity end-user or a gas end-user may apply for registration of a point of supply with an electricity supplier or a gas supplier directly or through his new electricity supplier or gas supplier. The application for registration of a customer's point of supply as an electricity supplier or gas supplier shall be submitted to the system operator or network operator as referred to in the first sentence. Registrations of off-take points to electricity suppliers shall be registered by the short-term electricity market operator. Registrations of

off-take points for gas suppliers shall be registered by the transmission system operator or the distribution system operator according to the first sentence.

(4) The registration of the electricity end-user's off-take point to the aggregator shall be carried out free of charge by the short-term electricity market organiser at the request of the electricity enduser. The electricity end-user may apply for registration of the off-take point to an aggregator directly or through its new aggregator. The application for the registration of the off-take point as an aggregator shall be submitted in electronic form to the short-term electricity market organiser. Registrations of off-take points to aggregators shall be recorded by the short-term electricity market operator.

(5) The original electricity supplier or the original gas supplier shall notify the system operator or the network operator, prior to the change of electricity supplier or gas supplier, that the original electricity supply contract or the original contract for the combined supply of electricity to the point of consumption of the final electricity customer or the original gas supply contract or the original contract for the combined supply of gas to the point of consumption of the final gas customer pursuant to paragraph 2 has not been terminated. If the original electricity supplier or the original gas supplier notifies that the original contract has not been terminated pursuant to the first sentence, the system operator or network operator shall not make a change of electricity supplier or gas supplier and shall immediately inform the original electricity supplier, the new electricity supplier and the electricity customer or the original gas supplier, the new gas supplier and the gas customer thereof. The system operator or network operator shall not assess the validity of the termination of the original electricity supply contract, the original pooled electricity supply contract, the original gas supply contract or the original pooled gas supply contract. If the original electricity supplier or the original gas supplier notifies without justification that the original contract has not been terminated, it shall be liable for the damage suffered by the electricity customer, the new electricity supplier and the system operator or the gas customer, the new gas supplier and the network operator.

(6) If a change of electricity supplier or gas supplier under a contract concluded with a household electricity customer or household gas customer does not occur within six months of the conclusion of the contract, either party shall have the right to withdraw from the contract. The right of withdrawal under the first sentence shall cease with the effect of a change of electricity supplier or gas supplier.

(7) Paragraphs 2 and 5 shall apply mutatis mutandis to the selection or change of an aggregator by an electricity end-user. Paragraphs 1, 2, 4 and 5 shall apply mutatis mutandis to the selection or switching of an aggregator by a flexibility provider other than the final electricity customer.

(8) Paragraph 3 shall apply mutatis mutandis to a change of electricity end-user or gas end-user without a change of electricity supplier or gas supplier at the off-take point.

(9) The conditions and procedure for changing electricity supplier, aggregator and gas supplier, including the termination of the contractual relationship with the original electricity supplier, aggregator and gas supplier, shall be governed by the market rules. The Authority shall determine the conditions and procedure for changing electricity supplier, aggregator and gas supplier so that, from 1 January 2026, the technical process of changing electricity supplier, aggregator and gas supplier can be carried out on any working day within 24 hours of the application.

#### § 17e

##### Collective change of supplier

(1) The holding of an auction or other form of organised selection or mediation of an offer for the supply of electricity or gas to household electricity customers or household gas customers (hereinafter referred to as "collective switching") shall only be possible after prior notification to the Authority. A person who intends to organise a collective switching (hereinafter referred to as "collective switching organiser") is obliged to notify the Authority of the collective switching arrangement at the latest 14 days before the first publication of the terms and conditions of the collective switch with the possibility of participation or other form of offer of participation in the collective switch.

(2) The notification referred to in paragraph 1 shall contain:

- a) the identification of the organiser of the collective switch,
- b) Date or period of the event collective change supplier including its the timetable,
- c) the conditions of participation of the household electricity customer or household gas customer in the collective switching process,
- d) the conditions for the organisation of collective switching, including the criteria for the selection of electricity or gas supply offers.

(3) A household electricity consumer or a household gas consumer shall have the right to unilaterally cancel their participation in the collective switching process at any time. The unilateral cancellation of participation in the collective switching process shall extinguish all obligations of the household electricity customer or household gas customer towards the collective switching organiser which have arisen in connection with participation in the collective switching process, including the authorisation granted.

(4) The contractual penalty arrangement for cancellation of participation in the collective switching process, non-acceptance of the selected offer for electricity or gas supply or breach of the terms and conditions of participation in the collective switching process shall be null and void. A contractual arrangement restricting the right of a household electricity customer or a household gas customer pursuant to paragraph 3 shall likewise be void.

#### § 17f

##### Billing for electricity and gas supply

(1) The electricity supplier or gas supplier shall account for the electricity supply and gas supply for the billing period or on the date of the change of electricity supplier or gas supplier and provide the electricity end-user or gas end-user with a written electricity supply bill or gas supply bill and electricity supply billing information or gas supply billing information in the form specified by the electricity end-user or gas end-user.

(2) If the electricity or gas end-user so requests, the electricity or gas supplier shall provide the electricity or gas end-user with information on the data underlying the billing for electricity supply or gas supply and, if the billing is not based on actual consumption, an explanation of the manner in which the billing is prepared.

(3) An electricity end-user or a gas end-user shall have the right to choose the paper or electronic form for the free provision of electricity billing or gas billing, electricity billing information or gas billing information, information on the data underlying the preparation of the

the billing and, where the billing is not based on actual consumption, an explanation of how the billing is prepared.

(4) If the household electricity customer or household gas customer fails to pay the prepayment or arrears on the billing invoice by the due date, the electricity supplier or gas supplier shall notify the household electricity customer or household gas customer of the default and set a new due date for the obligation, which shall not be less than 30 working days from the date of dispatch of the notification of the non-payment of the obligation of the household electricity customer or household gas customer. The electricity supplier or gas supplier shall send the notice under the first sentence in writing by the postal service provider by hand. The costs of sending the notice referred to in the first sentence shall be borne by the household electricity customer or household gas customer. The written notification from the electricity supplier or gas supplier shall also include an instruction to

- a) interruption of electricity or gas supply if the household electricity customer or household gas customer fails to fulfil his/her obligation even within an additional period,
- b) the possibility of claiming entitlements from the Office of Labour, Social Affairs and Family for assistance in material need and, in particular, for the housing allowance, which is intended for the partial reimbursement of housing-related costs, )<sup>8ca</sup>
- c) the possibility to apply to the municipality for the provision of a social service and specifically a social service due to loss of housing or threat of loss of housing, )<sup>8cb</sup>

d) opportunities to seek free debt counselling for individuals. )<sup>8cc</sup>

(5) The electricity supplier or gas supplier is obliged to send information on the date of the planned interruption of the electricity supply or gas supply to the household electricity customer or household gas customer by means of the postal service provider in their own hands no later than eight working days before the planned interruption of the electricity supply or gas supply. The costs of sending the information referred to in the first sentence shall be borne by the household electricity customer or household gas customer.

(6) The aggregator shall account for the provision of flexibility for the billing period and provide the end-user electricity customer who is the flexibility provider with a written account for the provision of flexibility in the form specified by the flexibility provider. The provisions of paragraphs 2 and 3 shall apply mutatis mutandis.

(7) The billing period, the deadlines for the provision of billing for the supply of electricity, the supply of gas and the provision of flexibility and billing information for the supply of electricity or the supply of gas, and the details and breakdown of the written version of the billing for the supply of electricity, the billing for the supply of gas and the provision of flexibility, the billing information for the supply of electricity and the billing information for the supply of gas shall be governed by the market rules.

#### § 17g

##### Portal for comparing offers from electricity and gas suppliers

(1) The portal for comparing offers of electricity and gas suppliers is an electronic system that allows for the comparison of price and other conditions of electricity and gas supply, including offers of electricity supply contracts or electricity pooling contracts with dynamic electricity pricing, intended for household electricity customers, household gas customers and other end-users whose estimated annual electricity or gas consumption is less than 100 000 kWh (hereinafter referred to as the 'comparison portal').

(2) The comparison portal shall be operated by the Authority or an organisation authorised by the Authority under a special regulation.<sup>36d</sup> ) The Authority or an organisation authorised by the Authority under a special regulation<sup>36d</sup> ) shall make the comparison portal available free of charge on its website.

(3) The Authority, or an organisation designated by the Authority under a special regulation<sup>36d</sup> ), shall ensure that

- a) the price and other terms and conditions for the supply of electricity and the supply of gas by electricity suppliers or gas suppliers are published in a manner and in a structure that allows end-users to easily compare the offers with each other,
- b) to allow searches for offers from electricity or gas suppliers on a non-discriminatory basis,
- c) the information provided on the comparison portal was accurate, specific, clear, accessible to people with disabilities, up-to-date and included the time of the last update,
- d) the comparison of tenders was based on clear and objective criteria,
- e) where the comparison of tenders requires the provision of personal data, personal data have been requested only to the extent necessary and in accordance with the principle of minimisation under the specific regulation, )<sup>36e</sup>
- f) an appropriate procedure has been established to receive suggestions concerning inaccuracies in the results of the comparison.

(4) The offers published on the comparison portal shall include price and other terms and conditions for the supply of electricity or gas to new electricity end-users or gas end-users of the electricity supplier or gas supplier, without discounts or other individual terms and conditions offered to or agreed with the electricity end-user or gas end-user.

(5) The conditions for the operation of the comparison portal, including information on the operator of the comparison portal and the method of its financing, the rules for comparing offers on the comparison portal and

the procedure for receiving complaints concerning the inaccuracy of the results of the comparison pursuant to this paragraph shall be published by the Authority or by the organisation authorised by the Authority pursuant to a special regulation<sup>36d</sup>) on its website.

## § 18

### Supplier of last resort

(1) The supplier of last resort shall be obliged to supply electricity or gas to electricity end-users and gas end-users who are connected to the system or network and whose supplier has lost the ability to supply electricity or gas pursuant to paragraph 6 or the process of switching electricity or gas supplier has been stopped, and at the same time have no other means of supply as at the date of the interruption of the supply of electricity or gas.

(2) The supplier of last resort shall be obliged to supply electricity or gas to customers referred to in paragraph 1 for a maximum period of three months. The supplier of last resort shall notify the Authority of that fact without delay.

(3) The fact that the electricity supplier or gas supplier has lost the ability to supply electricity or gas pursuant to paragraph 6 or the process of changing electricity supplier or gas supplier is stopped, and at the same time the electricity end-user or gas end-user has no other means of supply on the date of the interruption of the electricity or gas supply, the system operator or the operator of the network to which the end-user of electricity or end-user of gas is connected shall immediately notify the customers and the supplier of last resort to the extent provided for in the market rules.

(4) The Authority shall decide on the selection of the supplier of last resort in accordance with the criteria determined under the special regulation.<sup>39)</sup> The decision on the selection of the supplier of last resort shall be notified by the Authority to the selected supplier and to the other tenderers. The decision on the selection of the supplier of last resort shall be subject to the General Administrative

Procedure Regulation, except for Sections 2 and 4 of Part Four

and the fifth part. An appeal against the decision on the selection of the supplier of last resort shall not have suspensive effect and the provisions of the general rule on proceedings before the courts on the suspension of the enforceability of a decision shall not apply.

(5) The supplier of last resort may refuse the supply of electricity or gas pursuant to paragraph 1 if the electricity end-user or gas end-user has been found to have an unauthorised consumption of electricity or gas or if the original electricity supplier or gas supplier has lost the ability to supply electricity or gas to the point of consumption for reasons other than those referred to in paragraph 6.

(6) The supply of electricity or gas to the off-take point by the supplier of last resort shall commence on the day following the day on which the original supplier ceases to be able to supply electricity or gas to customers with whom it has concluded an electricity supply contract or a gas supply contract or a pooled electricity supply contract or a pooled gas supply contract. The original supplier shall lose the ability to supply electricity or gas to the off-take point if

- a) has failed to ensure, for the off-take points of customers with whom it has concluded a pooled electricity supply contract or a pooled gas supply contract, access to the transmission system and the transmission of electricity or access to the distribution system and the distribution of electricity in the case of the supply of electricity, or access to the transmission network and the transportation of gas or access to the distribution network and the distribution of gas in the case of the supply of gas; the details shall be governed by the market rules,
- b) does not have a valid and effective deviation clearing contract or a contract for the assumption of responsibility for the deviation; the details shall be governed by the market rules; this shall be without prejudice to the electricity supplier's obligation under Article 34(2)(a),
- c) its authorisation to supply electricity or gas has been revoked or its authorisation to supply electricity or gas in the demarcated territory ceases pursuant to Section 6(12).

(7) On the date of commencement of the supply of electricity or gas by the supplier of last resort, the supply of electricity or gas by the original electricity supplier or gas supplier shall cease. The liability of the electricity supplier or gas supplier for damage caused to the electricity customer or gas customer shall not be affected.

(8) A customer to whom electricity or gas is supplied by a supplier of last resort shall pay the supplier of last resort the price for the supply of last resort, including payments pursuant to a special regulation<sup>40)</sup>, and comply with the other terms and conditions of the supply of last resort. The details shall be governed by the market rules.

(9) If the Clearing House terminates the Deviation Clearing Contract early on the basis of a breach of contract by the supplier, it shall immediately publish this fact on its website and shall immediately inform the operators of the regional distribution systems, the transmission system operator and the Authority of this fact in writing.

(10) Where the Authority revokes an electricity supplier's or gas supplier's authorisation for the supply of electricity or gas, it shall immediately publish that fact on its website and shall immediately notify the relevant distribution system operator or distribution network operator, the clearing house and the relevant supplier of last resort. The Authority shall without delay send the decision on the revocation of the authorisation to the electricity supplier or gas supplier concerned, to the regional distribution system operators or distribution network operators, to the transmission system operator or transmission system operator, to the supplier of last resort and to the deviation clearing house.

(11) The termination of the authorisation of a foreign person in the State under which the right arose shall be notified in writing by the person referred to in Section 6(9) to the regional distribution system operator or distribution system operator, the transmission system operator or

to the transmission system operator, the supplier of last resort and the clearing system operator without delay after becoming aware of this fact.

(12) The electricity supplier or gas supplier shall without delay notify in writing the occurrence of the facts referred to in paragraph 6(a) and (b) to the regional distribution system operators or distribution network operators, the transmission system operator or transmission system operator, the supplier of last resort, the clearing house and the Authority.

(13) The conditions for starting and ending the supply of last resort shall be governed by the market rules.

(14) An electricity or gas supplier which has lost its capacity to supply electricity or gas pursuant to paragraph 6 shall without delay offer the quantity of electricity or gas it has secured pursuant to § 34(11) or § 69(7) at the procurement cost plus nuclear inflation to the supplier of last resort. The obligation of the electricity or gas supplier under the first sentence shall arise to the extent of the expected maximum quantity of electricity or gas supplied by the supplier of last resort to electricity or gas customers whose electricity or gas supplies have been terminated pursuant to paragraph 7. The supplier of last resort shall have the right of first refusal to purchase the quantity of electricity or gas so offered or the time specified by it from the original electricity or gas supplier.

(15) The Authority shall decide, on the proposal of the supplier of last resort or on its own initiative, to impose an obligation on the electricity supplier or gas supplier to offer electricity or gas to the supplier of last resort to the extent and under the conditions referred to in paragraph 14 if the electricity supplier or gas supplier fails to comply with the obligation referred to in paragraph 14. Where there are reasonable grounds for fear that the electricity or gas supplier will fail or frustrate the obligation under paragraph 14, the Authority may initiate proceedings under the first sentence even before the electricity or gas supplier loses the ability to supply electricity or gas. The Authority may, by interim measure<sup>41)</sup>, impose a prohibition on the electricity supplier or gas supplier to transfer electricity or gas, except for the supply of electricity or gas to electricity end-users or gas end-users or the mortgaging of electricity or gas by third party rights, to the extent that the electricity supplier or gas supplier may be obliged to offer quantities of electricity or gas pursuant to paragraph 14. The interim measure



shall cease to have effect upon the expiry of 90 days from the date on which the Authority's decision under the first sentence becomes final.

#### § 18a

(1) The supplier of last resort is obliged to purchase electricity from an electricity producer who has concluded a mandatory electricity purchase agreement with an electricity purchaser who has lost the capacity to purchase electricity under a special regulation.<sup>4a</sup> ) An electricity purchaser shall lose its capacity to purchase electricity pursuant to a special regulation,<sup>4a</sup> ) if its electricity purchaser's authorisation has been revoked or its electricity purchaser's authorisation has expired. The purchase of electricity pursuant to the first sentence by the supplier of last resort shall commence on the day following the day on which the electricity purchaser has lost the capacity to purchase electricity from electricity producers with whom it has concluded a mandatory electricity purchase contract.

(2) If an electricity purchaser has lost the capacity to purchase electricity from electricity producers with whom it has concluded a mandatory electricity purchase contract, the mandatory electricity purchase contract shall terminate on the date on which the electricity purchaser has lost the capacity to purchase electricity pursuant to a special regulation. )<sup>4a</sup>

(3) The supplier of last resort is obliged to assume responsibility for the deviation for a producer of electricity from renewable energy sources or a producer of electricity by high-efficiency combined production in accordance with a special regulation,<sup>4a</sup> ) who has concluded a contract on the mandatory assumption of responsibility for the deviation with a purchaser of electricity who has lost the capacity to assume responsibility for the deviation

for a deviation according to a special regulation.<sup>4a</sup> ) An electricity purchaser shall lose its capacity to take responsibility for a deviation pursuant to a special regulation,<sup>4a</sup> ) if its electricity purchaser authorisation has been revoked or its electricity purchaser authorisation expires. The assumption of responsibility for the deviation pursuant to the first sentence shall begin on the day following the day on which the electricity purchaser has lost the capacity to assume responsibility for the deviation for the electricity producers with whom it has concluded a contract on the mandatory assumption of responsibility for the deviation.

(4) If the electricity purchaser has lost the capacity to take over the responsibility for the deviation for electricity producers with whom it has concluded a contract on the mandatory assumption of responsibility for the deviation, the contract on the mandatory assumption of responsibility for the deviation shall expire on the date on which the electricity purchaser has lost the capacity to take over the responsibility for the deviation according to a special regulation. )<sup>4a</sup>

(5) The supplier of last resort may not refuse to purchase electricity from electricity generators pursuant to paragraph 1 or to assume responsibility for a deviation on behalf of electricity generators pursuant to paragraph 3. The costs incurred by the supplier of last resort through the activities of the electricity purchaser shall be taken into account by the Authority in the price regulation procedure pursuant to a special regulation. )<sup>81</sup>

(6) The supplier of last resort shall be obliged to purchase electricity from electricity generators pursuant to paragraph 1 or to assume responsibility for the deviation on behalf of electricity generators pursuant to paragraph 3 for a maximum period of three months. The supplier of last resort shall immediately notify the Authority and the short-term electricity market operator of this fact.

(7) If the Authority revokes the electricity buyer's authorisation to act as an electricity buyer, it shall immediately publish this fact on its website and immediately notify the short-term electricity market organiser, the transmission system operator, the operators of the regional distribution systems and the supplier of last resort. The Authority shall without delay send the decision on the revocation of the authorisation to the electricity purchaser concerned, the transmission system operator, the operators of the regional distribution systems, the short-term electricity market operator and the supplier of last resort.

(8) The conditions for the commencement and termination of the activities of supplier of last resort under this paragraph shall be governed by the market rules.

#### § 19

##### System and network technical conditions and system and network operating rules

(1) In order to ensure non-discriminatory, transparent, secure access, connection and operation of the system and network, the system operator or network operator shall determine the technical conditions for access and connection to the system and network, the rules for the operation of the system and network and determine and comply with the technical security criteria for the system and network.

(2) The technical conditions for access and connection to the system and the network and the rules for the operation of the system and the network, including the direct line and the direct pipeline, shall include in particular the following conditions

- a) access to the system and network,
- b) connections to the system and network,
- c) the technical interoperability of the system and the network, including the interoperability of the system and the network,
- d) the operation of the system and the network,
- e) the operation of a direct line or a direct pipeline,
- f) ensuring the operational safety and reliability of the system and network operation,
- g) interruptions to electricity and gas supplies,
- h) disconnection from the system or network, system or network management.

(3) The technical conditions shall also include the criteria for technical security of the system and network, the method of elaboration and publication of the minimum technical-constructional and operational requirements for access, connection and operation of the system and network. The technical specifications of the system operator shall define the procedures for maintaining the operational security of the system. The transmission system operator's technical specifications shall also define the procedures for the collection of data for the preparation of the resource adequacy assessment at European level and the resource adequacy assessment at national level. The technical conditions of the distribution system operator shall furthermore contain the conditions for the provision of support services to the transmission system operator by electricity generators, operators of electricity storage facilities, active customers and energy communities whose electricity facilities are connected to the distribution system, agreed with the transmission system operator pursuant to a specific regulation. )<sup>88b</sup>

(4) The technical conditions pursuant to paragraphs 2 and 3 developed by the system operator or network operator shall be non-discriminatory. The technical conditions referred to in paragraphs 2 and 3 shall be binding on electricity market participants and gas market participants.

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(3) The draft technical conditions referred to in paragraphs 2 and 3 shall be published by the system operator or network operator on its website in such a way that it is accessible to all market participants and shall be submitted to the Authority at the same time. The Authority shall publish the draft technical conditions referred to in paragraphs 2 and 3 on its website and shall accept submissions from market participants. If the draft technical conditions pursuant to paragraphs 2 and 3 do not comply with this Act or special regulations,<sup>41</sup>) the Authority shall, by decision of its own motion, impose on the system operator or network operator the obligation to amend the draft and shall set an appropriate time limit for doing so. If the Authority does not initiate the procedure for amending the proposal within one month of the submission of the draft technical conditions pursuant to paragraphs 2 and 3, the proposal shall be deemed to be complete and without defects. Upon expiry of the time limit referred to in the preceding sentence, the execution of the obligation imposed to amend the proposal or the termination of the proceedings, the technical specifications referred to in paragraphs 2 and 3 shall take effect.

(4) The draft technical conditions of the system operator in the part that regulates the conditions for the connection of electricity generation facilities and electricity storage facilities to the system shall be submitted by the system operator to the Authority for approval. The Authority shall approve the draft technical conditions pursuant to the first sentence if they comply with this Act or special regulations.<sup>41</sup>) The provision of paragraph 5 shall not apply.

(5) The system operator and the network operator shall determine the commercial conditions for access, connection and operation of the system and the network. The scope of the commercial terms and conditions, which shall form part of the operating rules of the system operator or network operator, shall be laid down in a generally binding legal regulation issued pursuant to § 95(2)(k). A distribution system operator or a distribution network operator which submits draft operating rules to the Authority for approval pursuant to a special regulation,<sup>41a</sup>) shall be obliged to draw up the operating rules in accordance with the generally binding legal regulation issued pursuant to § 95(2)(k). If the operator of a local distribution system or the operator of a distribution network to which no more than 100 000 final gas customers are connected does not submit a draft operating order to the Authority for approval pursuant to a special regulation,<sup>41a</sup>) or if the Authority does not approve the draft operating order, it shall be obliged to adopt the model operating order.

(6) The transmission system operator, regional distribution system operator, transmission network operator, distribution network operator to which more than 100 000 end-users are connected, or storage system operator shall be obliged to prepare draft operating rules or draft amendments thereto in a transparent and non-discriminatory manner and to consult publicly before submitting them to the Authority for approval.

(7) The distribution system operator shall send the applicant for connection of the electricity generation or electricity storage facility a draft connection contract, including technical and commercial terms and conditions, within 30 calendar days of the submission of a complete application for connection. The distribution system operator shall carry out the necessary modifications to the system to enable the connection of the applicant for the connection of the electricity generation facility or the electricity storage facility within six calendar months from the final conclusion of the connection contract, if no construction permit is required for the modification of the system as a result of the connection of the applicant. The distribution system operator may not refuse the connection of the electricity generation or storage facility on the grounds of possible future limitations of the transmission or distribution of electricity to system users or the incurrence of additional costs for the necessary increase of the system capacity at the point of connection as a result of the applicant's connection. This is without prejudice to the possibility for the distribution system operator to proceed pursuant to paragraph 11.

(8) The transmission system operator shall have the right to limit the offered capacity of connection of electricity generation or electricity storage facilities to the transmission system or to offer the capacity of connection to the transmission system with the possibility of limiting its use, if such limitation conditions have been approved by the Authority. The Authority shall approve the draft limitation conditions referred to in the first sentence if the proposed limitation conditions are transparent, non-discriminatory and if their use does not cause unreasonable or unjustified barriers to market entry. The transmission system operator may not limit the capacity of the connection to the transmission system if the electricity producer or the operator of the electricity storage facility has paid a specified share of the costs caused by the connection of its equipment to the transmission

system pursuant to the contract for connection to the transmission system and if the possibility of limiting the capacity of the connection to the transmission system has not been agreed upon.

(9) The system operator and the network operator may refuse access to the system and the network on the grounds of insufficient capacity of the system and the network or on the grounds of the threat of serious economic harm and serious economic hardship in connection with gas supply contracts with a fixed volume of supply and with an obligation to pay regardless of the quantity of gas withdrawn. When refusing access to the system and the network, the system operator and the network operator shall take into account the fulfilment of obligations in the general economic interest and the protection of customers' rights. Any refusal of access to the system and network shall be justified.

(10) Any refusal to conclude a contract for connection to the system pursuant to § 28(2)(l), § 31(2)(h) or § 31(15), the system operator is obliged to justify. The system operator shall inform the applicant for connection to the system of the technical conditions or commercial conditions for connection to the system that are not met and of the measures that need to be taken in the system operated by the system operator or by the applicant for connection in order to comply with the request for connection to the system.

#### § 19a Public consultation

(1) Where this Act or a special regulation<sup>41b</sup> ) imposes an obligation on the system operator, short-term electricity market operator, network operator or storage system operator to publicly consult on draft operating rules, commercial terms or other similar conditions or procedures or changes thereto (hereinafter referred to as "draft conditions"), the system operator, the short-term electricity market operator, the network operator or the storage system operator shall publish the draft conditions on its website and allow the market participants concerned to comment on them within a reasonable period of time.

(2) System operator, short-term electricity market organiser, network operator

or the stack operator shall publish on its website the procedure and the deadline for submitting comments and shall also send the Authority a notice of public consultation on the draft comments. Where no such period is laid down by a specific regulation,<sup>41b</sup> ) the system operator, the short-term electricity market operator, the network operator or the storage system operator shall set such period of at least ten working days. The Authority shall publish on its website, without delay after receipt of the notification of the public consultation on the draft conditions, information on the launch of the public consultation and on the procedure and deadline for submitting comments.

(3) The system operator, short-term electricity market organiser, network operator or storage operator shall publish the comments made and the manner of their evaluation, together with the justification, on its website. If it modifies the draft conditions on the basis of the public consultation, it shall publish the modified draft conditions without delay.

(4) The system operator, the short-term electricity market operator, the network operator or the storage system operator shall keep a record of the public consultation carried out. If, after the public consultation, the draft conditions are approved by the Authority, the system operator, short-term electricity market operator, network operator or storage system operator shall submit the draft conditions to the Authority for approval together with the record of the public consultation.

#### § 20

##### Electricity emergencies, prevention of electricity emergencies and testing of electricity emergencies

(1) An emergency in the electricity sector is a sudden shortage or imminent shortage of electricity, a change of frequency in the system above or below the level determined for technical means ensuring automatic disconnection of equipment from the system in accordance with the technical conditions of the transmission system operator pursuant to § 19 or an interruption of the parallel operation of transmission systems, which may cause a significant reduction or interruption of the electricity supply or the disabling of power equipment, or a threat to human life and health in a defined territory or part of a defined territory as a result of

a) emergency or crisis situation, )<sup>42</sup>

b) Economic Mobilisation Measures, )<sup>43</sup>

c) accidents at electricity generation, transmission and distribution facilities outside the demarcated area,

d) compromising the safety and reliability of the operation of the system,

e) an unbalanced balance of the system or part of it,

f) the crime of terrorism. )<sup>43a</sup>

(2) Prevention of an electricity emergency is a set of measures and procedures, including restrictive measures in the electricity sector, that are a p p l i e d when an electricity e m e r g e n c y is imminent.

(3) An electricity emergency test is the verification of a set of measures and procedures, including electricity restrictive measures, applied in an electricity emergency or in the prevention of an electricity emergency.

(4) Restrictive measures in the electricity sector are:

a) limiting electricity consumption,

b) interruption of electricity distribution,

c) a change in the value of the power supplied to the system or withdrawn from the system by an electricity generator or electricity consumer,

Page 56 251/2012 Coll. d) use of spare production capacity,

e) operational shutdown of a part of the installation to the extent necessary to balance the power balance of the affected part of the system,

f) measures to restore electricity transmission and distribution,

g) suspension of market activities.

(5) The state of emergency in the electricity sector in a defined territory or in a part of a defined territory shall be declared and lifted by the transmission system operator in public mass media and by means of dispatcher control, after having assessed the consequences pursuant to paragraph 1. The transmission system operator shall immediately notify the Ministry of the declaration and lifting of the state of emergency in the electricity sector. The transmission system operator shall declare a state of emergency in the electricity sector before taking restrictive measures in the electricity sector; this shall not apply in the event of system breakdown or threat of system breakdown, when the transmission system operator shall be entitled to declare a state of emergency in the electricity sector retrospectively. The additional declaration of an electricity emergency shall be made by the transmission system operator without delay after the measures necessary for the protection and restoration of the system have been taken, specifying in the additional declaration of an electricity emergency the exact time at which the electricity emergency occurred; this time shall be deemed to be the time of the declaration of the electricity emergency.

(6) The transmission system operator shall be entitled to carry out an electricity e m e r g e n c y test in accordance with the technical conditions of the transmission system operator pursuant to § 19

to the extent necessary to ensure the safety and reliability of the operation of the system. During the electricity emergency test, all electricity restrictive measures pursuant to paragraph 4 may be implemented. Quality standards pursuant to a special regulation shall not apply during an electricity emergency test.<sup>43b</sup> ) Each electricity market participant shall provide the transmission system operator with the necessary cooperation and comply with the instructions of the transmission system operator during the electricity emergency test and the preparation for the electricity emergency test. The evaluation and settlement of deviations and control electricity during an electricity emergency test shall be carried out to the extent provided for in the market rules. The Authority shall take into account the costs of conducting electricity emergency tests in the proposed method of price regulation.

(7) Restrictive measures in the electricity sector in the event of an emergency in the electricity sector in a defined territory or part of a defined territory shall be announced and revoked by the transmission system operator in the public mass media and by means of dispatcher control. Restrictive measures in the electricity sector in the

event of an electricity emergency in part of the defined territory shall be declared and revoked by the transmission system operator on the basis of a request from the distribution system operator; the distribution system operator which requests the transmission system operator to declare restrictive measures in the electricity sector in the event of an electricity emergency in part of the defined territory shall be liable for the damage caused if the conditions laid down in paragraphs 1 to 8 for their declaration have not been fulfilled. Restrictive measures in the electricity sector for the prevention of an electricity emergency and the testing of an electricity emergency shall not be declared, but shall be notified to the electricity market participants concerned within one hour of their adoption at the latest.

(8) The transmission system operator or the distribution system operator shall proceed in the adoption of restrictive measures in the electricity sector in such a way that the supply of electricity to public utility installations and household electricity customers is not restricted or interrupted beyond the necessary level.

(9) Each electricity market participant shall be obliged to undergo restrictive measures in the electricity sector during their preparation and implementation and measures aimed at eliminating

an emergency in the electricity sector; this does not apply to an electricity end-user connected to the system outside the defined territory. If a state of emergency in the electricity sector has been declared, the electricity market participant shall be obliged to participate in the elimination of the causes and consequences of the state of emergency in the electricity sector and in the restoration of electricity supply.

(10) If an electricity market participant fails to comply with restrictive measures in the electricity sector after their announcement or notification, the transmission system operator and, in the case of non-compliance with restrictive measures in the electricity sector in a part of the defined territory, the distribution system operator shall have the right to claim compensation from the electricity market participant for the damage incurred by the transmission system operator or the distribution system operator as a result thereof.

(11) The electricity market participant shall ensure at its own expense that its equipment complies with the requirements laid down by the generally binding legal regulation issued pursuant to § 95(1)(d) and the technical conditions of the transmission system operator pursuant to § 19. The requirements for equipment under the first sentence shall apply to new and existing equipment of the electricity market participant concerned. The Authority shall take into account the costs of the entities pursuant to a special regulation<sup>43c</sup>) induced by the fulfilment of these requirements in the proposed method of price regulation.

(12) An electricity emergency is also a situation in which the price of wholesale energy products on wholesale energy markets<sup>43d</sup>) reaches a level that may lead to unaffordability of electricity for customers in a defined territory, not only in the short term, and which may cause a threat to the national security, health or life of a large group of electricity customers or a threat of significant economic damage to electricity end-users in the defined territory.

(13) A state of emergency in the electricity sector for the reasons referred to in paragraph 12 in a defined territory shall be declared and revoked by the Government on the proposal of the Ministry. The declaration of a state of emergency for the reasons referred to in paragraph 12 shall be announced in the Collection of Laws of the Slovak Republic and proclaimed in the public mass media.

(14) In a state of emergency in the electricity sector declared for the reasons under paragraph 12, the Ministry shall, by a generally binding legal regulation based on a decision of the Government, order measures to the necessary extent and for the necessary period of time to the electricity market participants in the defined territory, which are:

- a) restriction of transactions, including restriction of export of electricity from the demarcated territory pursuant to a specific regulation,<sup>43e</sup>) except for the transport of electricity to and from interconnected systems of Member States or third countries through the demarcated territory without consumption in the demarcated territory,
- b) the use of the production capacity of the electricity producer's facilities in the defined territory with a supply of electricity to the grid of 500 MWh or more per year for the purpose of supplying electricity to designated groups of electricity end-users in the defined territory at a designated price or for the purpose of supplying electricity to an

electricity supplier designated by the Ministry, which shall ensure the supply of electricity to designated groups of electricity end-users in the defined territory at a designated price,

- c) the designation of an electricity supplier to be charged with the obligation to supply electricity pursuant to point (b) to designated groups of final electricity customers in the defined territory at a specified price; the Ministry may designate one or more electricity suppliers to be charged with the obligation to supply electricity pursuant to point (b) to designated groups of final e l e c t r i c i t y customers in the defined territory at a specified price,
- d) a reduction in energy consumption or other energy saving measure for electricity end-users other than household electricity customers,

the obligation to participate in a public procurement procedure for the supply of electricity, to submit a tender and, as the successful tenderer, to conclude a contract or framework agreement for the supply of electricity at a specified price, or the obligation to submit a tender or a contract proposal and to conclude a contract for the supply of electricity at a specified price the supply of electricity at a specified price if the contracting authority or contracting entity concludes the contract otherwise than in accordance with the public procurement rules.

(15) Measures ordered pursuant to paragraph 14 shall be proportionate, non-discriminatory and transparent. Each electricity market participant shall comply with the measures ordered by the Ministry pursuant to paragraph 14.

(16) The eligible costs of the designated electricity supplier associated with the performance of the measure referred to in paragraph 14(c) shall be reimbursed by the State through the Ministry.

(17) The price under paragraph 14(b), (c) and (e) shall be determined by the Government by Government Decree; the price may be determined differently for electricity produced by different technologies and may be determined differently for different groups of electricity consumers. The Authority shall provide assistance in determining the price.

(18) A state of emergency in the electricity sector declared for the reasons referred to in paragraph 12 may be declared<sup>44</sup> for a maximum period of 180 days. If the reasons for declaring a state of emergency in the electricity sector persist, the state of emergency in the electricity sector may be extended for a further 40 days, including repeatedly, to the extent and for the time necessary. The National Council of the Slovak Republic (hereinafter referred to as "the National Council") must give its consent to the extension of the state of emergency in the electricity sector pursuant to the second sentence within 20 days from the first day of the extended state of emergency in the electricity sector. If the National Council does not give its consent, the prolonged state of emergency in the electricity sector shall expire on the date of non-approval of the Government's proposal for consent to the prolongation of the state of emergency in the electricity sector, otherwise on the expiry of the time limit under the third sentence for giving such consent.

(19) In an electricity emergency until its revocation and for the duration of restrictive measures in the electricity sector declared or notified under the conditions laid down by a generally binding legal regulation issued pursuant to Section 95(1)(a)(1) of Act No. (d) or during the duration of the measures ordered by the Ministry pursuant to paragraph 14, the right to compensation for damage and loss of profit on account of the reason for which the electricity emergency was declared or for which the electricity emergency was threatened or on account of the implementation of the restrictive measures in the electricity sector or the measures ordered by the Ministry pursuant to paragraph 14 shall be excluded. The right to compensation for damages and lost profits due to the reason for which the state of emergency in the electricity sector was declared or for which the state of emergency in the electricity sector was threatened, or due to the implementation of restrictive measures in the electricity sector or measures ordered by the Ministry pursuant to paragraph 14, shall also be excluded if the system user's equipment was disconnected as a result of the operation of technical means ensuring automatic disconnection of equipment from the system in accordance with the technical conditions of the transmission system operator pursuant to § 19. The evaluation and settlement of deviations and control electricity shall be carried out in accordance with the market rules.

## § 21

### Crisis situation in the gas industry

(1) The levels of a gas crisis are the early warning level (early warning), the alert level (alertÉ) and the emergency level (emergency) according to a specific regulation.<sup>14</sup>

(2) The gas crisis situation and its level in the defined territory or in part of the defined territory shall be declared and revoked by the distribution network operator, which shall, on the basis of a decision of the Ministry, perform the tasks of gas dispatching in the defined territory, in the public mass media and by means of dispatching control. This distribution system operator shall immediately notify the Ministry of

- a) the declaration and lifting of a state of emergency and its level,
- b) information on the measures referred to in paragraph 5 that it plans to applyÉ,
- c) on request, further information regarding the declared crisis situation and its level; or measures pursuant to paragraph 5,
- d) information on whether the crisis situation may result in a request for assistance from the European Union and its Member States.

(3) A distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in a defined area shall, at the request of the Ministry, declare or withdraw an emergency without delay.

(4) Where a crisis situation has been declared, gas market participants are obliged to contribute to the elimination of its causes and consequences.

(5) Each participant in the gas market shall be obliged to comply with the measures taken in the event of a crisis situation (hereinafter referred to as "restrictive measures in the gas sector") and measures aimed at eliminating the crisis situation, which shall be announced or determined by the distribution network operator, which, on the basis of a decision of the Ministry, performs the tasks of gas dispatching in the defined territory. The restrictive measures in the gas sector where the gas supply is restricted or interrupted shall be applied in the following order:

- a) restricting gas offtake by customers who operate production or gas-intensive services,
- b) interruption of gas supply to customers under point (a),
- c) restriction and interruption of gas supply to other customers except protected customers,
- d) restriction and interruption of gas supply to protected customers pursuant to § 3(c) 15.2 a 15.9,

e) restriction and interruption of gas supplies to protected customers pursuant to § 3(c)(15.3),

f) restriction and interruption of gas supply to protected customers pursuant to § 3(c) 15.4 to 15.7,

g) restriction and interruption of gas supply to protected customers pursuant to § 3(c) 15.8. a 15.10.,

h) restriction and interruption of gas supplies to protected customers pursuant to § 3(c)(15.1).

(6) The restriction and interruption of gas supply pursuant to paragraph 5 shall not apply to the storage operator and the gas producer.

(7) Restrictive measures in the gas industry in the defined territory or in part of the defined territory shall be announced and revoked by the distribution network operator, which shall, on the basis of a decision of the Ministry, perform the tasks of gas dispatching in the defined territory, in the public mass media and by means of dispatching control. That distribution system operator shall notify the Ministry without delay of the declaration and withdrawal of restrictive measures in the gas sector and of the designation of measures aimed at eliminating the crisis situation; the notification of the declaration and withdrawal of restrictive measures in the gas sector or on the determination of measures to remedy the crisis situation shall also include details of the restrictive measures applied in the gas sector or measures aimed at removing the crisis situation and, in the case of measures pursuant to paragraph 8, the appropriate justification.

(8) The distribution network operator, which, by decision of the Ministry, performs the tasks of gas dispatching in a defined territory, may, in duly justified exceptional situations, declare or determine restrictive measures in the gas sector or measures aimed at eliminating a crisis situation which are not specified in the emergency plan pursuant to Section 23, provided that the following are met

these conditions:

- a) restrictive measures in the gas sector or measures aimed at removing a crisis situation do not unduly restrict the flow of gas within the internal market,
- b) the restrictive measures in the gas sector or the measures aimed at removing the emergency situation do not seriously jeopardise the gas supply situation in another Member State, and
- c) cross-border access to infrastructure is maintained in accordance with a specific regulation,<sup>45</sup> ) as far as technically and security-wise possible.

(9) A distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in a defined area shall, at the request of the Ministry, immediately withdraw or cancel a restrictive measure in the gas sector or a measure aimed at eliminating an emergency situation.

(10) If a gas market participant fails to comply with the restrictive measures in the gas sector, it shall be obliged to compensate the distribution network operator, which performs the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry, forÉ the damage incurred by the distribution network operator for this reason.

(11) A gas emergency is also a situation where the price of wholesale energy products on the wholesale energy markets<sup>154</sup> ) reaches a level, not only in the short term, which may lead to a price unavailability of gas for customers in a defined territory and which may cause a threat to the national security, health or life of a large group of gas customers or a threat of significant economic damage to end-users of gas in a defined territory.

(12) A state of emergency in the gas industry for the reasons referred to in paragraph 11 in a defined territory shall be declared and lifted by the Government on the proposal of the Ministry. The declaration of a state of emergency for the reasons referred to in paragraph 11 shall be announced in the Collection of Laws of the Slovak Republic and announced in the public mass media.

(13) In a state of emergency in the gas sector declared for the reasons referred to in paragraph 11, the Ministry shall, by a generally binding legal regulation on the basis of a decision of the Government, to the necessary extent and for the necessary period of time, order measures to be taken by the participants in the gas market, which shall be as follows:

- a) determining the group of end-users to whom gas may be supplied or imposing an obligation to restrict or interrupt gas consumption for specified groups of end-users,
- b) restriction or prohibition of gas transport to the gas networks of neighbouring States, except for international gas transport and gas transport in the framework of international assistance in gas crises without consumption in the defined territory,
- c) Imposing an obligation on the operator of a storage facility within the defined territory or outside the defined territory, if connected to the network, to ensure the production of gas from the storage facility at a specified price for a gas supplier designated by the Ministry, which shall ensure the supply of gas to specified groups of end-users of gas in the defined territory at a specified price; This obligation does not apply to gas which constitutes the basic filling of a storage facility to the extent necessary to ensure its safe and reliable operation and gas stored in a storage facility for the purposes of the strategic stocks of another Member State of the European Union,
- d) the designation of a gas supplier to whom the obligation to supply gas to designated groups of end-users of gas in a designated territory at a designated price shall be imposed; the Ministry may designate one or more gas suppliers to be entrusted with the supply of gas to designated groups of end-users of gas in a designated territory at a designated price,
- e) the imposition of obligations pursuant to § 67(8),
- f) a reduction in energy consumption or other energy-saving measure for final gas customers other than household gas customers,
- g) the obligation to participate in a public procurement procedure for the supply of gas, to submit a tender and, as the successful tenderer, to conclude a contract or framework agreement for the supply of gas at a specified price, or the obligation to submit a tender or a draft contract and to conclude a contract for the supply of gas at a specified price if the contracting authority or contracting entity concludes the contract otherwise than in accordance with the procedure laid down in the public procurement regulations.

(14) Measures ordered pursuant to paragraph 13 shall be proportionate, non-discriminatory and transparent. Each gas market participant shall comply with the measures ordered by the Ministry pursuant to paragraph 13.

(15) The eligible costs of the designated gas supplier associated with the performance of the measure referred to in paragraph 13(d) shall be reimbursed by the State through the Ministry.

(16) The price pursuant to paragraph 13(c), (d) and (g) shall be determined by the Government by Government Decree; the price may be determined differently for different groups of gas customers. The Authority shall provide assistance in the determination of the price.

(17) A state of emergency in the gas industry declared for the reasons referred to in paragraph 11 may be declared for no longer than 180 days. If the reasons for declaring a gas emergency persist, the gas emergency may be extended for a further 40 days, including repeatedly, to the extent and for the time necessary. The extension of the gas emergency under the second sentence must be approved by the National Council within 20 days of the first day of the extended gas emergency. If the National Council does not give its consent, the prolonged gas emergency shall expire on the date of the non-approval of the Government's proposal for consent to the prolongation of the gas emergency, otherwise on the expiry of the period under the third sentence for giving such consent.

(18) In a state of emergency, until it is lifted, the right to compensation for damages and lost profits on account of the reason for which the state of emergency was declared or on account of the implementation of restrictive measures in the gas industry or measures aimed at eliminating the state of emergency or measures ordered by the Ministry pursuant to paragraph 13 shall be excluded.

(19) If a Member State has requested the Slovak Republic for solidarity in gas supply, the distribution network operator, which, on the basis of a decision of the Ministry, performs the tasks of gas dispatching in the defined territory, may declare restrictive measures in the gas sector pursuant to paragraph 5 for the purpose of providing solidarity in gas supply.

(20) Between the declaration of a gas crisis and the lifting of the gas crisis for the purpose of providing solidarity in the supply of gas, the provisions on

- a) prior consent of the Authority pursuant to Section 55(5),
- b) the obligation to submit draft commercial and financial agreements to the Authority for approval pursuant to Article 57(2)(c),
- c) obligations of the regulated entity under a specific regulation<sup>45a</sup>) shall submit a service contract to the Authority for approval.

(21) The transmission system operator shall inform the Authority of the conclusion of commercial and financial agreements pursuant to paragraph 20(b) or service contracts pursuant to paragraph 20(c).

## § 22

### Gas supply safety standard

(1) A distribution system operator which, by decision of the Ministry, performs the tasks of

the gas dispatching centre in the defined territory, the gas supplier and the protected customer who secure gas supplies from the territory of the Member States or from the territory of third countries shall be obliged to ensure a standard of security of gas supply for protected customers in order to deal with the crisis situation at the level of the state of emergency. During the declaration of a crisis situation at the emergency level, gas suppliers and protected customers who secure their gas supplies from the territory of the Member States or from the territory of third countries shall be obliged to use market-based measures to secure their gas supplies.

(2) The standard of security of gas supply is the provision of gas supply to protected customers to the extent provided for in the special regulation. )<sup>46</sup>

(3) The distribution network operator, which, by decision of the Ministry, performs the tasks of gas dispatching in the defined territory, shall, for the purpose of dealing with a crisis situation at the emergency level, ensure the standard of security of gas supply for protected customers in accordance with § 3(c)(15.1) For the purpose of dealing with a crisis situation at the level of an emergency, the gas supplier shall ensure a standard of security of gas supply for the protected customers to whom it supplies gas, except for the protected customers referred to in § 3(c)(15.1). A protected customer who procures his gas supply from the territory of the European Union or from the territory of third countries shall also ensure a standard of security of gas supply for the purpose of dealing with a crisis situation at the level of an emergency. If the Ministry so determines by a decision pursuant to Section 24(3)(h), the security of gas supply standard for protected customers referred to in Section 3(c)(15.1) shall be ensured by the gas supplier of last resort. In ensuring the security of supply standard, the gas supplier of last resort shall have the rights and obligations of the distribution network operator, which shall perform the tasks of the gas dispatcher in the defined area on the basis of a decision of the Ministry, to the extent provided for in paragraphs 1 to 9.

(4) The distribution network operator, which performs the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry, the gas supplier for protected customers and the protected customer, which secure gas supplies from the territory of the European Union or from the territory of third countries, shall ensure the standard of security of gas supply by gas stocks in storage tanks with the availability of gas supplies from the storage tanks in a crisis situation at the level of emergency to the network in the defined territory, or by contractually secured supplies of gas produced in the defined territory. No more than 30 % of the volume of gas needed to ensure the security of gas supply standard may be provided by using cross-border network capacity with contractually secured emergency gas supplies available in an emergency at the level of the emergency in the demarcated territory. The contractual security of transport of the gas to be used to ensure the security of gas supply standard shall be demonstrated.

(5) The distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in the defined territory, the gas supplier and the protected customer who secure gas supplies from the territory of the European Union or from the territory of third countries shall submit to the Ministry by 30 April each year a proposal for the method

of ensuring the standard of security of gas supply for the following period from 1 November to 31 March, for each month of such period separately, in such a way that the method of ensuring the standard of security of gas supply in each month corresponds to the average expected consumption of the protected customers for the relevant month.

(6) By 31 May, the Ministry shall, after consultation with the Authority and the distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in the defined territory, decide on the method of ensuring the standard of security of gas supply for the following period from 1 November to 31 March, for each month of such period separately, so that the method of ensuring the standard of security of gas supply in each month corresponds to the average expected consumption of the protected customers for the relevant month.

(7) In exceptional cases, in view of technical possibilities and at the request of persons pursuant to paragraph 1, the Ministry may, by decision, grant an exemption from the method of ensuring the standard of security of gas supply; the obligation to comply with the standard of security of gas supply shall not be affected. Where a gas supplier obtains a gas supply licence after 30 April, it shall submit to the Ministry a proposal for a method of ensuring the security of gas supply standard for the following period from 1 November to 31 March, or part thereof, at the latest 60 days before the date on which the gas supply activity is to commence.

(8) The distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in the defined territory, the gas supplier and the protected customer who secure gas supplies from the territory of the European Union or from the territory of third countries, shall submit to the Ministry, by 30 September each year, information on the security of gas supply standard for the following period from 1 November to 31 March. If the security of gas supply standard is inadequate, the Ministry shall impose measures by decision. An appeal against the decision of the Ministry on measures to ensure the security of gas supply standard shall not have suspensory effect.

(9) The distribution network operator which, by decision of the Ministry, performs the tasks of gas dispatching in the defined territory, the gas supplier and the protected customer referred to in paragraph 1 may, on the basis of a contract, transfer the responsibility for ensuring the standard of security of gas supply to another participant in the gas market. A distribution system operator which, by decision of the Ministry, performs the tasks of gas dispatching in a defined area may delegate responsibility for ensuring the standard of security of gas supply to another participant in the gas market, which is the gas supplier of last resort, only on the basis of a decision of the Ministry pursuant to Article 24(3)(h). A gas market participant referred to in paragraph 1 to which the responsibility for ensuring the security of gas supply standard has been transferred pursuant to the first sentence or the second sentence may provide up to 50 % of the total volume of gas necessary to ensure its own and the transferred responsibility for ensuring the security of gas supply standard by using cross-border network capacity with contractually secured emergency gas supplies available in a crisis situation at the emergency level in the defined territory. The delegation of responsibility shall be without prejudice to the obligation to submit a proposal on how to ensure the security of gas supply standard pursuant to paragraph 5 and the information pursuant to paragraph 8. A gas supplier and a protected customer who has transferred responsibility for ensuring the security of gas supply standard to another gas market participant may not assume responsibility for ensuring the security of gas supply standard on behalf of another gas market participant.

(10) A gas supplier who has concluded a gas supply contract or a gas pooling contract with a customer protected by solidarity in a defined territory or provides gas for the purpose of solidarity in the supply of gas outside the defined territory shall be obliged to conclude a contract for access to the transmission network and transport of gas with the transmission system operator or, by mutual agreement with another transmission system user, to use the transport capacity ordered in its contract for access to the transmission network and transport of gas concluded with the transmission system operator.

### § 23

#### Preventive action plan and emergency plan in the gas sector

(1) The Ministry develops, adopts and publishes on its website and in the Bulletin of the Ministry of Economy of the Slovak Republic (hereinafter referred to as the "Bulletin of the Ministry") a preventive action plan and an emergency plan pursuant to a special regulation. )<sup>7</sup>

(2) Each participant in the gas market shall comply with the obligations laid down in the binding timeframe of the Preventive Action Plan or Joint Preventive Action Plan pursuant to a specific regulation<sup>48</sup> ) and the binding timeframe of the Emergency Plan or Joint Emergency Plan pursuant to of a special regulation.

)<sup>49</sup>

### § 24

#### Obligations of general economic interest

(1) For the purposes of this Act, the general economic interest in the energy sector shall be understood as ensuring in particular

- a) system or network security, including ensuring the regularity, quality and price of electricity and gas supplies and energy efficiency,
- b) preferential access to the grid for the supply of electricity produced from renewable energy sources,
- c) the use of renewable energy sources and cogeneration,
- d) the fulfilment of obligations arising from international treaties to which the Slovak Republic is bound,
- e) Fulfillments commitments arising from of membership Slovak of the Republic of Slovakia in international organisations,
- f) environmental protection,
- g) the production of electricity in the defined territory and the supply of the electricity produced to ensure the supply to customers in the defined territory,
- h) the standard of security of gas supply for protected customers pursuant to § 3(c)(15.1),
- i) the provision of support services in the electricity sector.

(2) The general economic interest in the energy sector is approved by the Government on a proposal from the Ministry. Before submitting a proposal for approval of the general economic interest to the Government of the Slovak Republic, the Ministry shall prepare an analysis of the impact of the proposed measures in the general economic interest on electricity and gas market participants, on the public administration budget and on the business environment. The Ministry shall propose to the Government the approval of the general economic interest only if the analysis of the impact of the measures of general economic interest demonstrates their justification.

(3) The Ministry may, in the general economic interest, impose obligations on the electricity producer, the system operator and the network operator, the electricity supplier and the gas supplier and the storage tank operator to ensure that

- a) the safety, regularity, quality and price of electricity and gas supply and the energy efficiency of electricity supply,
- b) the use of renewable energy sources, cogeneration and domestic coal in electricity generation,
- c) Preferred access, connection, transmission, distribution and supply electricity produced from renewable energy sources and electricity produced from domestic coal,
- d) the protection of household electricity and household gas customers,
- e) the fulfilment of the obligations under paragraph 1(d) and (e),
- f) the provision of support services necessary to ensure the operational reliability of the system and to provide system services at electricity generation facilities,
- g) the production of electricity in the defined territory and the supply of the electricity produced to ensure supply to customers in the defined territory,
- h) the security of gas supply standard for protected customers pursuant to § 3(c)(15.1).

(4) Obligations imposed pursuant to paragraph 3 shall be unambiguous, enforceable, verifiable, transparent, non-discriminatory and shall ensure equality of access for electricity and gas undertakings in the Member States to final customers in the defined territory.

### § 24a

#### Financing of an obligation imposed in the general economic interest

(1) The financing of obligations imposed in the general economic interest pursuant to Section 24 shall be carried out in the manner and to the extent provided for in this Act by means of reimbursement from the State budget as compensation for the net costs of the obligation imposed in the general economic interest.

(2) The Ministry is obliged to publish information on the Ministry's website by 30 June each year at the latest, without undue delay, on the amount provided from the State budget to compensate for the net costs of the obligation imposed in the general economic interest.

#### § 24b

##### Net cost of the obligations imposed in the general economic interest

(1) The net costs of an SGEI are all costs which are related to or necessary for the provision of the SGEI.

(2) The net cost of the SGEI shall be calculated as the difference between the net cost of the provider of the SGEI and the net cost of the same provider of the SGEI if it did not provide the SGEI. In determining the net cost of the SGEI, account shall also be taken of the cost-effectiveness of providing the SGEI and a reasonable profit.

#### § 24c

##### Compensation for the net cost of the SGEI

(1) If the net costs of the SGEI are incurred by the provider of the SGEI (hereinafter referred to as 'the provider of the SGEI') in a calendar year as a result of the provision of the SGEI which represent a disproportionate financial burden for the provider of the SGEI, the provider of the SGEI shall be entitled to reimbursement of the costs, unless otherwise provided for in this Act. The claim for compensation for disproportionate financial burden shall be assessed by the Ministry in cooperation with the Ministry of Finance of the Slovak Republic and the Authority in the procedure for determining the compensation for disproportionate financial burden of the obligation in the general economic interest. A disproportionate financial burden is a situation where the net costs of an obligation in the general economic interest are such that, in view of the objective circumstances which have caused the economic situation of the provider of the obligation, it is not possible to fairly require the provider of the obligation to bear them. The amount of the net cost of the SGEI pursuant to Article 24(1)(a) and (g) shall be assessed by the Authority, which shall, for the purposes of the procedure for determining compensation for the disproportionate financial burden of the SGEI, produce, at the request of the Ministry, a certificate issued by the Ministry stating the amount of the net cost of the SGEI.

(2) At the same time as the determination of the net cost of the SGEI according to § 24b The Ministry shall issue a decision on the compensation of the net costs of the obligation in the general economic interest. The decision shall be in writing and shall include the designation of the authority which made the decision issued, and the person who acted on his behalf, identification of the provider of the obligation to which it relates, the operative part, including the amount of compensation for the net cost of the SGEI, the statement of reasons, the date and place of issue of the decision and the signature of the person acting. The decision shall be notified to the provider of the service and shall be open to appeal within 15 days, which shall have suspensory effect.

(3) The compensation determined pursuant to paragraph 2 shall become payable in the calendar year immediately following the calendar year for which the Ministry determines compensation for the net costs of the obligation imposed in the general economic interest pursuant to paragraph 2, unless otherwise provided by this Act. The Ministry of Finance of the Slovak Republic shall reimburse the provider of the obligation for the net cost of the obligation in the general economic interest as follows:

- a) an amount equal to the sum of the net costs of the SGEI,
- b) in an amount equal to the difference between the sum of the net cost of the obligation in the general economic interest and the compensation resulting from special agreements concluded between the provider of the obligation, the Ministry of Finance of the Slovak Republic and the Ministry,
- c) within 30 calendar days of receipt of a final decision of the Ministry on the compensation of the net costs of the obligation in the general economic interest.

(4) Compensation for the performance of an obligation in the general economic interest may also be paid by the Ministry of Finance of the Slovak Republic to the provider of the obligation in the calendar year in which the provider of the obligation provides the obligation in the general economic interest. The amount of the reimbursement in a calendar year is determined in the certificate on the estimated amount of the net costs of the SGEI issued by the Authority. Paragraphs 2 and 3 shall apply mutatis mutandis when accounting for the compensation granted.

#### § 24d

##### Confirmation of the net cost of the SGEI and confirmation of the estimated net cost of the SGEI

(1) The provider of an obligation under Section 24(1)(a) and (g) shall request the Authority annually by 30 June of the calendar year for the preceding calendar year for confirmation of the amount of the net cost of the obligation in the general economic interest or, where compensation is provided under § 24c(4), request confirmation of the estimated net cost of the obligation in the general economic interest (hereinafter referred to as "confirmation"), whereby the request for confirmation shall contain the particulars set out in paragraph 2. The Authority shall issue the certificate within 30 days of receipt of a complete application. If the application is incomplete, the Authority shall invite the provider of the obligation to complete the application within a period to be determined by the Authority. If the application is not completed by the obligation provider within the specified time limit, the Authority shall not issue a certificate.

(2) An application for a certificate shall include:

- a) the business name, registered office and identification number of the provider of the obligation and, in the case of an obligation of general economic interest in the scope of electricity generation, the identification of the electricity generation facility,
- b) a quantification of the net cost of the SGEI for the preceding calendar year or a quantification of the estimated net cost of the SGEI,
- c) a quantification of the total costs for the previous calendar year,
- d) other data and supporting documents according to the generally binding legal regulation issued by the Authority pursuant to § 95(2)(p).

(3) The confirmation shall include:

- a) the identification of the provider of the obligation pursuant to paragraph 2(a) and, in the case of an obligation imposed in the general economic interest to the extent of electricity generation, the identification of the electricity generation installation,
- b) an indication of the net cost of the SGEI or the estimated amount of the net cost of the SGEI for the preceding calendar year,
- c) the name of the authority issuing the certificate,
- d) the date and signature of the responsible official of the person acting for the Authority.

(4) For the purposes of assessing and determining the net costs of the SGEI or assessing and determining the estimated net costs of the SGEI, the Authority shall be entitled to verify and check the documents used to calculate the net costs of the SGEI or to calculate the estimated net costs of the SGEI itself or through a competent and independent person authorised by it, and to inspect the books and records of the provider of the SGEI. The Authority shall also be entitled to request in writing the provider of the obligation to submit data for the purpose of assessing and determining the net cost of the SGEI or assessing and determining the estimated net cost of the SGEI within a specified period of time, which shall not be less than five days from the date of receipt.

(5) The confirmation shall be delivered by the Authority to the provider of the obligation and shall be published on the Authority's website no later than ten days after the receipt of the confirmation by the provider of the obligation.

(6) The Authority shall, at the request of the provider of the obligation or on its own initiative, amend or revoke the certificate if it is established that it was issued on the basis of incorrect data or false information or if the conditions or facts on the basis of which the certificate was issued have changed. In proceedings on its own



initiative, the Authority shall give the provider of the obligation an opportunity to comment on the reasons for the amendment or revocation of the certificate. The provisions of the preceding paragraphs shall apply *mutatis mutandis*.

(7) The provider of the obligation may object to the modification or revocation of the confirmation to the Regulatory Board (hereinafter referred to as the "Regulatory Board") within 15 days of receipt of the confirmation or notice of revocation of the confirmation.  
"advice"). The provisions of paragraphs 9 to 11 shall apply *mutatis mutandis* to the consideration of objections.

(8) The Authority shall correct clerical, numerical and other obvious errors in the written version of the certificate at any time, even without a proposal, and shall notify the provider of the obligation thereof.

(9) If the Authority does not comply with the duty provider's request for a full certificate or does not issue a certificate, the duty provider has the right to make written representations to the Board within 15 days of the date of receipt of the certificate or of the date of receipt of the notice of nonissue of the certificate. The lodging of objections shall not have suspensive effect.

(10) The Board shall examine the objections lodged within 30 days from the date of receipt.

(11) If the Board finds that the objections are well-founded, it shall order the Authority to remedy the objections within ten days of the end of the examination of the objections. If the Board finds that the objections are unfounded, it shall notify the provider of the obligation in writing within five days of the end of the examination of the objections.

(12) The Authority shall keep a record of the certificates issued.

#### § 24e

##### Special provisions for separate accounting of the provider's obligations

(1) The provider of the obligation shall record in its accounts, by means of analytical accounts or analytical records, the costs and revenues from the provision of each service and product that is part of the SGEI and the costs and revenues from the provision of other services and products, for the purpose of calculating the net cost of the SGEI. The accounts of the provider of the service must be based on objectively justifiable costing and costing principles (hereinafter referred to as 'cost accounting').

(2) In the accounting of the obligation provider, the costs shall be allocated and attributed to the specific group of end-users for whose benefit the general economic interest is issued pursuant to Section 24.

(3) The common costs necessary to provide both the SGEI and the other services shall be allocated in the same way and the same methodology for allocating the costs of the SGEI shall be applied to the other services.

(4) A change to the cost accounting principle as referred to in paragraph 1 may only be used by the provider of the obligation if it complies with the conditions under paragraph 1 and after prior approval by the Ministry of Finance of the Slovak Republic; the Ministry of Finance of the Slovak Republic shall inform the European Commission of any change to the cost accounting principle prior to its approval.

(5) The Ministry of Finance of the Slovak Republic is authorised to verify the compliance of the accounting of the provider of the obligation with this Act or to ensure its verification by a professionally competent and independent person, as well as to consult the books and records of the provider of the obligation in the general economic interest for this purpose.

(6) The accounts for the accounting period of the provider of the obligation shall be certified by an auditor and the certified accounts shall be deposited by the provider of the obligation in the public part of the register of accounts by 31 May of the preceding calendar year. If the accounting period of the obligation provider is not the same as the calendar year, the obligation provider shall draw up interim financial statements for the calendar year as at 31 December of the calendar year and submit the audited interim financial statements to the Ministry of Finance of the Slovak Republic by 31 May for the preceding calendar year. The content of the financial statements

and the interim financial statements of the provider of the obligation shall show the information on the separation of costs and revenues pursuant to paragraph 1.

(7) Where compensation in whatever form received by undertakings is tied to a specific period of time on the basis of an open, transparent and non-discriminatory procedure, paragraphs 1 to 6 shall not apply.

#### § 25

##### Tender procedure for new electricity installations

(1) The Ministry may impose on the operator of an electricity installation the obligation to a) technologies in place to ensure

1. improving the energy efficiency management of the system,
2. reducing electricity consumption,

b) made measures focused on preparing construction or at construction new electricity installations.

(2) Measures under paragraph 1(b) may be imposed by the Ministry only if

- a) the current capacities of the electricity installations do not sufficiently ensure or do not ensure the safety and reliability of the system,
- b) the measures referred to in paragraph 1(a) do not sufficiently ensure the security and reliability of the operation of the system.

(3) In imposing obligations under paragraph 1, the Ministry may provide economic incentives in accordance with a special law.<sup>50</sup>

(4) The supplier of the technology that ensures the improvement of the energy efficiency management of the system or the reduction of electricity consumption, and the supplier that ensures the preparation of the construction and the construction of new electricity facilities for which economic incentives are granted, shall be determined on the basis of a non-discriminatory and transparent tender procedure organised and controlled by the Authority.

(5) The Authority shall publish the notice of the opening of the competitive tendering procedure and the details of the competitive tendering procedure referred to in paragraph 4 in the Commercial Gazette not later than six months before the closing date for the receipt of tenders. The Authority shall send the notice of the opening of the competitive tendering procedure and the details of the competitive tendering procedure to the Publications Office of the European Union for publication in the Official Journal of the European Union; the period for the receipt of tenders shall not expire before the expiry of a period of six months from the date of the publication in the Official Journal of the European Union.

(6) The details of the selection procedure to be published by the Authority in the notice of the opening of the competition in the Commercial Journal and the Official Journal of the European Union pursuant to paragraph 5 shall include in particular

- a) the address to which tenders must be sent and the closing date for receipt of tenders,
- b) the subject of the selection procedure,
- c) the conditions for participation in the tender procedure; in the tender procedure for the construction of new electricity facilities, the Authority shall at the same time allow existing electricity generators to submit bids for the long-term supply of electricity, if such a procedure is sufficient to ensure the operational security and reliability of the system,
- d) the requirements for the content of the tenderer's tender,
- e) the criteria for the evaluation of tenders; in the case of tendering procedures for the construction of new electricity installations, the criteria for the evaluation of tenders shall take into account compliance with the requirements referred to in paragraph 7,

- f) a description of the economic incentives provided,
- g) the expected date of selection of the successful tenderer.

(7) The construction of new electricity installations may be carried out if the requirements relating to

- a) system security,
- b) health and safety at work,
- c) environmental protection,
- d) land use and distribution, including the use of state-owned land,
- e) energy efficiency,
- f) the nature of primary sources,
- g) technical, economic, financial capacity of the applicant for construction,
- h) minimum design and operational requirements for the connection of the electricity equipment into the system and ensuring the mutual operability of the system,
- i) the contribution of the generating capacity of the electricity installation to the achievement of the specified share of renewable energy sources in gross final energy consumption according to a specific regulation,<sup>39)</sup>
- j) The contribution of the generating capacity of an electricity generating facility to emissions savings.<sup>40)</sup>

### CHAPTER THREE LEVY ON EXCESS REVENUE

#### Part 1 Diversion

##### § 25a Levy payer

(1) A domestic natural person, a domestic legal person, a foreign natural person, a foreign legal person or a foreign entity<sup>40a)</sup> pursuant to a special regulation,<sup>40b)</sup> shall be liable to pay the levy on excessive revenues if it produces electricity in an electricity generation facility in the territory of the Slovak Republic on the basis of a permit issued pursuant to Section 6(2)(a) or on the basis of the fulfilment of the notification obligation pursuant to Section 6(6).

(2) A domestic natural person, a domestic legal person, a foreign natural person, a foreign legal person or a foreign entity shall also be liable for the levy if

- a) purchases and sells electricity on the territory of the Slovak Republic on the basis of a permit for the supply of electricity pursuant to § 6(2)(a),
- b) is directly or indirectly related under a special regulation<sup>40c)</sup> to another levy payer under paragraph 1; and
- c) supplies electricity to the wholesale electricity market.

##### § 25b Subject matter of the levy

- (1) Excess income is subject to the excess income levy.
- (2) For the purposes of the excess revenue levy, excess revenue means the positive difference between the market revenue and the market revenue ceiling.
- (3) For the purposes of the levy on excess revenue, market revenue shall be understood to mean market revenue according to a special regulation,<sup>40d)</sup> if it concerns electricity produced in the territory of the Slovak Republic and delivered to the electricity system in addition to the delivered control electricity.

(4) The method of determining the amount of excess income by levy payers based on revenues from the sale of generated electricity, including the impact of the zaisťovacích trades of these revenues from the sale of electricity and the method of proving the amount of the levy shall be established by the Government by regulation.

(5) In determining the levy period for market income, all market income for electricity supplied in that period shall be taken into account, irrespective of when payment for such supply occurs.

##### § 25c

##### Exclusion from the subject matter of the levy

(1) Excess income is not subject to the levy on excess income from the sale of electricity produced

- a) in an electricity generation installation with an installed capacity up to and including 0.9 MW,
- b) in a facility for the production of electricity from renewable energy sources and high-efficiency combined production by producers who claim support by means of a surcharge, at the same time claim support by means of the purchase of electricity by the electricity purchaser at the price of the purchased electricity and at the same time claim the right of the electricity producer to take over the responsibility for the deviation by the electricity purchaser for this facility,
- c) produced in pumped storage hydroelectric power stations or
- d) from biomethane.

(2) The subject of the levy is not the excess revenue for redispatching according to a special regulation<sup>44)</sup> and refunds for electricity not withdrawn.

##### § 25d

##### Special provisions on linked levy payers

(1) Excess revenue levy shall not apply to excess revenue from the sale of electricity earned by the levy payer if that electricity is subsequently supplied to the wholesale electricity market by another levy payer directly or indirectly related to it, to the extent of the levy obligation incurred in respect of that electricity by the levy payer who supplied that electricity to the wholesale electricity market.

(2) A levy payer that has produced electricity subsequently delivered to the wholesale electricity market by another levy payer that is directly or indirectly linked to it shall be liable for the excess revenue levy or the advance payment of that levy paid by the levy payer that delivered that electricity to the wholesale electricity market.

##### § 25e Amount of the levy

The levy on the excess income is 90% of the excess income.

##### § 25f

##### Ceiling on market income

(1) The ceiling of market income, except for electricity generation facilities as referred to in paragraphs 2 and 3, for the market income obtained from the sale of 1 MWh of electricity shall be determined by the Government by regulation in the range from EUR 50 to EUR 250, depending on the type of source

- a) from wind energy,
- b) from solar energy,
- c) from geothermal energy,
- d) from hydropower,
- e) from gaseous biomass fuel,

- f) from solid biomass fuel,
- g) incineration of waste,
- h) from nuclear power,
- i) from brown coal,
- j) from mineral oils and bioliquids, )<sup>50e</sup>
- k) of peat.

(2) Ceiling on the market income obtained from the sale of 1 MWh of electricity produced for producers of electricity from renewable energy sources and high-efficiency combined heat and power generation from sources referred to in paragraph 1 who claim support by means of a surcharge and do not claim support in the form of the assumption of responsibility for deviation by the electricity purchaser at the same time, shall be calculated as the difference between the electricity price per unit quantity of electricity approved or determined by the Authority pursuant to a special regulation<sup>50f</sup> ) and the surcharge determined pursuant to a special regulation<sup>50g</sup> ), plus a deviation cost in an amount to be determined by the Government by regulation.

(3) Where electricity is produced in an electricity generation installation using more than one type of fuel as referred to in paragraph 1, the market revenue ceiling determined for the predominant fuel type shall apply. Where the levy payer generates electricity in more than one electricity generation plant, the weighted average of the market income ceilings of the individual electricity generation plants shall be used, where the weights are the quantities of electricity generated in each electricity generation plant during the levy period. Where no market income ceiling is determined for an electricity generation facility, the weighted average shall be the average selling price of electricity in the levy period and the weight shall be the quantity of electricity generated at that electricity generation facility.

(4) If the price of greenhouse gas emission allowances rises above EUR 90 per allowance, the Government may, by regulation, set a higher cap on market income for the sources referred to in paragraph 1(i).

(5) The Government may, by regulation, set a higher market income ceiling for the resources referred to in paragraph 1.

#### § 25g Levy period

(1) The excess earnings levy periods are the individual calendar months in the period from 1 December 2022 to 31 December 2024.

(2) The provisions of the special regulation<sup>50i</sup> ) relating to the levy on excess revenue shall continue to apply after 30 June 2023.

#### § 25h Budgetary determination of the levy

(1) The excess revenue levy is a revenue of the state budget.

(2) The levy shall be used for one or more of the purposes specified in the special provision. )<sup>50b</sup>

(3) The levy shall be paid to the relevant account kept in the State Treasury, which shall be determined by the Financial Directorate of the Slovak Republic (hereinafter referred to as the "Financial Directorate") and published on its website.

#### § 25i Determination of the relevant installed electrical capacity

If the electricity generation installation was put into operation before 8 October 2022, the installed electrical capacity of the electricity generation installation on 8 October 2022 shall be decisive for the purposes of the levy on the excess revenue. If the electricity generation plant was put into operation after 7 October 2022, the installed electrical capacity of

the electricity generation plant on the date of the commissioning of the electricity generation plant shall be decisive for the purposes of the excess revenue levy.

### Part 2 Administration of the levy

#### § 25j General provisions

(1) The administration of the excess revenue levy shall be carried out by the tax office which is competent for the administration of the income tax of the excess revenue levy payer according to the Tax Code.

(2) The Ministry and the Authority shall provide the Levy Administrator with all necessary assistance in connection with the administration of the Levy and shall provide the Levy Administrator with all information necessary for the proper performance of the administration of the Levy.

(3) The provisions of the Tax Code shall apply mutatis mutandis to the administration of the excess revenue levy.

(4) The Ministry decides in relation to the levy of excess income as a second instance authority in matters decided by the Financial Directorate under the Tax Code and special regulations. )<sup>50c</sup>

(5) The Financial Directorate shall provide the Ministry with all information necessary for monitoring and reporting to the European Commission under a specific regulation.<sup>50d</sup> ) The scope of the information referred to in the first sentence shall be laid down by the Government by regulation.

#### § 25k Notice of levy

(1) The payer of the excess revenue levy is obliged to submit the notification of the excess revenue levy and to pay the excess revenue levy for each levy period by the 25th calendar day of the month following the end of the levy period.

(2) A levy payer who did not incur a liability to pay the levy in the levy period is also required to submit a notice of levy on excess income.

(3) A notice of levy of excess income is treated as a tax return under the Tax Code.

(4) Excess income levy notifications can only be made electronically.

(5) The Directorate of Finance, in cooperation with the Ministry and the Authority, shall determine a model form for the notification of the levy on excess revenue and publish it on its website.

### THIRD PART ELECTRICITY

#### TITLE ONE RIGHTS AND OBLIGATIONS OF ELECTRICITY MARKET PARTICIPANTS

#### § 26

##### Basic contractual relations in the electricity market

(1) The electricity supply contract obliges the electricity supplier to supply electricity in the agreed quantity and at the agreed time of performance to the electricity consumer and the electricity consumer undertakes to pay the electricity supplier the price for the electricity supplied. The price for the electricity supplied may also be agreed by a price determination or a method of calculating the amount of the price.

A contract for the supply of electricity may also include an arrangement to provide flexibility.

(2) The transmission system connection contract obliges the transmission system operator to connect the applicant's equipment for the generation, storage, distribution or off-take of electricity to the transmission system after meeting the

commercial and technical conditions and to provide the agreed technical dimensioning of the connection to the transmission system and the capacity of the connection to the transmission system in the amount according to the contract, and the applicant undertakes to pay a specified share of the costs incurred by the transmission system operator by connecting the electricity equipment; the technical dimensioning of the connection to the transmission system is the technological dimensioning of the equipment for the connection of the producer, the consumer, the distribution system operator to the transmission system, which shall be determined for each individual connection point, in accordance with the market rules. Transmission connection capacity is the availability of the technical dimensioning of the connection at each individual point of connection to the transmission system in accordance with the market rules.

(3) The distribution system connection contract obliges the distribution system operator to provide the connection capacity in the system in the contractually agreed amount and, after meeting the commercial and technical conditions, to connect the applicant's equipment for the production, storage, distribution or consumption of electricity to the distribution system and to provide the agreed capacity in the amount according to the contract, and the applicant undertakes to pay the price for connection.

(4) The contract on access to the transmission system and transmission of electricity obliges the transmission system operator to provide access to the system and to transport for the electricity market participant, with the exception of the market participant supplying electricity to the transmission system at the point of connection, a quantity of electricity limited by the amount of reserved capacity in the transmission system and the electricity market participant undertakes to pay the price for the provision of transmission and related services. The contract for access to the transmission system and transmission of electricity shall specify the value of the reserved capacity.

(5) The contract for access to the distribution system and distribution of electricity obliges the distribution system operator to provide access to the system and to transport for the electricity market participant, with the exception of the market participant supplying electricity to the distribution system at the point of connection, the amount of electricity limited by the amount of reserved capacity in the distribution system, including services related to the use of the transmission system, and the electricity market participant undertakes to pay the price for access and the price for the provision of distribution services and related services. The contract for access to the distribution system and distribution of electricity shall specify the value of the reserved capacity.

(6) The Deviation Clearing Contract obliges the Deviation Clearing Agent to evaluate, clear and settle the deviations of the Clearing Entity and the Clearing Entity to pay the price and fees for the services provided by the Deviation Clearing Agent. By entering into a Deviation Clearing Contract, the person who has entered into it with the Deviation Clearing Entity shall become the Clearing Entity.

(7) By the regulatory electricity settlement contract, the deviation clearer undertakes to pay the regulatory electricity supplier, which has a contract with the transmission system operator for the provision of support services and the supply of regulatory electricity, payment for the regulatory electricity supplied to the transmission system operator on the basis of the data on the quantity and price of regulatory electricity provided by the transmission system operator.

(8) The contract on assumption of responsibility for deviation commits the electricity market participant to assume responsibility for deviation on behalf of another electricity market participant.

(9) The contract for the combined supply of electricity obliges the electricity supplier to supply the end user with electricity defined by the quantity and timing of the output, to ensure the distribution of electricity to the customer's point of consumption, including related services, and to assume responsibility for the customer for the deviation, and the end user of electricity undertakes to pay the following the electricity supplier the price for the electricity supplied and for the electricity distribution and related services. The price for the electricity supplied may also be agreed by the method of determining or calculating the price. The pooled electricity supply contract may also include an arrangement for the provision of flexibility.

(11) The contract on access and conditions of participation in the organised short-term crossborder electricity market obliges the short-term electricity market organiser to enable the electricity market participant to participate in the organised short-term cross-border electricity market, to settle the trades executed and to pay the electricity market participant the payment for the electricity trades executed. The electricity market participant undertakes to pay the electricity market participant the payment for the electricity trades executed and the services provided by the short-term electricity market organiser to the electricity market participant.

(12) By the contract for the transmission of electricity over interconnectors, the transmission system operator undertakes, under the terms and conditions determined for cross-border transmissions of electricity and the rules of cooperation of transmission system operators, to transmit the electricity for the settlement entity from or to the defined territory the agreed amount of electricity and the settlement entity undertakes to comply with the terms and conditions determined for crossborder transmissions of electricity.

(13) By the contract for the provision of support services and the supply of regulatory electricity, the support service provider undertakes to provide the transmission system operator with the agreed amount of support services and to deliver the required amount of regulatory electricity in the specified quality at the request of the transmission system operator and the transmission system operator undertakes to pay the agreed price for the support services provided; payment for the delivered regulatory electricity is made by the clearing house on the basis of the contract for the clearing of regulatory electricity.

(14) By the contract for the provision of support services, the support service provider undertakes to provide support services to the transmission system operator or non-frequency support services to the distribution system operator and the transmission system operator or distribution system operator undertakes to pay the agreed price for the support services provided.

(15) By the contract on settlement of cross-border exchanges of electricity, the transmission system operator and the short-term electricity market organiser agree on the procedures and conditions for payments related to the transmission of electricity between neighbouring transmission systems involved in the short-term electricity market.

(16) By the data provision contract, the electricity market participant undertakes to provide the short-term electricity market organiser with the data necessary for the performance of the activities of the short-term electricity market organiser in the scope and within the deadlines according to the market rules and the operating rules of the short-term electricity market organiser, and the short-term electricity market organiser undertakes to process the data in the manner according to the market rules and the operating rules of the short-term electricity market organiser.

(17) A mandatory power purchase agreement obliges a producer of electricity from renewable energy sources or a producer of electricity from high-efficiency combined generation to supply electricity to a power purchaser, and the power purchaser undertakes to take from the producer of electricity from renewable energy sources or the producer of electricity from high-efficiency combined generation all of the electricity supplied.

(18) The contract on mandatory assumption of responsibility for deviation obliges the electricity purchaser to assume responsibility for deviation for a producer of electricity from renewable energy sources or a producer of electricity by high-efficiency combined generation.

(19) In an aggregation contract, the flexibility provider agrees to provide flexibility to the aggregator for the purpose of aggregation and the aggregator agrees to pay the flexibility provider

the provision of

flexibility of the agreed price.

(20) The electricity storage facility service contract obliges the electricity storage facility operator to provide the electricity market participant with the capacity of the electricity storage facility, the power to store electricity in the electricity storage facility and the power to deliver electricity from the electricity storage facility, and the electricity market participant undertakes to pay the agreed price to the electricity storage facility operator.

(21) By the contract on ensuring the operation or management of the local distribution system, the distribution system operator undertakes to ensure the operation or management of the local distribution system of the energy community and the energy community undertakes to pay the agreed price to the distribution system operator.

(22) In a flexibility contract, the flexibility provider undertakes to provide flexibility to an electricity market participant other than the aggregator and the electricity market participant other than the aggregator undertakes to pay the agreed price for the flexibility provided.

(23) The market rules shall govern the form of the contracts referred to in paragraphs 1 to 21. Such contracts shall be in writing.

### § 27

#### Rights and obligations of the electricity producer

(1) The electricity producer has the right to

- a) connect the electricity generation installation to the system if it meets the technical conditions and the commercial conditions for connection to the system; this shall be without prejudice to the provisions of § 28(1)(h) and § 31(1)(i),
- b) supplies electricity produced by it to the transmission system on the basis of a contract for access to the transmission system and transmission of electricity, or to the distribution system on the basis of a contract for access to the distribution system and distribution of electricity,
- c) supply electricity produced in its own electricity generation plant for its own consumption,
- d) offers support services in the support services market, either directly, through aggregation or through a third party,
- e) participate in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,
- f) offering and selling flexibility in organised electricity markets<sup>6</sup> ), including the provision of support services,
- g) enter into an aggregation contract or a contract that includes the provision of flexibility, and provide flexibility through aggregation to one selected aggregator according to the contract entered into,
- h) obtain free of charge metered data on the withdrawal of electricity from the system or on the supply of electricity to the system from an electricity generation facility,
- i) to communicate directly on all technical connection issues with the system operator to which its electricity generation facility is connected.

(2) The electricity producer is obliged to

- a) enter into a system connection contract with the system operator,
- b) conclude a contract for access to the transmission system and transmission of electricity or a contract for access

to the distribution system and the distribution of electricity with the system operator if the electricity producer supplies electricity to the system,

- c) enter into a contract with the Clearing House for the settlement of the deviation, which includes the obligation to deposit a financial security; this obligation does not apply to an electricity producer who has transferred its responsibility for the deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8) or has entered into a contract for the mandatory assumption of responsibility for the deviation with an electricity purchaser,
- d) enable the operator of the system to which the electricity generation facility is connected to install a designated meter at the point of connection of the electricity generation facility to the system and to install equipment for the transmission of information on measured data and access to such equipment,
- e) install and continuously certify equipment for the provision of ancillary services if the total installed electrical capacity of the electricity generation installation exceeds 50 MW,
- f) provide the transmission system operator and the distribution system operator with the technical data necessary to ensure the security and reliability of the system,
- g) provide the transmission system operator with the technical data necessary for the preparation of the operation of the system in all its phases, namely annual, monthly, weekly and daily, for the management of the operation of the system, for the provision of control electricity and for the evaluation of the operation of the system,
- h) provide the transmission system operator with the data necessary for the processing of proposals to the Ministry to address the balance between supply and demand of electricity, data necessary for the purposes of the development of energy policy, the assessment of resource adequacy at European level, the assessment of resource adequacy at national level and documents for the development of the system within the scope of the technical conditions of the transmission system operator pursuant to § 19,
- i) provide the transmission system operator with data on electricity consumption if it is a producer of electricity that consumes the electricity produced at its own facility,
- j) provide the operator of the system to which it is connected with data on the electricity measured at the terminals of the electricity generation equipment if it provides ancillary services or flexibility to the transmission system operator or distribution system operator,
- k) provide the short-term electricity market organiser with the information necessary for the activities of the short-term electricity market organiser within the scope of the market rules and the operating rules<sup>53</sup> ) of the short-term electricity market organiser,
- l) provide the electricity consumer, the transmission system operator and, upon request, the Ministry and the Authority with information on the share of individual types of primary energy sources in the electricity produced in the previous year,
- m) provide the electricity consumer, the transmission system operator and, upon request, the Ministry and the Authority with information on the environmental impact of electricity production,
- n) draw up a plan for the development of electricity production for a period of five years and submit it to the Ministry by 30 November each year; this shall not apply if the total installed capacity of the electricity producer's electricity production installations is 50 MW or less,
- o) maintain the quality of the electricity produced and the services associated with it,
- p) to ensure the long-term reliable, safe and efficient operation of electricity generation facilities while respecting environmental protection conditions,
- q) ensure that the electricity produced is measured at the terminals of the electricity generation equipment,
- r) provide the Authority annually by 30 May with data for the previous year, expected data in the current year and planned data for the following year on the production of electricity in its own electricity production facility, its own consumption of electricity produced in the production of electricity,

- e) participate in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,
- f) provide electricity storage facility services,
- g) purchase electricity for storage, to cover their own losses in an electricity storage facility or for their own consumption,
- h) offerÉ or sellÉ flexibility on organised electricity markets<sup>6</sup> ), including the provision of support services,
- i) enter into an aggregation contract or a contract that includes the provision of flexibility, and provide flexibility through aggregation to one selected aggregator according to the contract entered into,
- j) obtain free of chargeÉ metered data on the withdrawal of electricity from the system to an electricity storage facility or on the supply of electricity to the system from an electricity storage facility,
- k) to communicate directly on all technical connection issues with the system operator to which its electricity storage facility is connected.

(2) The operator of an electricity storage facility shall

- a) enter into a system connection contract with the system operator,
- b) conclude a contract for access to the transmission system and transmission of electricity or a contract for access to the distribution system and distribution of electricity with the system operator, if the operator of the electricity storage facility supplies electricity to the system,
- c) enter into a contract with the clearing house for the settlement of the deviation, which shall include an obligation to lodge a financial security; this obligation shall not apply to the operator of an electricity storage facility who has transferred its responsibility for the deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8),
- d) enable the operator of the system to which the electricity storage facility is connected to install a designated meter at the point of connection of the electricity storage facility to the system and to install equipment for the transmission of information on measured data and access to such equipment,
- e) provide the transmission system operator and the distribution system operator with the technical data necessary to ensure the security and reliability of the system,
- f) ensure the measurement of electricity delivered to the electricity storage facility and withdrawn from the electricity storage facility at the terminals of the electricity storage facility and provide data on this measurement to the short-term electricity market organiser if it requests the short-term electricity market organiser to evaluate the electricity storage,
- g) provide the transmission system operator with the technical data necessary for the preparation of the operation of the system in all its phases, namely annual, monthly, weekly and daily, for the management of the operation of the system and for the evaluation of the operation of the system,
- h) provide the transmission system operator with the data necessary for the processing of proposals to the Ministry for the solution of the balance between supply and demand of electricity, for the purposes of the development of energy policy, the assessment of the adequacy of resources at European level, the assessment of the adequacy of resources at national level and documents for the development of the system within the scope of the technical conditions of the transmission system operator pursuant to § 19,
- i) provide the system operator to which it is connected with data on the electricity measured at the terminals of the electricity storage facility if it provides ancillary services or flexibility to the transmission system operator or distribution system operator,
- j) comply with the instructions of the dispatching and dispatching of the operator of the relevant system to which the electricity storage facility is connected,

other self-consumption of electricity and supply of self-generated electricity,

- s) to collect and pay the levy determined by special regulation<sup>35</sup> ) in the manner prescribed by special regulation, )<sup>36</sup>
- t) enter into a data provision contract with the short-term electricity market organiser,
- u) comply with the instructions of the dispatching and dispatching of the operator of the relevant system to which the electricity generation installation is connected,
- v) comply with the requirements laid down by a generally binding legal regulation issued pursuant to § 95(2)(q).

(3) An electricity producer who is also an electricity supplier may sell electricity by auction in accordance with rules approved by the Authority.

(4) An electricity producer who is also an electricity supplier and will sell electricity under paragraph 3 shall

- a) draft rules for the sale of electricity by auction pursuant to a special regulation, )<sup>31</sup>
- b) submitÉ to the Authority the draft rules for the sale of electricity by auction for the following calendar year by 31 October of the calendar year,
- c) complyÉ with the Authority's approved rules for the sale of electricity by auction.

(5) If the electricity producer operates an electricity storage facility at the transfer point of the electricity production facility, the maximum reserved capacity shall be the total installed electrical capacity of the electricity production facility or the electricity storage facility, whichever is higher, unless the electricity producer has agreed with the transmission system operator or the distribution system operator a different maximum reserved capacity.

(6) The obligations under paragraph 2(f) to (j), (l), (m) and (r) shall not apply to a producer of electricity in an electricity production installation with an installed capacity of up to 11 kW. Furthermore, the obligations under paragraph 2(n) shall not apply to a producer of electricity in an electricity production installation with an installed capacity of up to 11 kW who is not engaged in the energy sector.

(7) The obligations under paragraph 2(a) to (g), (j) to (s) and (u) shall not apply to a producer of electricity not connected to the system. Furthermore, the obligations under paragraph 2(h) and (i) shall not apply to a producer of electricity in e l e c t r i c i t y production installations with an installed capacity of up to 5 MW in total which is not connected to the system.

## § 27a

### Rights and obligations of the operator of an electricity storage facility

(1) The operator of an electricity storage facility shall have the right to

- a) connect an electricity storage facility to the system if it meets the technical and commercial conditions for connection to the system; this shall be without prejudice to the provisions of § 28(1)(h) and § 31(1)(i),
- b) deliver stored electricity to the transmission system and withdraw electricity from the transmission system on the basis of a contract for access to the transmission system and transmission of electricity or deliver stored electricity to the distribution system and withdraw electricity from the distribution system on the basis of a contract for access to the distribution system and distribution of electricity,
- c) uses electricity stored in its own electricity storage facility for its own consumption,
- d) offersÉ support services in the support services market, either directly, through aggregation or through a third party,

- k) provide the short-term electricity market organiser with the information necessary for the activities of the short-term electricity market organiser within the scope of the market rules and the operating rules of the short-term electricity market organiser,
- l) maintain the quality of electricity supply from the electricity storage facility to the grid and the services associated with it,
- m) enter into a data provision contract with the short-term electricity market organiser,
- n) to collect and pay the levy determined by special regulation<sup>35</sup> ) in the manner prescribed by special regulation. )<sup>36</sup>

(3) The obligations under paragraph 2(e) to (h), (j) to (l) and (n) shall not apply to an operator of an electricity storage facility who has not agreed with the transmission system operator or distribution system operator a reserved capacity allowing the output of the electricity storage facility to be fed into the transmission system or distribution system.

(4) The obligations under points (e), (g) and (h) of paragraph 2 shall not apply to the operator of an electricity storage facility with an installed capacity of up to 11 kW.

(5) The obligations under points (a) to (g), (i) to (l) and (n) of paragraph 2 shall not apply to the operator of an electricity storage facility which is not connected to the system. Furthermore, the obligations under paragraph 2(h) shall not apply to the operator of electricity storage installations with an installed capacity of up to 5 MW in total which is not connected to the system.

## § 28

### Rights and obligations of the transmission system operator

(1) The transmission system operator shall have the right to

- a) establish and operate the electronic communication network<sup>37</sup> necessary to manage the operation of the system and to ensure the transmission of information necessary for management in accordance with a specific regulation, )<sup>32</sup>
- b) purchase<sup>38</sup> support services necessary to ensure the provision of system services to maintain the quality of electricity supply and to ensure the operational reliability of the system on the basis of transparent, non-discriminatory and market-based procedures; in the case of preventing threats to the security and stability of the system, purchase support services from support service providers in the defined territory on the basis of a contract for the provision of support services and the supply of control electricity or a contract for the provision of support services, and, in the case of a threat to the security of operation of the transmission system for the necessary period of time, directly; the direct purchase of support services and the contractual terms and conditions for the direct purchase of support services shall be notified by the transmission system operator to the Ministry and the Authority without delay,
- c) purchase the electricity needed to cover losses on the system in a transparent and nondiscriminatory manner,
- d) purchase electricity for self-consumption in a transparent and non-discriminatory manner,
- e) provide, in accordance with international obligations, control electricity in emergency assistance, control electricity in the system of cooperation of transmission system operators and under the conditions laid down by a special regulation<sup>33a</sup> ) redispatching and counter-trade,
- f) denied access to the system due to lack of system capacity,
- g) limit or interrupt, to the extent and for the duration necessary, the transmission of electricity without any claim for compensation for damages, except where the damage was caused by the fault of the transmission system operator in

- 5. works on system facilities or in the system protection zone, if planned,
- 6. faults on the system equipment and during their rectification,
- 7. the supply or withdrawal of electricity by devices that endanger the life, health or property of persons,
- 8. the withdrawal of electricity by equipment that affects the quality and reliability<sup>39</sup> of the electricity supply, and if the electricity consumer has not ensured the limitation of these effects by available technical means,
- 9. the supply of electricity by equipment that affects the quality and reliability<sup>40</sup> of the electricity supply, unless the electricity producer has ensured that these effects are limited by available technical means,
- 10. failure to comply with the contractually agreed payment terms for electricity transmission after prior notice,
- 11. the electricity supplier's request pursuant to § 34(1)(f),
- h) cancel<sup>41</sup> the point of connection of an electricity end-user, electricity producer, electricity storage facility operator, energy community or distribution system operator in accordance with the market rules on the basis of a decision of the Authority issued on a proposal of the transmission system operator,
- i) require from electricity market participants the data necessary for the preparation of the system operation in all its stages, namely annual, monthly, weekly and daily, for the planning of the system capacity, for the management of the system operation, for the management of the overload, for the evaluation of the system operation, for the financial settlement in the scope according to the commercial terms and conditions of the transmission system operator,
- j) require<sup>42</sup> from electricity market participants the data necessary for the processing of proposals to the Ministry to address the balance between supply and demand of electricity, for the purposes of the development of energy policy, the assessment of resource adequacy at European level, the assessment of resource adequacy at national level and documents for the development of the system within the scope of the technical conditions of the transmission system operator pursuant to § 19, as well as the data necessary for the fulfilment of publication obligations within the scope of the market rules,
- k) require<sup>43</sup> technical data on the electricity transported; data on the time course of transmission, the quantity of electricity withdrawn and delivered and the place of withdrawal of electricity from the system and the place of supply of electricity to the system, on the parameters of the electricity transported and on the use of the allocated transmission capacity in accordance with the concluded contracts,
- l) require from other electricity undertakings the information necessary for the fulfilment of the transmission system operator's obligations to draw up or cooperate in the drawing up of system development plans, including for the system outside the delimited area, pursuant to this Act and a special regulation, )<sup>34</sup>
- m) changes<sup>44</sup> the structure of the connection of the electricity generating facilities of the electricity producer to the extent necessary to ensure the required level of reliability of the system operation and to ensure the provision of system services,
- n) enter into a deviation clearing contract to the extent provided for in the market rules,
- o) participate in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,
- p) monitor<sup>45</sup>, evaluate<sup>46</sup> and control<sup>47</sup> compliance with the conditions for connection to the transmission system and compliance with the reactive power flow limits from part of the defined territory established by a generally binding legal regulation issued pursuant to § 95(2)(l), cumulatively for all connection points of the distribution system operator to the transmission system operator,
- q) to claim a charge against system users in case of non-compliance with the reactive power flow limits according to a special regulation<sup>34a</sup> ) except in circumstances excluding liability according to § 374 of the Commercial Code,
- r) issue an instruction to limit the activation of aggregated flexibility if the activation of flexibility would jeopardise the security of operation of the transmission system.

(2) The transmission system operator shall

- 1. imminent threat to life, health or property of persons and in the liquidation of these conditions,
- 2. in an emergency or in the activities immediately preceding its occurrence,
- 3. unauthorised withdrawal of electricity,
- 4. preventing or repeatedly denying access to metering equipment to electricity consumers or electricity producers,

- a) in cooperation with transmission system operators of neighbouring countries and distribution system operators with which the transmission system is interconnected, ensure long-term reliable, secure and efficient operation of the system under economic conditions while respecting the conditions of environmental protection,
- b) manage the transmission of electricity on the system within the defined territory, taking into account the transmission of electricity between interconnected transmission systems of neighbouring countries,
- c) Ensure that the balancing of system deviations in the defined territory is carried out in accordance with international rules on the basis of objective, transparent and nondiscriminatory procedures,
- d) ensure the coordination and development of the system,
- e) comply with the minimum standards for maintenance and renewal of the transmission system to maintain the capacity of the transmission system and the development of the transmission system in accordance with the technical conditions under § 19,
- f) ensure adequate transmission system capacity and system operability,
- g) ensure, on a transparent and non-discriminatory basis, access to the transmission system, including access to the system for cross-border exchanges of electricity, in addition to the fulfilment of obligations in the general economic interest; where access to the transmission system is refused because of a lack of system capacity, provide justifiable reasons based on objective and technically and economically justified criteria and information on the measures that will be necessary to reinforce the system,
- h) ensure the transmission of electricity on a transparent and non-discriminatory basis,
- i) ensure the purchase of ancillary services necessary to ensure the provision of system services to maintain the quality of electricity supply and to ensure the operational reliability of the system on the basis of transparent, non-discriminatory and market-based procedures; paragraph 1(b) shall be without prejudice to paragraph 1(b),
- j) ensure measurement in the transmission system and provide measured data to individual electricity market participants,
- k) ensure the provision of system services in the defined territory, including services necessary to ensure the safe operation of the electricity producer's electricity generation facilities and services provided in response to demand,
- l) enter into a contract for connection to the system with anyone who so requests, provided that the technical conditions and commercial conditions for connection to the system are met, and connect to the transmission system the electricity equipment or the off-taker's electricity equipment in accordance with the general

- binding legal regulation issued pursuant to Article 95(2)(n),
- m) conclude a contract for access to the transmission system and transmission of electricity with anyone who so requests, provided that the technical conditions and commercial conditions for access to the system and transmission of electricity are met,
- n) enter into a contract for the provision of support services and the supply of control electricity with support service providers and purchase control power from electricity generators or other electricity market participants to meet the conditions determined by the Ministry for the introduction of the capacity mechanism in accordance with the procedure under § 28a and to the extent approved by the Ministry; in the case of subcontracting in the provision of support services, the market rules shall be followed,
- o) enter into a contract for the provision of support services with support service providers; subcontracting for the provision of support services shall be subject to market rules,
- p) apply the compensation mechanism for cross-border electricity flows, participate in the financial compensation scheme and collect payments under the scheme, <sup>34</sup>
- q) determine the principles and methods of congestion management and collect payments resulting from congestion management<sup>34</sup> ) and coordinate the operation of the system with the system in the territory of the European Union or with the system in the territory of third countries, without favouritism and discrimination between domestic and cross-border supplies,
- r) allocate transmission capacity in a transparent and non-discriminatory manner,
- s) define the rules for ensuring balance and ensure the availability of generation reserve capacity for the purposes of operational system management,
- t) determine in a transparent and non-discriminatory manner the available capacity of the transmission system and the conditions for its reservation, as well as the conditions for the return of unused allocated transmission capacity, and publish information on this,
- u) provide<sup>35</sup> the information necessary to ensure the security and reliability of the operation of the transmission system to the distribution system operator with which the transmission system is interconnected,
- v) provide<sup>36</sup> the information needed to access the system,
- w) limit<sup>37</sup> the transmission of electricity on the basis of a decision of the Ministry pursuant to § 88,
- x) submit<sup>38</sup> to the Authority information on the total volume of cross-border exchanges of electricity, including electricity provided in the system of cooperation of transmission system operators,
- y) submit information on the volume of electricity imports to the Authority no later than 15 days after the end of the quarter,
- z) submit to the Authority on a quarterly basis the balance of electricity transmission through the transmission system,
  - aa) control and monitor voltage and reactive power values, regulate voltage and efficiently and effectively compensate for reactive power flows in the transmission system so as not to endanger the operability of the electricity system,
- (ab) submit to the Authority a proposal for the limit values of reactive power flows from the distribution systems to the transmission system relating to the time of the defined territory on the basis of a joint cost-benefit analysis pursuant to a special regulation<sup>39</sup> ) and subsequently update it for each regulatory period, always towards the end of the year preceding the end of the year of the current regulatory period,
- (ac) monitor the fulfilment of the requirements laid down in the general binding legal regulation issued pursuant to section 95(2)(q) and submit a report on the monitoring of the fulfilment of the requirements for the preceding year to the Authority on an annual basis by a specified date.

(3) The transmission system operator shall furthermore be obliged to



- a) submit to the Authority by the end of February each year data on the amount of purchased control electricity, own electricity consumption and losses in the transmission system for the previous year,
- b) every two years, draw up a transmission system development plan, including a plan for the development of interconnectors, for the next ten years (hereinafter referred to as the "ten-year system development plan") and submit it to the Ministry and the Authority by 30 April of the second calendar year in which the relevant ten-year system development plan is implemented, together with a report on the implementation of the ten-year system development plan,
- c) develop in cooperation with the electricity market participants a plan for the preparation of the operation of the system in stages of annual, monthly, weekly, daily operation; the plan for the preparation of the operation in individual stages shall be agreed by the transmission system operator and shall be binding for the electricity market participants; the details shall be laid down in the technical conditions of the transmission system operator pursuant to § 19,
- d) develop annual emergency plans for the system,
- e) publish on its website the commercial terms and conditions for connection to the system and the commercial terms and conditions for access to the transmission system and transmission of electricity,
- f) maintain the quality of electricity supply and services provided,
- g) notify electricity consumers of the start of the planned restriction or interruption of electricity transmission and the duration of the restriction or interruption, at least 15 days before the planned start; the transmission system operator is obliged to resume electricity transmission immediately after the causes have been eliminated,
- h) collect the levy according to the special regulation<sup>40</sup> ) and pay this levy to the revenue budget account of the Ministry's chapter, )<sup>45</sup>
- i) prepare, evaluate and approve the exchange of electricity between the transmission system in the defined territory and the transmission system in the territory of the Member States and between the transmission system in the defined territory and the transmission system in the territory of third countries,
- j) ensure efficient use of existing interconnectors and the construction of new interconnectors, taking into account the balance between the costs of their construction and the benefit of end-users in the defined territory, and cooperate with the transmission system operators of the Member States or third countries concerned in the construction of new interconnectors,
- k) participate, to the extent provided for by this Act, in the development of the resource adequacy assessment at European level and the resource adequacy assessment at national level pursuant to a specific regulation;<sup>44</sup> ) ensure the protection of confidential information when obtaining the necessary data,
- l) determine minimum operating rules for the security and reliability of the operation of the system; cooperate with the transmission system operators of interconnected transmission systems of Member States and third countries in the determination of minimum operating rules,
- m) comply with the minimum operating rules for the safe and reliable operation of the system and ensure the operational safety of the system,
- n) ensure technical transmission reserve capacity for the operational security of the system and cooperate with the operators of the interconnected transmission systems in its provision,
- o) provide the operators of the interconnected transmission and distribution systems of Member States or third countries, as appropriate, with the information necessary to ensure the operational security of the systems in accordance with applicable international standards and to ensure the efficient operation and coordinated development of the interconnected system,
- p) notify the affected electricity customers connected to the transmission system and the supplier **251/2012 Coll.**  
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of last resort the fact that the electricity supplier has lost the capacity to supply electricity to the off-take points of electricity consumers with whom the electricity supplier has concluded a contract for the supply of electricity or a contract for the combined supply of electricity and the electricity producer from renewable energy sources or the producer of electricity by highefficiency combined heat and power connected to the transmission system concerned,

- and to the supplier of last resort the fact that the electricity purchaser has lost the capacity to purchase electricity pursuant to a special regulation, )<sup>46</sup>
- q) register the off-take points and transfer points of electricity market participants connected to the transmission system,
- r) provide free daily capacity for allocation by auction according to market rules,
- s) ensure the measurement of electricity in the transmission system, including the evaluation of the measurement, and provide the short-term electricity market organiser and the affected electricity market participants with the measured and evaluated data, as well as with the information necessary for the activities of the short-term electricity market organiser, in the scope and quality according to the special regulation,<sup>46</sup> ) market rules and the operating rules of the short-term electricity market organiser, )<sup>43</sup>
- t) provide assistance to the short-term electricity market organiser in the activities of the short-term electricity market organiser within the scope of the market rules,
- u) provide the Clearing House and the affected electricity market participants with the data necessary for the clearing of deviations, the corrective clearing of deviations and the evaluation of the organised short-term cross-border electricity market in the scope and quality according to the market rules, and the electricity supplier with the data and corrective data for the purpose of the settlement of the electricity supply in the scope and quality according to the market rules,
- v) ensure, at the request of the Ministry, the preparation of analyses of the balance between supply and demand of electricity for the purpose of drawing up energy policy and documents for the development of the system,
- w) at the request of the electricity supplier acting on behalf of the electricity end-user, allow, free of charge, the change of the registration of the electricity end-user's point of consumption to a new electricity supplier within three weeks of receipt of the request; this shall be without prejudice to the contractual obligations of the electricity end-user towards the transmission system operator and the previous electricity supplier,
- x) provide free of charge and in a non-discriminatory manner to the final electricity customer whose off-take point is connected to its system, or to the electricity supplier requesting on behalf of the final electricity customer, the metering data at its off-take point in accordance with the generally binding legal regulation issued pursuant to § 95(2)(b),
- y) enable the use of the transmission system for the purposes of flexibility provision and aggregation and provide the flexibility provider and aggregator with information on possible limitations to flexibility provision and aggregation,
- z) provide information on the rights of electricity consumers drawn up by the European Commission (hereinafter referred to as "the Commission") and published by the Ministry pursuant to Section 88(2)(p) to the electricity consumer with whom it has concluded a contract for access to the transmission system and the transmission of electricity, on its website and at its premises, or on request by sending it to the electricity consumer, aa) to provide the resources necessary for the operation, maintenance and development of the transmission system in accordance with this Act and the special regulation, )<sup>2</sup>
- (ab) proceed in the performance of the transmission system operator's obligations under this Act and the special regulation<sup>2</sup> ) in a manner that facilitates the integration of the internal electricity market,
- (ac) ensure the installation of a continuous electricity metering device enabling remote reading for the point of consumption when the designated meter is replaced and for the new point of **251/2012 Coll.** Collection of Laws of the Slovak

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- if the conditions under the market rules are met,
- (ad) publish data on its website to the extent required by the market rules,
- (ae) enter into a data provision contract with the short-term electricity market organiser,
- (af) cooperate and coordinate its activities with the Regional Coordination Centre,<sup>55a</sup> ) taking into account the recommendations adopted by the Regional Coordination Centre in the performance of its activities and contributing to the costs of its activities, ag) take measures to promote and develop the digitisation of the transmission system,
- (ah) manage data and ensure that the data management information systems operated by it comply with the requirements for cybersecurity and the protection of managed data under specific regulations, )<sup>55b</sup>
- (ai) cooperate with distribution system operators and provide them with the necessary information to enable the efficient use of non-frequency ancillary services and flexibility resources to ensure the safe and reliable operation of the systems and to support the development of the market for non-frequency ancillary services and flexibility,
- (i) provide the organiser of the short-term electricity market with data on electricity generation and storage facilities connected to the transmission system or for which it has issued an opinion pursuant to § 12(5)(b) or entered into a contract for connection to the transmission system; the details shall be regulated by the market rules,
- (ak) take into account, when deciding on the development of the transmission system, the provision of energy efficiency management of the transmission system, including interconnection capacities, so as to improve the energy efficiency of the transmission system without additional new investment in transmission facilities,
- (al) carry out an assessment of the energy efficiency potential of the transmission system once every ten years, which
1. identifies cost-effective measures to improve the energy efficiency and achieve energy savings of its own electricity infrastructure, the investments needed to implement them and the timetable for implementation,
  2. includes in particular an assessment of the energy efficiency of transmission, electricity demand-side management, the operability of the transmission system, the connection of electricity generation facilities to the transmission system, and
  3. may be part of a written energy audit report under a special regulation,<sup>55a</sup> ) (am) send the assessment under (al) to the Ministry by 30 May of the calendar year concerned.

(4) The transmission system operator is obliged to develop technical requirements for the procured regulatory services. The technical requirements shall enable the use of services provided by electricity generators, flexibility providers, aggregators and operators of electricity storage facilities in a non-discriminatory manner. The transmission system operator shall publicly consult the draft technical requirements referred to in the first sentence before submitting them to the Authority for approval. The draft technical requirements may be developed by the transmission system operator as part of the draft operating rules or technical conditions of the transmission system operator. Where the conditions for the direct purchase of regulatory services pursuant to paragraph 1(b) are not met, the transmission system operator shall be obliged to procure regulatory services in accordance with the technical requirements approved by the Authority on the basis of transparent, non-discriminatory and market-based procedures.

(5) Where the transmission system operator intends to procure non-frequency support services necessary to ensure the operational reliability of the system, it shall be obliged to develop a draft of the technical requirements for the non-frequency support services to be procured and the conditions for the procurement of non-frequency support services on the basis of transparent, non-discriminatory and market-based

procedures. The technical requirements shall allow the use of services provided by electricity generators, flexibility providers, aggregators and operators of electricity storage facilities in a nondiscriminatory manner. The draft technical requirements referred to in the first sentence shall be publicly consulted by the transmission system operator before being submitted to the Authority for approval. Unless otherwise provided for in paragraph 6, the transmission system operator may purchase non-frequency support services to ensure the operational reliability of the system only in accordance with the technical requirements and conditions of a transparent, non-discriminatory and market-based procedure approved by the Authority; the possibility of using fully integrated system elements shall not be affected.

(6) The transmission system operator may procure non-frequency support services necessary to ensure the operational reliability of the system other than on the basis of transparent, nondiscriminatory and market-based procedures, if the Authority so decides at its request. The Authority shall grant the request if the transmission system operator demonstrates that the procurement of non-frequency support services on the basis of transparent, non-discriminatory and market-based procedures is not technically feasible or cost-effective. In the decision, the Authority shall determine the scope and specification of the non-frequency support services and the conditions for their procurement.

(7) The transmission system operator is obliged to make a decision on the granting of certification issued by the Authority pursuant to a special regulation.<sup>56</sup> ) A transmission system operator which is directly or indirectly controlled by a person or persons from a third country shall be obliged to have a decision on the granting of certification issued by the Authority pursuant to a special regulation. )<sup>57</sup>

## § 28a

### Assessment of resource adequacy and capacity mechanisms

(1) The transmission system operator shall evaluate the data provided by electricity generators, operators of electricity storage facilities, distribution system operators, electricity suppliers and electricity end-users connected to the transmission system, for the purposes of assessing the adequacy of resources at European level and assessing the adequacy of resources at national level pursuant to a specific regulation. )<sup>54</sup>

(2) If the Ministry decides to carry out a resource adequacy assessment at national level, the transmission system operator shall, at the request of the Ministry, prepare the necessary documents for the preparation of the resource adequacy assessment at national level and provide them to the Ministry.

(3) A national resource adequacy assessment shall be prepared by the Department.

(4) The Ministry may, in accordance with the procedure and under the conditions laid down by a special regulation<sup>54</sup> ), decide on the introduction of a capacity mechanism, while determining the conditions for its introduction, including the conditions for the participation of electricity producers or other electricity market participants in the capacity mechanism.

(5) At the request of the Ministry, the transmission system operator shall provide the Ministry with the necessary assistance to determine the conditions for the implementation of the capacity mechanism.

(6) The regulatory capacity of the facilities of electricity producers or other electricity market participants purchased by the transmission system operator or the procedure for its determination shall be approved by the Ministry on the proposal of the transmission system operator.

(7) The transmission system operator shall prepare a draft of the conditions of the tender procedure for the provision of the necessary regulatory capacity of the facilities of electricity producers or other electricity market participants and submit it to the Ministry for approval. The Ministry shall submit the draft conditions to

Selection procedure approve, if they are in accordance with the conditions at the introduction of capacity mechanism as determined by the Department and with the

conditions established by special regulation. )<sup>54</sup>

## § 29

### Ten-year network development plan

(1) The transmission system operator shall, when preparing the ten-year system development plan according to § 28(3)(b), be obliged to base it in particular

- a) from the current and expected future supply and demand situation for transmission system capacity,
- b) on the basis of reasonable assumptions for electricity generation, electricity storage, electricity supply, electricity consumption, electricity exchanges with other countries, taking into account the European Union-wide system development plan and regional investment plans.

(2) The ten-year system development plan must contain effective measures to guarantee the adequacy of the system and the security of electricity supply. In particular, the ten-year network development plan shall

- a) lists the main parts of the transmission system that need to be built or upgraded in the next ten years, together with their expected completion dates,
- b) lists all investments in the transmission system that are related to building new capacity or upgrading the transmission system,
  1. which the transmission system operator has already decided to implement,
  2. which will have to be implemented over the next three years,
- c) set deadlines for the implementation of the investments referred to in point (b).

3. The transmission system operator shall be obliged to take into account in the ten-year system development plan the decision of the Authority on the imposition of the obligation to amend the ten-year system development plan pursuant to paragraph 7 issued in previous periods.

4. The transmission system operator shall be obliged to publicly consult the draft ten-year system development plan before submitting it to the Authority.

5. The Authority shall consult the ten-year system development plan in a non-discriminatory and transparent manner with existing and potential system users and shall give them the opportunity to make reasoned comments on it within a reasonable period of time. The Authority shall not deal with comments which do not relate to the ten-year system development plan, comments submitted by a person who is not an existing system user or who does not indicate for what reasons he is a potential system user, comments without justification and comments submitted after the expiry of the time limit set by the Authority. The Authority shall publish information on the results of the consultation, including information on the requirements of existing and potential system users for the implementation of investments in the transmission system, on its website.

6. The Authority shall examine the consistency of the ten-year system development plan with the requirements for the implementation of investments in the transmission system pursuant to paragraph 5 and with the system development plan for the whole European Union. In case of doubt as to the consistency of the ten-year system development plan with the European Union-wide system development plan, the Authority shall consult the ten-year system development plan with the Agency for the Cooperation of Energy Regulators of the European Union (hereinafter referred to as the Agency).

7. The Authority shall impose an obligation on the transmission system operator to amend the ten-year system development plan within a reasonable period determined by the Authority if the ten-year system development plan does not take into account reasonable and economically and Republic technically feasible requirements for the implementation of investments in the transmission system pursuant to paragraph 5, is

inconsistent with the system development plan for the whole European Union, or is not drawn up in accordance with paragraphs 1 to 3.

The transmission system operator shall amend the ten-year system development plan. The decision on the imposition of the obligation to amend the ten-year system development plan shall be the first act of the Authority in the proceedings. The provisions of the General Provisions on Proceedings before the Courts on the suspension of the enforceability of the decision shall not apply.

8. The Authority shall monitor and evaluate the implementation of the ten-year grid development plan.

9. If the transmission system operator fails to implement an investment which, according to the ten-year system development plan, should have been implemented within the next three years pursuant to paragraph 2(b) within the time limit pursuant to paragraph 2(c), the investment is still eligible according to the latest ten-year system development plan, the Authority shall ensure the implementation of the investment by taking the following measures:

- a) impose an obligation on the transmission system operator to implement the investment within a time limit set by the Authority,
- b) if the transmission system operator fails to comply with the obligation imposed by the Authority under point (a), the Authority shall carry out a competitive tendering procedure in respect of the investment in question, in which it shall allow all investors to participate in a transparent and non-discriminatory manner; the successful investor shall carry out the investment on its own responsibility.

(10) The Authority shall not adopt a measure pursuant to paragraph 9(a) if the transmission system operator demonstrates that it is prevented from making the investment by an obstacle which has occurred independently of its will and it cannot reasonably be assumed that the transmission system operator could have averted or overcome the obstacle or its consequences.

(11) If the Authority adopts a measure pursuant to paragraph 9(a), the transmission system operator shall be obliged to implement the investment within a time limit set by the Authority. Where the Authority adopts a measure pursuant to paragraph 9(b), the transmission system operator shall provide the investors with all information necessary for the implementation of the investment, connect the new electricity facilities to the transmission system and make all efforts that may fairly be required of it to facilitate the implementation of the investment.

(12) If the Authority ensures the realisation of an investment in the transmission system by adopting a measure pursuant to paragraph 9, contracts containing financial arrangements related to the realisation of such investments in the transmission system shall only become effective upon their approval by the Authority.

## § 30

### Transmission System Operation Department

(1) The transmission system operator is obliged to own the transmission system.

(2) The same person or the same persons are not entitled to

- a) performs the activity of electricity generation, electricity supply, gas generation or gas supply, or directly or indirectly exercises control over a person performing the activity of electricity generation, electricity supply, gas generation or gas supply, and at the same time directly or indirectly exercises control over, or claims any right in relation to, the transmission system operator or the transmission system,
- b) directly or indirectly exercise control over the transmission system operator or the transmission system and at the same time carry out the activity of electricity generation, electricity supply, gas generation or gas supply or directly or indirectly exercise control over or exercise any right over a person carrying out the activity of electricity generation, electricity supply, gas generation or gas supply or exercise any right in relation thereto,
- c) elect, appoint or otherwise constitute the statutory body, members of the statutory body, members of the

supervisory board or proxy of the transmission system operator and performs the activity of electricity generation or electricity supply or directly or indirectly exercises control over or claims any right in relation to the person performing the activity of electricity generation or electricity supply,

- d) be a member of the management body, supervisory body or controlling body of a person carrying out the activity of electricity generation or electricity supply or of a body acting on behalf of such a person, and at the same time a statutory body, member of the statutory body, member of the supervisory board or proxy of the transmission system operator.

(3) The rights referred to in paragraph 2(a), (b) and (c) shall include in particular

- a) the right to exercise voting rights in the company,
- b) the right to elect, appoint or otherwise designate members of the management body, supervisory body or controlling body of the undertaking or of a body acting on behalf of the undertaking,
- c) a share in the share capital of more than half.

(4) If the person referred to in paragraph 2 is the Slovak Republic, a state authority, a territorial self-government authority, a legal person established by law for the performance of tasks in the public interest<sup>39</sup>) or a legal person established by a state authority for the performance of tasks in the public interest, two separate state authorities, territorial self-government authorities, legal persons established by law to perform tasks in the public interest or legal persons established by a public authority to perform tasks in the public interest, one of which exercises control over the transmission system operator and the other of which exercises control over, or claims any rights in relation to, a person carrying out the activity of electricity generation, electricity supply, gas generation or gas supply, shall not be considered to be the same person.

(5) The obligation under paragraph 1 shall also be deemed to be fulfilled where the transmission system operator is one of the founders of a legal person acting as a transmission system operator in two or more Member States or acquires a participation in such a person and transfers the transmission system to such a person for the purpose of its operation. This shall not apply where a person referred to in the preceding sentence is established by or acquires the participation of a person whose independence is not verified by the competent authority of a Member State in a certification procedure similar to the certification procedure under a special regulation<sup>2</sup>) and who is not approved and designated as a transmission system operator by a Member State.

(6) An electricity producer, electricity supplier, gas producer or gas supplier shall not be entitled to acquire control over a person carrying out electricity transmission activities in a Member State which is not part of a vertically integrated undertaking. A person carrying out electricity generation, electricity supply, gas generation or gas supply activities shall not be entitled to acquire control over a transmission system operator which is not part of a vertically integrated undertaking.

(7) The transmission system operator shall not disclose to persons involved in its activities, nor shall it disclose to persons involved in its activities, commercial information obtained in the course of its activities which is the subject of commercial secrecy,<sup>39</sup>) or other commercial information of a confidential nature to persons carrying out electricity generation or electricity supply activities, except where the disclosure of such information is necessary for the conclusion or performance of a contract with a person carrying out electricity generation or electricity supply activities. The transmission system operator shall apply the measures necessary to fulfil the obligation under the first sentence and shall monitor the fulfilment of those measures by the persons involved in its activities.

(8) For the purposes of paragraph 2(b) and (c), an end-user shall not be considered to be a person carrying out the activity of electricity generation or electricity supply if it carries out, directly or through persons over whom it exercises control individually or jointly with others, the activity of electricity generation

or supply of electricity where, after taking into account the volume of electricity generated by persons over whom it exercises control, either individually or jointly with others, it is on average a net consumer of electricity throughout the

year, and the revenues from the sale of electricity which it sells to third parties are insignificant in comparison with the revenues from its other business activities.

### § 31

#### Rights and obligations of the distribution system operator

(1) The distribution system operator shall have the right to

- a) Establishing and operating an electronic communication network the primary purpose of which is to ensure the management of the operation of the system and to ensure the transmission of information necessary for the automation of management in accordance with a special regulation,<sup>32</sup>)
- b) purchase electricity necessary to cover electricity losses on the system, non-frequency support services and the flexibility necessary to ensure the operational reliability of the distribution system in a transparent and non-discriminatory manner and on the basis of market procedures,
- c) purchase electricity for self-consumption in a transparent and non-discriminatory manner,
- d) denied access to the system due to lack of system capacity,
- e) restrict or interrupt, without claiming compensation for damages, except where the damage has been caused by the fault of the distribution system operator, to the extent and for the time necessary, the distribution of electricity or access to the distribution system at
  1. imminent threat to life, health or property of persons and in the liquidation of these conditions,
  2. in emergencies or in the prevention of emergencies,
  3. unauthorised withdrawal of electricity, until the damage caused by the unauthorised withdrawal has been compensated and the conditions pursuant to § 46(5) have been met, unless otherwise agreed between the distribution system operator, the electricity supplier and the electricity consumer; it shall not be possible to restrict or interrupt the distribution of electricity to dependent household electricity consumers in the event of an unauthorised withdrawal of electricity pursuant to § 46(1)(a), second subparagraph, in the period from 1 November to 31 March,
  4. preventing or repeatedly denying access to metering equipment to electricity consumers or electricity producers,
  5. works on the system facilities or in the protection zone, if planned,
  6. faults on the system equipment and during their rectification,
  7. the supply or withdrawal of electricity by devices that endanger the life, health or property of persons,
  8. the withdrawal of electricity by equipment that affects the quality and reliability of the electricity supply, and if the electricity consumer has not ensured the limitation of these effects by available technical means,
  9. the supply of electricity by equipment which affects the quality and reliability of the electricity supply, and where the electricity producer has not ensured the limitation of these effects by available technical means,
  10. failure to comply with the contractually agreed payment terms for electricity distribution after prior notice or failure to comply with the obligations under § 35(3)(g),
  11. the electricity supplier's request pursuant to § 34(1)(f); the electricity distribution to dependent electricity customers may not be limited or interrupted in the period from 1 November to 31 March,
- f) equip the point of consumption with a technical device regulating the size of the consumption,
- g) require from electricity market participants the data necessary for the preparation and management of the operation of the system in all its phases, namely annual, monthly, weekly and daily, for the planning of system capacity and for financial settlement to the extent according to the commercial terms and conditions of the distribution system operator,

- h) participate in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,
- i) cancel the point of connection of an electricity end-user, electricity producer, electricity storage facility operator, energy community or local distribution system operator in accordance with the market rules on the basis of a decision of the Authority issued on the proposal of the distribution system operator,
- j) issue an instruction to limit the activation of aggregated flexibility if the activation of flexibility would jeopardise the security of operation of the distribution system.

(2) The distribution system operator is obliged to

- a) to ensure reliable, safe and efficient operation of the system under economic conditions while respecting environmental protection conditions and energy efficiency,
- b) ensure non-discriminatory conditions for distribution system users to connect to the system,
- c) ensure access to the distribution system on a transparent and non-discriminatory basis in addition to the fulfilment of obligations of general economic interest; in the event of refusal of access to the distribution system due to lack of system capacity, provide justifiable reasons based on objective and technically and economically justified criteria and information on the measures needed to reinforce the system,
- d) ensure the development and operation of the system so that the capacity of the system meets the reasonable requirements of electricity market participants for access to the distribution system and distribution of electricity in the long term,
- e) ensure the distribution of electricity,
- f) ensure the measurement of electricity in the system and provide measured data to individual electricity market participants in the scope and quality according to the market rules,
- g) enter into a contract with the deviation clearing system operator for the settlement of the deviation, which shall include an obligation to lodge a financial security; this obligation shall not apply to a distribution system operator which has transferred its responsibility for the deviation to another participant in the electricity market on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8),
- h) conclude a contract for connection to the system with the owner of the electricity consumption facility or electricity supply facility, if the technical conditions and commercial conditions for connection to the system are met,
- i) enter into a contract for access to the distribution system and distribution of electricity with anyone who so requests, provided that the technical conditions and commercial terms and conditions for access to the system and distribution of electricity are met,
- j) allocate distribution capacity in a transparent and non-discriminatory manner,
- k) determine in a transparent and non-discriminatory manner the conditions for reserving distribution capacity and publish information about it,
- l) provide information necessary to ensure the security and reliability of the operation of the distribution system to the transmission system operator and the distribution system operator with which the system is interconnected,
- m) provide the information needed to access the system,
- n) provide information necessary to ensure cooperation with other system operators,
- o) connect to the distribution system an electricity installation or an electricity consumption installation within five working days, if the technical conditions and commercial conditions for connection to the system are met, in accordance with the generally binding legal regulation issued pursuant to § 95(2)(n),
- p) limit the distribution of electricity on the basis of and to the extent of the decision of the Ministry pursuant to § 88,

- q) every two years, draw up a network development plan for the next five to ten years and submit it to the Ministry and the Authority by 30 November, including a report on the implementation of the network development plan for the previous period; this shall not apply in the case of a local distribution system operator,
- r) prepare, in cooperation with the distribution system operators in the defined territory and the transmission system operator, a plan for the preparation of the operation of the system for the relevant year,
- s) develop annual system emergency plans and develop electricity curtailment plans as instructed by the transmission system operator,
- t) notify electricity customers in the locally usual manner or electronically and by publication on its website of the start of the planned restriction or interruption of electricity distribution and the duration of the restriction or interruption, at least 15 days before the planned start; the distribution system operator is obliged to resume electricity distribution immediately after the causes have been eliminated; the notification obligation shall not arise when carrying out necessary operational actions at low voltage level, where the restriction or interruption of electricity distribution does not exceed 20 minutes within 24 hours and when operatively shutting down part of the equipment necessary for the operation of the distribution system in the prevention of an electricity emergency, an electricity emergency and the execution of an electricity emergency test; the distribution system operator shall be obliged to make reasonable efforts to prevent damage that may be caused to electricity customers as a result of the restriction or interruption of the distribution of electricity,
- u) publish on its website the commercial terms and conditions for connection to the grid and the commercial terms and conditions for access to the distribution system and distribution of electricity,
- v) maintain the quality of electricity supply and services provided,
- w) collect the levy according to the special regulation<sup>46</sup>) and pay this levy to the revenue budget account of the Ministry's chapter,<sup>45</sup>)
- x) register the points of consumption and transmission of electricity market participants connected to the distribution system in part of the defined territory,
- y) cooperate with the interconnected distribution system operators and the transmission system operator and provide them with the necessary information to enable the efficient use of nonfrequency ancillary services resources and flexibility to ensure the safe and reliable operation of the systems and to support the development of the market for non-frequency ancillary services and flexibility,
- z) provide the transmission system operator with the technical data necessary for the preparation of the operation of the system in all its phases, namely annual, monthly, weekly and daily, for the management of the operation of the system and for the evaluation of the operation of the system, aa) change the amount of the daily distribution capacity on the basis of the request of the distribution system user within 15 days from the date of receipt of the request, including during the duration of the contract for access to the distribution system and distribution of electricity concluded for one year, with the attachment to the request being documents proving that the electricity consumer has not caused by his own activity the cases justifying
  - a request for a change in the amount of daily distribution capacity; a request for a change in the amount of daily distribution capacity may be made at
    - 1. major industrial accident,<sup>46</sup>)
    - 2. serious economic reasons not caused by the electricity consumer, resulting in the cessation of production, the dissolution of the company or the declaration of bankruptcy,
- (ab) keep records of the records of household electricity customers in an electronic database and submit the data from the records to the Authority annually by 28 February of the following year,
- (ac) enable the use of the distribution system for the purposes of flexibility provision and aggregation and provide the flexibility provider and aggregator with information on possible limitations on flexibility provision and aggregation,
- (ad) cooperate on a non-discriminatory basis with persons who own, develop, operate or manage charging stations and provide such cooperation as is necessary for the activities of such persons,

(ae) assess<sup>Ě</sup> in the defined area every four years the alternative solutions and the potential for resource and cost efficiency of the holder of a heat production and heat distribution permit<sup>60a</sup> ) for the provision of ancillary services and the use of the flexibility of abstraction and storage of surplus electricity generated from renewable energy sources,<sup>60b</sup> ) and submit the assessment to the Department by November 30,

(af) provide information to the transmission system operator and cooperate in the control of the fulfilment of the requirements laid down by the generally binding legal regulation issued pursuant to § 95(2)(q),

(ag) monitor the fulfilment of the requirements laid down in the general binding legal regulation issued pursuant to section 95(2)(q) and submit a report on the monitoring of the fulfilment of the requirements for the preceding year to the Authority on an annual basis within a specified time limit.

(3) The distribution system operator is further obliged to

- a) ensure regular maintenance and renewal of the distribution system to maintain the capacity of the distribution system,
- b) comply with the minimum operating rules for the safe and reliable operation of the system and ensure the operational safety of the system,
- c) ensure technical distribution reserve capacity for the operational security of the system and cooperate with the transmission system operator in the defined territory in ensuring it,
- d) notify the affected electricity consumers and the supplier of last resort of the fact that the electricity supplier has lost the ability to supply electricity to the electricity consumers' points of consumption, with whom the electricity supplier has concluded a contract for the supply of electricity or a contract for the combined supply of electricity and to the electricity producers concerned from renewable energy sources or to electricity producers from high-efficiency cogeneration connected to the distribution system and to the supplier of last resort the fact that the electricity purchaser has lost the capacity to purchase electricity pursuant to a specific regulation, )<sup>61</sup>
- e) provide the transmission system operator with the data necessary for financial settlement to the extent according to the commercial terms and conditions of the transmission system operator,
- f) determine for the electricity consumer the type diagram of electricity consumption, if the electricity consumer does not have installed equipment for continuous metering of electricity; the distribution system operator is obliged to notify the determined type diagram to the electricity supplier and the clearing house,
- g) ensure the measurement of electricity in the system, including the evaluation of the measurement, and provide the measured and evaluated data to the short-term electricity market organiser and the supplier  
of electricity, which ensures access and distribution of electricity to the given point of consumption, as well as to provide the short-term electricity market organiser with information necessary for the activities of the short-term electricity market organiser, in the scope and quality according to the special regulation,<sup>62</sup> ) market rules and the operating rules of the short-term electricity market organiser, )<sup>63</sup>
- h) provide<sup>Ě</sup> to the Clearing Clearing House the types of type diagrams with the relevant parameters specified for the following year by 30 September of the preceding year,
- i) provide<sup>Ě</sup> the Clearing Clearing House and the affected electricity market participants with the data necessary for the clearing of deviations, the corrective clearing of deviations and the evaluation of the organised short-term cross-border electricity market in the scope and quality according to the market rules, and the electricity supplier with the data and corrective data for the purpose of the settlement of the electricity supply in the scope and quality according to the market rules,
- j) provide the transmission system operator with the data necessary for the processing of proposals to the Ministry for the solution of the balance between supply and demand of electricity, for the purposes of the development of energy policy, the assessment of the adequacy of resources at European level, the assessment of the adequacy of resources at national level and documents for the development of the system within the scope of the technical conditions of the transmission system operator pursuant to § 19,
- k) provide the dispatching authority with information on planned exchanges of electricity over cross-border lines that are not part of the transmission system in the defined territory,

- l) at the request of the non-household electricity consumer or the electricity supplier acting on behalf of the electricity consumer, allow, free of charge, the change of registration of the electricity consumer's point of consumption to a new electricity supplier within three weeks of receipt of the request; this shall be without prejudice to the contractual obligations of the electricity consumer towards the distribution system operator and the previous electricity supplier,
- m) provide, free of charge and in a non-discriminatory manner, to the final electricity customer whose point of consumption is connected to the system of the distribution system operator, or to the electricity supplier requesting on behalf of the final electricity customer, the metering data at his point of consumption in accordance with the generally binding legal regulation issued pursuant to § 95(2)(b),
- n) enable the electricity end-user, if he has a smart metering system installed, the electricity supplier or the energy service provider requesting on behalf of such electricity end-user to access the metered data at his point of consumption in near real time and other data on electricity consumption or electricity supply to the distribution system in accordance with the generally binding legal regulation issued pursuant to § 95(2)(b),
- o) provide<sup>Ě</sup> the information on customers' rights drawn up by the Commission and published by the Ministry pursuant to Section 88(2)(p) to the electricity customer with whom it has concluded a contract for access to the distribution system and distribution of electricity on its website and at its premises, or on request by sending it to the electricity customer,
- p) keep a register of dependent electricity consumers whose points of consumption are connected to its system and inform the operator of the superior distribution system in writing of this fact, inform these electricity consumers in writing of any planned restriction or interruption of the distribution of electricity to their points of consumption, to carry out the planned interruption of electricity distribution only after the dependent electricity consumer has acknowledged receipt of the information on the interruption of electricity distribution, and to enable those electricity consumers to communicate directly with the distribution system operator for the purpose of reporting faults; the details of the procedure for keeping records of dependent electricity customers and communicating with dependent electricity customers shall be governed by the market rules; the records of dependent electricity customers shall include

1. name, surname or title

2. your permanent address or registered office,
  3. contact telephone number, e-mail address, if any,
  4. date of birth or identification number,
  5. the address of the place of subscription,
  6. the number of the dependent electricity customer's off-take point,
  7. Identification data of the natural person who uses electricity for his/her basic living functions or is severely disabled,<sup>6</sup> ) if he/she is a dependent non-household electricity customer,
- q) install smart metering systems according to § 42,
  - r) ensure, if the conditions under the market rules are met, the installation of a continuous metering device enabling remote reading of electricity
    1. for the new subscription point,
    2. for an existing point of consumption when replacing a designated meter,
    3. for an existing point of consumption when a major renovation of a building is carried out,<sup>6a</sup> ) if the renovation has the effect of reducing electricity consumption,
  - s) reimburse the electricity supplier for the compensation paid by the electricity supplier to the final electricity customer pursuant to § 17(1)(a), sixth point, for the erroneous or delayed billing of the payment if it was caused by the erroneous or delayed provision of electricity consumption data by the distribution system operator,
  - t) after a change of electricity supplier, within ten working days, provide measured consumption data free of charge to the original and new electricity supplier on the basis of the reading of the designated meter or detected by an alternative method; details shall be regulated by the market rules,
  - u) enter into a data provision contract with the short-term electricity market organiser,
  - v) efficiently and effectively compensate for reactive power flows on the distribution system by means of compensating means or non-frequency support services so that the Authority's thresholds for reactive power flows relating to its time-defined area are not exceeded,
  - w) provide the volumes of compensation means or non-frequency support services specified by the Authority and comply with the reactive power flow thresholds specified by the Authority for its time within the defined territory, cumulatively for all connection points of the distribution system operator to the transmission system operator,
  - x) pay to the transmission system operator a fee pursuant to § 28(1)(q) in accordance with a special regulation,<sup>6a</sup> )
  - y) control and monitor voltage and reactive power values,
  - z) install and operate appropriate compensating means or provide non-frequency support services to eliminate reactive power flows from the distribution system to the transmission system, at least in a volume determined by the Authority, while the costs related to the procurement and operation of compensating means or non-frequency support services shall be taken into account by the Authority in the exercise of price regulation pursuant to a special regulation;<sup>6a</sup> ) system operators shall be obliged to co-operate with each other in the construction and operation of compensating means, aa) submit to the Authority a proposal for the amount of compensation means or non-frequency support services for individual system operators and reactive power flow benchmarks relating to the time-defined territory,

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- (ab) provide the organiser of the short-term electricity market with data on electricity generation and storage facilities connected to the distribution system or for which it has issued an opinion pursuant to § 12(5)(a) or entered into a contract for connection to the distribution system; the details shall be regulated by the market rules,
- (ac) when deciding on the development of the distribution system, take into account the need to ensure that the energy efficiency of the distribution system is managed in such a way as to improve the energy efficiency of the distribution system without additional new investment in distribution facilities,
- (ad) carry out an assessment of the energy efficiency potential of the distribution system once every ten years, which

1. identifies cost-effective measures to improve the energy efficiency and achieve energy savings of its own electricity infrastructure, the investments needed to implement them and the timetable for implementation,
2. includes in particular an assessment of the energy efficiency of distribution, the management of operation, the operability of the interconnected system, the connection of electricity generation installations and combined installations of very small capacities,<sup>6a</sup> )
3. may be part of a written energy audit report pursuant to a special regulation,<sup>55a</sup> ) (ae) send the assessment pursuant to point (b) to the Ministry by 30 June of the calendar year concerned.

(4) The distribution system operator shall be obliged to publicly consult the system development plan drawn up pursuant to paragraph 2(q) before submitting it to the Ministry and the Authority. The record of the public consultation shall be submitted by the distribution system operator to the Ministry and the Authority together with the system development plan. The Authority shall publish the system development plan together with the record of the public consultation on its website. If the system development plan does not contain the elements pursuant to the generally binding legal regulation issued by the Authority pursuant to Section 95(2)(k), the distribution system operator has not properly assessed the comments submitted or the system development plan has other deficiencies, the Authority shall, on its own initiative, by decision impose on the distribution system operator the obligation to amend the system development plan or to eliminate the deficiencies and shall set a reasonable time limit for doing so. The Authority shall inform the Ministry of the obligation to change the distribution system development plan or to remedy other deficiencies. If the Authority does not initiate proceedings for the amendment of the distribution system development plan or for the removal of deficiencies within one month of the submission of the distribution system development plan to the Authority, the distribution system development plan shall be deemed to be complete and free from deficiencies.

(5) Where the distribution system operator intends to procure non-frequency support services or flexibility to ensure the operational reliability of the distribution system, it shall be obliged to develop a draft of the technical requirements for the non-frequency support services or flexibility to be procured and the conditions for the procurement of non-frequency support services or flexibility on the basis of transparent, non-discriminatory and market-based procedures. The technical requirements shall enable the use of services provided by electricity generators, flexibility providers, aggregators and operators of electricity storage facilities in a non-discriminatory manner. The distribution system operator shall discuss the draft technical requirements referred to in the first sentence with the transmission system operator and the operators of the interconnected distribution systems. The distribution system operator shall publicly consult the draft technical requirements referred to in the first sentence before submitting them to the Authority for approval. Unless otherwise provided for in paragraph 6, the distribution system operator may purchase non-frequency support services or flexibility to ensure the operational reliability of the distribution system only in accordance with the technical requirements and conditions of a transparent, non-discriminatory and market-based procedure approved by the Authority; the possibility of using fully integrated system elements shall not be affected.

A distribution system operator may provide non-frequency support services or flexibility to ensure the operational reliability of the distribution system other than on the basis of transparent, non-discriminatory and market-based procedures, if the Authority so decides at its request. The Authority shall grant the request if the distribution system operator demonstrates that it is not cost-effective to procure non-frequency ancillary services or flexibility on the basis of transparent, non-discriminatory and market-based procedures, or, in the case of flexibility, that its procurement through this procedure may lead to market harm or overcompensation. The Authority shall determine in the decision the scope and specification of the non-frequency support services or flexibility and the conditions for their procurement.

(7) A distribution system operator which is part of a vertically integrated undertaking shall be obliged to develop a compliance programme in which it shall identify measures to ensure nondiscriminatory behaviour of the distribution system operator, including measures to ensure nondiscriminatory access to data from smart metering systems. The compliance programme shall identify specific obligations for employees aimed at eliminating possible discriminatory behaviour by the distribution system operator.

(8) A distribution system operator which is part of a vertically integrated undertaking shall publish on its website by 30 June each year, together with the annual report<sup>(61)</sup> of the distribution system operator, a report on the implementation of the measures taken in the compliance programme for the preceding year prepared by the person responsible for ensuring compliance pursuant to § 32(8)(b). The distribution system operator shall deposit the annual report<sup>(61)</sup> in the public part of the register of accounts. <sup>)(62)</sup>

(9) The distribution system operator shall be obliged to carry out electricity transmission on power lines and electricity equipment which provide for the transport of electricity from part of the territory of the European Union or from part of the territory of third countries to the defined territory or to the time<sup>Ě</sup> of the defined territory and which does not connect the transmission system with the transmission system of a Member State or with the transmission system of third countries, in accordance with the conditions approved by the Authority. The distribution system operator shall be obliged to draw up the conditions for the transmission of electricity through the distribution system pursuant to the preceding sentence and submit them to the Authority for approval not later than 40 days before the beginning of the period for which such operation is requested; the Authority shall approve the conditions for the transmission of electricity through the distribution system pursuant to the preceding sentence not later than 10 days before the beginning of the period for which such operation is requested, if they are not in conflict with this Act or special regulations. <sup>)(63)</sup>

(10) The distribution system operator is obliged to preferentially connect the equipment of the producer of electricity from renewable energy sources and combined production to its system after payment of the connection price, if the producer meets the commercial conditions and technical conditions for connection to the system in such a way as to maintain the security, reliability and stability of the system operation.

(11) A distribution system operator which is part of a vertically integrated undertaking shall ensure the proper performance of the tasks of the compliance officer pursuant to Section 32(8).

(12) A distribution system operator which is part of a vertically integrated undertaking shall submit to the Authority any contract between it and another person which is part of the same vertically integrated undertaking within 15 days of its conclusion.

(13) The operator of the local distribution system shall be obliged to conclude a contract on access to the distribution system and distribution of electricity with the operator of the regional distribution system to whose regional distribution system its local distribution system is connected, if a producer of electricity or the operator of the local distribution system operating an electricity production facility supplies electricity to the regional distribution system through this local distribution system.

(14) The operator of the local distribution system shall have the right to connect to the system if its electricity facilities meet the technical conditions and commercial conditions for connection.

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(15) If the local distribution system is connected to the regional distribution system directly or through one or more local distribution systems, the electricity generation equipment, including the local source<sup>(64)</sup>, may be connected to the local distribution system on the basis of a contract for connection to the regional distribution system concluded between the regional distribution system operator and the local distribution system operator. The regional distribution system operator shall be obliged to conclude a contract according to the first sentence if the technical conditions and commercial conditions for connection to the system are met.

## § 32

### Distribution System Operation Department

(1) A distribution system operator which is part of a vertically integrated undertaking shall be independent in terms of legal personality, form, organisation and decision-making from activities unrelated to the distribution of electricity.

(2) Independence under paragraph 1 shall not imply an obligation to separate the ownership of the assets of the distribution system operator from the ownership of the assets of the vertically integrated undertaking.

(3) The independence<sup>Ě</sup> of the distribution system operator referred to in paragraph 1 shall be ensured

- a) that the persons responsible for the management of the distribution system are not directly or indirectly involved in the management of the generation, transmission and supply of electricity activities of the integrated undertaking,
- b) taking measures to ensure the independence of persons responsible for the management of the distribution system; persons responsible for the management of the distribution system shall not participate directly or indirectly in the business of another person which is part of the same integrated undertaking as the distribution system operator, nor shall they receive from it a share of the profits or any other material consideration; the remuneration of persons responsible for the management of the distribution system shall not depend in any way on the economic performance of persons other than the distribution system operator,
- c) that the decision-making rights attached to assets necessary for the operation, maintenance or development of the distribution system are independent of the decision-making rights attached to other assets of the integrated undertaking; the distribution system operator must have the resources, including human, technical, material and financial resources, necessary for the operation, maintenance and development of the distribution system; the existence of appropriate mechanisms to ensure the right to protect the assets of the integrated undertaking shall not be excluded; the integrated undertaking may approve the annual financial plan of the distribution system operator and determine the level of indebtedness of the distribution system operator; the integrated undertaking shall not have the right to issue instructions concerning the day-to-day operation of the distribution system operator, nor to issue decisions concerning the construction or upgrading of the distribution system where the decisions of the distribution system operator are in accordance with the approved financial plan indicators,
- d) by drawing up a compliance programme pursuant to Article 31(7),
- e) by appointing or otherwise designating a person to ensure compliance pursuant to paragraphs 4 to 8.

(4) A distribution system operator which is part of a vertically integrated undertaking shall appoint or otherwise designate and remove a compliance officer with the prior consent of the Authority. A distribution system operator which is part of a vertically integrated undertaking shall ensure that the compliance officer appointed or otherwise appointed by it

- a) meet the conditions of independence referred to in paragraph 5,
- b) have had professional experience in the electricity industry of at least five years; if the person liable compliance is ensured by a legal entity, the requirement of professional experience in the electricity sector must be met by<sup>Ě</sup> its responsible representative,
- c) have a second-class university degree in a technical, economic or legal field; where the person responsible for ensuring compliance is a legal person, the requirement of a university degree must be met by<sup>Ě</sup> its responsible representative,
- d) have the conditions for the independent performance of its tasks pursuant to paragraph 8; the conditions for the independent performance of the tasks of the compliance officer shall also include the contractual conditions relating to the duration and termination of its contractual relationship with the distribution system operator and its remuneration,
- e) if she performs activities for the distribution system operator in an employment or other similar relationship, she was under the direct management responsibility of the statutory body of the distribution system operator in matters relating to the performance of her tasks pursuant to paragraph 8.

(5) The person required to ensure compliance shall not

- a) have, directly or indirectly, an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated electricity undertaking as the distribution system operator, or a person who exercises control over a person, which is part of the same vertically integrated electricity undertaking as the distribution system operator, directly or indirectly controls or performs activities for such person or persons in an employment or other similar relationship or is in another contractual relationship directly or indirectly with such person or persons; another contractual relationship is not a contractual relationship based on a contract for connection to the transmission system, a contract for connection to the distribution system, a contract for access to the transmission system and transmission of electricity, a contract for access to the distribution system and distribution of electricity, a contract for assumption of responsibility for deviation, a contract



for mandatory assumption of responsibility for deviation, a contract for the combined supply of electricity and a contract for the supply of electricity for the customer's own consumption,

- b) have, directly or indirectly, an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person who is, directly or indirectly, in another contractual relationship with a person who is part of the same vertically integrated electricity undertaking as the distribution system operator, or a person who exercises, directly or indirectly, control over a person who is part of the same vertically integrated electricity undertaking as the distribution system operator; another contractual relationship is not a contractual relationship based on a transmission connection contract, a distribution connection contract, a transmission access and electricity transmission contract, a distribution access and electricity distribution contract, a contract for the assumption of liability for deviation, a contract for the mandatory assumption of liability for deviation, a pooled electricity supply contract and a contract for the supply of electricity for the customer's own consumption.

(6) The appointment or appointment of a compliance officer shall require the prior consent of the Authority, otherwise the appointment or appointment shall be void; the Authority shall not give prior consent to the appointment or appointment if the conditions relating to the compliance officer under paragraph 4 are not met. The prior consent of the Authority shall be required for the removal of the compliance officer, otherwise the removal shall be null and void; the Authority shall not give prior consent to the removal if it has reasonable doubts as to the validity of the grounds for the removal of the compliance officer. If the Authority does not issue a decision on prior consent pursuant to this paragraph within 21 days from the date of receipt of a complete application from the distribution system operator, the Authority shall be deemed to have issued a decision on the issue of prior consent. The Authority shall notify the distribution system operator of the date of receipt of the complete application for prior consent.

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(7) The dismissal of a compliance officer is a condition for the termination of the employment of a compliance officer who performs an employment activity by giving notice<sup>62</sup>) or by immediate termination of employment by the employer;<sup>63</sup>) the time limits under the Labour Code for termination of employment by giving notice or by immediate termination of employment<sup>64</sup>) do not expire during the procedure for the prior consent of the Authority to the dismissal of a compliance officer.

(8) The person responsible for ensuring compliance shall

- a) monitor the implementation of the compliance programme,
- b) prepare and submit annually by 30 April a report to the Authority for the preceding year setting out the measures taken to implement the compliance programme,
- c) make recommendations to the distribution system operator on the compliance programme and its implementation,
- d) inform the Authority without delay of any serious breach of the compliance programme.

(9) Anyone who participates in the activities of the distribution system operator shall provide the person responsible for ensuring compliance with the information and documents necessary for the performance of the tasks under paragraph 8 and shall provide the person responsible for ensuring compliance with the other necessary assistance.

(10) A distribution system operator which is part of a vertically integrated undertaking shall act in such a way that it is not confused with a supplier of electricity or a producer of electricity which is part of the same vertically integrated undertaking.

(11) A vertically integrated undertaking which provides services to fewer than 100 000 connected customers shall not be subject to the obligations under § 31(7), (8), (11) and (12), the obligations under § 31(7), (8), (11) and (12), the obligations under paragraphs 1 to 10 and the obligations under § 96(21).

(12) The provisions of Parts One and Two of the Commercial Code shall apply mutatis mutandis to the fulfilment of the obligations under paragraphs 1 to 3.

## § 32a

### Operation of an electricity storage facility and a charging station by a transmission system operator and a distribution system operator

(1) Except as otherwise provided in this section or section 35a, a transmission system operator or distribution system operator shall not own, develop, manage or operate an electricity storage facility or a charging station in a defined area for purposes other than its own use or operation of its system.

(2) The transmission system operator and the distribution system operator may own, develop, manage or operate electricity storage facilities only with the consent of the Authority.

(3) The Authority shall grant consent pursuant to paragraph 2 upon application by the transmission system operator or the distribution system operator if the transmission system operator or the distribution system operator demonstrates that the electricity storage facility will be a fully integrated element of the system.

(4) Furthermore, the Authority shall grant consent pursuant to paragraph 2 upon application by the transmission system operator or the distribution system operator if no candidate for the provision of services necessary for the performance of the transmission system operator's or the distribution system operator's obligations pursuant to § 28(2) is selected in the tendering procedure announced by the transmission system operator or the distribution system operator pursuant to § 32b.

(a) or Section 31(2)(a) who fulfils the conditions of the selection procedure.

(5) Where the Authority grants consent pursuant to paragraph 3 or paragraph 4 to a transmission system operator, it shall notify that decision, together with information on the request for consent and the reasons for granting it, to the Commission and the Agency.

(6) Electricity storage facilities owned, managed or operated by a transmission system operator or a distribution system operator may not be used, even partially, for the purchase, sale or storage of electricity by or for third parties, the provision of ancillary services to other system operators or the provision of flexibility on the electricity market to third parties.

(7) A local distribution system operator may own, develop, manage or operate an electricity storage facility or a publicly accessible charging station with the consent of the Authority. The Authority shall grant consent to the local distribution system operator upon request if the local distribution system operator demonstrates that

- a) no more than 10 000 points of consumption are connected to the local distribution system,
- b) the local distribution system distributes electricity only within a locally defined area of industrial, commercial or shared activities,
- c) the local distribution system is not used for the distribution of electricity to household electricity customers, except households whose members are in an employment or other similar relationship to the owner or operator of the local distribution system, and
- d) the operational or generation activities of the users of the local distribution system are interconnected or the local distribution system distributes electricity primarily to the owner or operator of the local distribution system or to interconnected undertakings.

(8) The Authority shall revoke the consent granted under paragraph 7 if it finds that the local distribution system operator does not comply with the conditions for granting the consent under paragraph 7.

## § 32b

### Tender procedure for electricity storage facilities

(1) If the transmission system operator or distribution system operator needs to use an electricity storage facility for the purpose of fulfilling the obligation under Section 28(2)(a) or Section 31(2)(a) and this need cannot be satisfied by the purchase of non-frequency support services or flexibility, it shall apply to the Authority for consent to issue a tender for the provision of electricity storage facility services.

(2) The Authority shall grant the consent pursuant to paragraph 1 if the transmission system operator or the distribution system operator demonstrates that the conditions pursuant to paragraph 1 are met and if the proposed conditions of the tendering procedure are in accordance with the conditions laid down in the generally binding legal regulation issued by the Authority pursuant to § 95(2)(j). Where the Authority grants consent pursuant to paragraph 1, the transmission system operator or distribution system operator shall be obliged to proceed with the selection procedure in accordance with the terms and conditions of the selection procedure, which shall accompany the request for consent.

#### § 32c Market research

(1) Where the Authority grants at least one transmission system operator or distribution system operator consent to own, develop, manage or operate an electricity storage facility pursuant to section 32a(4), it shall, at least every five years, carry out a survey to ascertain the potential interest of operators of electricity storage facilities

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for the provision of their services to the transmission system operator or the distribution system operator for the purposes of fulfilling the obligation under § 28(2)(a) or § 31(2)(a).

(2) The Authority shall carry out a public consultation on the outcome of the survey carried out pursuant to paragraph 1. The Authority shall publish the result of the survey on its website and shall allow regulated entities, system users and operators of electricity storage facilities to comment on the result of the survey within a period of at least 15 days from the date of publication. The Authority shall evaluate the comments submitted and publish the manner of evaluation of the comments together with the result of the public consultation on its website.

(3) If the public consultation results in the identification of the interest of operators of electricity storage facilities in providing their services to the transmission system operator or distribution system operator in a cost-effective manner and at the same time the identification that there are no factual barriers or legal obstacles to the provision of their services to the transmission system operator or distribution system operator, the transmission system operator or distribution system operator to which consent is granted pursuant to Section 32a(1)(a) of Directive 2003/87/EC shall be the transmission system operator or distribution system operator to which consent is granted pursuant to Section 32a(1) of Directive 2003/87/EC. 4 shall, within three months of the publication of the results of the public consultation, submit to the Authority for approval the draft terms and conditions of the tendering procedure for the procurement of the services of an electricity storage facility. The transmission system operator or the distribution system operator shall announce the tender procedure within one month of the approval of the tender conditions at the latest. If the Authority does not approve the tender conditions, it shall at the same time set a deadline for the transmission system operator or distribution system operator to submit a new draft tender conditions.

(4) The Authority may determine the conditions of the selection procedure on its own initiative if the transmission system operator or the distribution system operator fails to submit a draft of the conditions of the selection procedure to the Authority pursuant to paragraph 3 or if it fails to remedy the deficiencies for which the Authority did not approve the conditions of the selection procedure within a specified time limit.

(5) The provisions of paragraphs 3 and 4 on the obligation of the transmission system operator or distribution system operator to propose the conditions of the tendering procedure and to announce the tendering procedure shall not apply if the transmission system operator or distribution system operator demonstrates to the Authority that the procurement of electricity storage facility services at the latest after the expiry of the period referred to in paragraph 6 is not necessary for the fulfilment of the transmission system operator's or distribution system operator's obligations pursuant to Article 28(2)(a) or Article 28(2)(a).

§ 31(2)(a).

(6) The transmission system operator or distribution system operator shall cease the activity for which it has been granted consent pursuant to Section 32a(4) within 18 months of the publication of the results of the public consultation pursuant to paragraph 2. The Authority shall take into account the residual value of the electricity storage facility in the proposed method of price regulation pursuant to a special regulation. )

(7) Electricity market participants shall be obliged to provide the Authority with cooperation in the procedure under this section.

#### § 33

#### Management of the system in the defined area

(1) The system in the defined area is managed by the dispatching office, which is responsible for the safe and reliable operation of the system, for the operational management of the system and for determining the capacity for the use of the interconnectors.

(2) Dispatching shall be established by the transmission system operator to ensure the management of generation, storage and consumption of electricity in the defined territory and to ensure cooperation with dispatch centres in the territory of the Member States and with dispatch centres in the territory of third countries.

(3) The dispatching authority shall have the right to limit the production of electricity in electricity production facilities connected to the transmission system, which produce electricity from renewable sources or by high-efficiency combined generation and whose installed capacity is lower than 400 kW, and, in the case of electricity production facilities put into operation from 1 January 2026, lower than 200 kW, only if the control of the system cannot be ensured by limiting the production from other electricity production facilities.

(4) Dispatching is obliged to

- a) ensure compliance with the rules of operational system management in cooperation with transmission system operators in the territory of the European Union and in the territory of third countries,
- b) determine, in a transparent and non-discriminatory manner, the rules for the management of the system and the rules for the use of interconnectors, taking into account the obligations imposed in the general economic interest as well as the technical constraints of the system,
- c) publish the system management rules and the system operation rules on the website of the transmission system operator,
- d) declare restrictive measures in the electricity sector in a state of emergency pursuant to Section 20,
- e) identify measures to address the emergency.

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(5) Dispatching shall have the right to receive information from the electricity supplier and the short-term electricity market organiser on the volume of all planned commercial transactions in the defined territory and from the distribution system operator on planned exchanges of electricity over cross-border lines that are not part of the transmission system in the defined territory.

(6) The distribution system operator's dispatching centre shall be established by the distribution system operator to ensure the management of production, storage and consumption of electricity in part of the defined territory, to ensure cooperation with other dispatching centres of the distribution system operators in the defined territory and to ensure cooperation with the dispatching centre in the defined territory.

(7) The dispatching of the distribution system operator shall have the right to limit the production of electricity in electricity production facilities connected to the distribution system, which produce electricity from renewable sources or by high-efficiency combined generation and whose installed capacity is lower than 400 kW, and, in the case of electricity production facilities put into operation from 1 January 2026, lower than 200 kW, only if the control of the production of electricity cannot be ensured by limiting the production from other electricity production facilities.

(8) The dispatching of the distribution system operator is obliged to

- a) ensure compliance with the rules for the interconnection of distribution systems in part of the defined territory and the rules for the interconnection of distribution systems with the transmission system in the defined territory,
- b) evaluate and approve the interchange of electricity between distribution systems and with the transmission system in the defined territory.

(9) The dispatching and the dispatching of the distribution system operator in the defined territory or in part of the defined territory are obliged to cooperate with each other. The dispatching centre shall be superior to the dispatching centre of the distribution system operator.

(10) The rules of cooperation between dispatching entities among themselves and between the distribution system dispatching entity and the transmission system dispatching entity, as well as between other electricity market participants, shall be determined by the dispatching rules in such a

way that they are in accordance with paragraph 9. The operator of the transmission system is obliged to consult the dispatching rules publicly. The dispatching rules shall be issued by the transmission system operator after approval by the Authority and shall be binding for all electricity market participants.

**§ 34****Rights and obligations of the electricity supplier**

(1) The electricity supplier has the right to

- a) for the transmission and distribution of electricity, if it has concluded a contract for access to the transmission system and transmission of electricity with the transmission system operator or a contract for access to the distribution system and distribution of electricity with the distribution system operator,
- b) for the transmission of electricity, if it has concluded a contract for the settlement of the electricity market participant's deviation with the Clearing Clearing House,
- c) supply electricity to the electricity consumer,

d) participate in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,

e) to provide data and corrective data from the clearing entity for the purpose of settlement of electricity supply and deviation to the clearing entity in the scope and quality according to the market rules and data and corrective data from the system operator for the purpose of settlement of electricity supply in the scope and quality according to the market rules,

f) request the transmission system operator or the distribution system operator to interrupt or restrict the transmission or distribution of electricity to an electricity end-user with whom the electricity supplier has a pooled electricity supply contract, if the electricity end-user is in material breach of the pooled electricity supply contract even after receiving a previous written warning,

g) set off the electricity consumer's overpayment against its due claim arising under the contract pursuant to § 26(1) or § 26(9), unless otherwise agreed with the electricity consumer.

(2) The electricity supplier is obliged to

- a) enter into a contract with the Clearing Clearing House for the settlement of the deviation which includes an obligation to lodge a financial security; this obligation shall not apply to an electricity supplier who has transferred its responsibility for the deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8),
- b) provide the Clearing Clearing House with technical data on electricity supply in accordance with the concluded contract, as well as information necessary for the activities of the short-term electricity market organiser in the scope and quality according to the market rules and the operating rules<sup>33</sup>) of the short-term electricity market organiser,
- c) provide the electricity end-user and, on request, the Ministry and the Authority with information on the share of the different types of primary energy sources in the electricity purchased or produced by the supplier for the purpose of its supply to electricity customers in accordance with the published energy mix of electricity supply, taking into account also electricity purchased or produced in other Member States and in third countries in the provision of this information; the share of electricity produced from renewable energy sources in the energy mix of electricity supply may be changed by the supplier on the electricity supply bill only by applying guarantees of origin for electricity from renewable energy sources,
- d) provide information to the final electricity customer and, on request, to the Ministry and the Authority on the impact of the production of electricity purchased or produced by the supplier for the purpose of its

the environmental impact of the supply to electricity consumers, including electricity consumers outside the defined territory, in the preceding year, including data on CO<sub>2</sub> emissions and radioactive waste generated in the production of that electricity, or provide a reference to a public source of that information; in providing that information, the supplier shall also take into account electricity purchased or produced in other Member States and in third countries,

- e) limit the supply of electricity from Member States and from third countries to the extent of the decision of the Ministry pursuant to § 88,
- f) provide the Authority or an organisation authorised under a special regulation<sup>384</sup> ) with information on electricity supply offers, their terms and conditions and changes thereto at least five working days before they take effect for the purpose of publication on the comparison portal in the scope, structure and manner published by the Authority on its website; this does not apply to offers of electricity supply at a price regulated by the Authority under a special regulation,<sup>3</sup>)
- g) provide the end-user of electricity with information pursuant to § 17(1)(b), (d) and (e),
- h) inform the household electricity consumer about alternative measures to prevent disconnection due to non-fulfilment of the household electricity consumer's contractual obligations under § 17(18),
- i) refrain from taking any action that restricts the flexibility provider's right to conclude the contract on aggregation with an independent aggregator, makes it impossible to provide flexibility under the contract on aggregation with an independent aggregator or disadvantages electricity end-users in providing flexibility to an independent aggregator compared to electricity end-users who do not provide flexibility or compared to electricity end-users who provide flexibility to an electricity supplier,
- j) not make the conclusion of an electricity supply contract or a pooled electricity supply contract with an electricity end-user conditional upon the simultaneous agreement to provide flexibility or make the conclusion or duration of an electricity supply contract or a pooled electricity supply contract conditional upon the conclusion of an aggregation contract,
- k) if the electricity supplier is a universal service provider,
  1. enter into a contract for the combined supply of electricity in the defined area pursuant to § 17(1) with any household electricity consumer who so requests and meets the commercial conditions of the electricity supplier; the electricity supplier must justify its refusal to enter into a contract for the combined supply of electricity,
  2. inform household electricity customers on its website and at its points of sale about the possibility of concluding a pooled electricity supply contract providing universal service,
  3. apply the terms and conditions of universal service provision in the electricity supply contract or the contract for the combined supply of electricity concluded with a household electricity consumer; the terms and conditions of universal service provision must meet the requirements of the provisions of the Civil Code on consumer contracts,<sup>66</sup> ) must be consistent in content with the model terms and conditions of universal service provision, must contain the method of sale of electricity and the complaints procedure pursuant to § 17a par. 2, must be formulated in a clear and comprehensible manner and must not contain provisions which unduly restrict or prevent the exercise of the rights of the household electricity consumer,
  4. publish the commercial terms and conditions for the provision of universal service and any change thereto on its website; the electricity supplier shall publish any change to the commercial terms and conditions for the provision of universal service on its website at least 30 days before the change takes effect,
- l) if it is an electricity supplier supplying electricity to more than 100 000 customer premises, **251/2012 Coll.** Page 107

conclude an electricity supply contract or a pooled electricity supply contract with dynamic electricity pricing with an electricity end-user who so requests and has a smart metering system installed at the point of consumption,

- m) inform on its website and at its points of sale the final electricity customer about the benefits and risks associated with the conclusion of an electricity supply contract or a pooled electricity supply contract with dynamic electricity pricing and about the necessity of installing a smart metering system and the costs of its installation, if the conclusion of an electricity supply contract or a pooled electricity supply contract with dynamic electricity pricing is offered to the final electricity customer or if it is obliged under this Act to conclude such a contract with the final electricity customer,
- n) purchase in the general economic interest electricity produced in the defined territory from renewable energy sources, from combined production sources and from domestic coal,
- o) provide the final electricity customer with basic information on his rights concerning the available dispute settlement mechanisms,
- p) provide the dispatching centre with information on the volume of all planned commercial transactions in the defined territory,
- q) provide the transmission system operator with data within the scope of the technical conditions of the transmission system operator pursuant to § 19 necessary for the processing of proposals for the Ministry to address the balance between supply and demand of electricity, for the purposes of developing energy policy, assessing the adequacy of resources at European level and assessing the adequacy of resources at national level,
- r) provide the information on customers' rights drawn up by the Commission and published by the Ministry pursuant to section 88(2)(p) to the electricity customer with whom it has concluded a pooled electricity supply contract, on its website and at its premises or by sending it to the electricity customer on request,
- s) to collect and pay the levy determined by special regulation<sup>35</sup> ) in the manner prescribed by special regulation,<sup>36</sup> )
- t) enable the end user of electricity to change electricity supplier free of charge,
- u) allow the end-user of electricity who is a flexibility provider to change the aggregator free of charge,
- v) keep data on transactions between the electricity supplier and persons purchasing electricity for the purpose of its resale or transmission system operators concerning electricity supply contracts for five years following the year to which they relate and provide such data on request to the Ministry, the Authority, the Antimonopoly Office of the Slovak Republic, other state authorities within the scope of their competence and the Commission; for the purposes of this provision, an electricity supply contract means a contract for the supply of electricity except for a contract in respect of a derivative relating to electricity, where a derivative relating to electricity is a financial instrument pursuant to a special regulation,<sup>67</sup> ) relating to electricity,
- w) keep data on transactions between the electricity supplier and persons purchasing electricity for the purpose of its resale or transmission system operators concerning electricity derivatives for five years following the year to which they relate, in accordance with a special regulation to be issued by the Commission, and provide such data on request to the Ministry, the Authority, the Antimonopoly Office of the Slovak Republic, other state authorities within the scope of their competence, and the Commission,
- x) if the electricity customer's point of consumption with the distribution system operator is removed from its balance group on the date of termination of the electricity supply contract,
- y) if authorised to do so by the electricity end-user by a written power of attorney, made available to the energy service provider<sup>67a</sup> ) designated pursuant to § 35(1)(j) in a manner understandable to the electricity end-user

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- 1. electricity billing,
- 2. information on electricity billing,
- 3. metering and electricity consumption data, including data on the history of electricity consumption at the electricity end-user's off-take point,
- z) make available to the final electricity customer, in accordance with the generally binding legal regulation issued pursuant to Article 95(2)(b), the data

1. on metering and electricity consumption, including data on the history of electricity consumption at the electricity end-user's point of consumption,
  2. necessary to make a change of electricity supplier or aggregator,
  3. necessary for the provision of energy services, aa) provide the distribution system operator of which it is a user with the customer data necessary for the conclusion of the contract and notify it of any changes to such data,
- (ab) communicate to the distribution system operator the data on dependent electricity customers resulting from electricity supply contracts, namely
1. name, surname or title,
  2. your permanent address or registered office,
  3. contact telephone number, e-mail address, if any,
  4. date of birth or identification number,
  5. the address of the place of subscription,
  6. the number of the dependent electricity customer's off-take point,
  7. Identification data of the natural person who uses electricity for his/her basic living functions or is severely disabled,\* ) if he/she is a dependent non-household electricity customer.

(3) The information referred to in paragraph 2(c), (d) and (o) shall be reliable; the electricity supplier shall include it on the electricity supply bill or in the information on the electricity supply bill. The information referred to in point (c) of paragraph 2 shall be provided by the electricity supplier in a manner that is comprehensible to the electricity end-user and that allows for easy comparability with similar information provided by other suppliers supplying electricity in the defined territory.

(4) The Authority shall invite the electricity supplier providing universal service to make changes to the commercial terms and conditions of universal service provision where the commercial terms and conditions of universal service provision do not meet the requirements under paragraph 2(k), third subparagraph, or where the Authority has reason to believe that the electricity supplier is applying the commercial terms and conditions of universal service provision in an unreasonable or discriminatory manner.

(5) An electricity supplier providing universal service shall notify the Authority in writing within 30 days from the date of receipt of the Authority's request pursuant to paragraph 4 whether it has changed its commercial terms and conditions and to what extent, and shall deliver the changed commercial terms and conditions to the Authority. If the electricity supplier providing universal service has not changed the commercial terms and conditions, it shall notify the Authority within the period referred to in the first sentence of the reasons for not changing the commercial terms and conditions.

(6) The Authority shall inform the electricity supplier providing the universal service of the invitation of the electricity supplier providing the universal service by the Authority pursuant to paragraph 4 and of the manner in which the electricity supplier providing the universal service has dealt with the invitation pursuant to paragraph 5 on its website.

- (7) The electricity supplier is obliged to hostÉ a register of electricity consumers in the household,

which

Contains

1. the name, surname and date of birth of the electricity consumer in the household,
2. the address of the permanent residence of the electricity consumer in the household,
3. the address of the place of subscription,
4. the number of the subscription point,
5. the date from which the household electricity consumer is registered in the register of household electricity consumers.

(8) Where an electricity supplier does not have the data necessary to comply with the obligation under paragraph 2(c) or (d) in respect of the part of the electricity purchased for the purpose of supplying it to electricity consumers, including electricity consumers outside the defined territory, it shall use, instead of the actual data relating to that part of the electricity, the aggregated statistical data for the previous year relating to the electricity produced in those Member States where such data are available.

(9) The electricity supplier may sell electricity by auction according to rules approved by the Authority.

(10) An electricity supplier that will sell electricity pursuant to paragraph 9 shall

- a) draft rules for the sale of electricity by auction pursuant to a special regulation, )<sup>ci</sup>
- b) submitÉ to the Authority the draft rules for the sale of electricity by auction for the following calendar year by 31 October of the calendar year,
- c) complyÉ with the Authority's approved rules for the sale of electricity by auction.

(11) The electricity supplier shall be obliged to ensure the quantity of electricity for the supply of electricity to the electricity end-users with whom it has concluded electricity supply contracts or electricity pooling contracts, and to submit data on the quantity of electricity ensured to the Authority.

#### § 34a

##### Rights and obligations of the aggregator

(1) The aggregator has the right

- a) offerÉ a flexibility aggregation service to an electricity generator, an electricity storage operator or an active customer,
- b) Providing aggregated flexibility in organised electricity markets<sup>®</sup> ), including the provision of support services,
- c) participate with the offer of aggregated flexibility in the organised short-term cross-border electricity market if it is a clearing entity and has concluded a contract with the short-term electricity market organiser on access and conditions for participation in the organised short-term cross-border electricity market,
- d) to provide data and corrective data from the short-term electricity market operator for the purpose of billing for the provision of flexibility and deviations to the settlement entity responsible for the deviations caused by the activated flexibility in the scope and quality according to the market rules.

(2) The aggregator is obliged to

- a) enter into a contract with the Clearing Clearing House for the settlement of the deviation which includes an obligation to lodge a financial security; this obligation shall not apply to an aggregator who has transferred its responsibility for the deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8),

- b) enter into a data provision contract with the short-term electricity market organiser,

- c) provide the Clearing House with technical data on the conditions for activation of flexibility in accordance with the concluded contract, as well as data on the electricity equipment and electricity consumption facilities used for activation of flexibility, and information necessary for the activities of the short-term electricity market organiser in the scope and quality according to the market rules and the operating rules of the short-term electricity market organiser,
- d) allow the flexibility provider to change the aggregator free of charge,
- e) provide the flexibility provider in its capacity as an electricity end-user with written information on the content of the proposed contract and inform it of the consequences of activating flexibility under the proposed contract in reasonable time before the conclusion of the aggregation contract,
- f) provide the transmission system operator or the distribution system operator with data on aggregated flexibility in the defined territory and limit the activation of aggregated flexibility according to the instructions of the transmission system operator or the distribution system operator,
- g) É the flexibility provider's off-take point or transfer point with the short-term electricity market organiser from its balance group on the date of termination of the aggregation contract,
- h) provide the transmission system operator and the distribution system operator with information on the equipment with flexibility capability that is subject to aggregation and the technical data necessary to ensure the security and reliability of the system,
- i) comply with the instructions of the dispatcher and the dispatcher of the operator of the relevant system to which the equipment with flexibility capability that is subject to aggregation is connected.

### § 35

#### Rights and obligations of the electricity end-user

(1) The end user of electricity has the right to

- a) enter into an electricity supply contract or a pooled electricity supply contract with an electricity supplier,
- b) enter into an electricity supply contract or a pooled electricity supply contract with dynamic electricity pricing, if a smart metering system is installed at the point of consumption,
- c) enter into a contract for access to the transmission system and transmission of electricity with the transmission system operator or a contract for access to the distribution system and distribution of electricity with the distribution system operator, if these services have not been provided by the electricity supplier,
- d) for connection to the system, if the electricity off-take equipment of the final electricity consumer meets the technical conditions and the commercial conditions for connection; this shall be without prejudice to the provisions of § 11(13) to (15), § 28(1)(h) and § 31(1)(i),
- e) to change the registration of his/her point of consumption to a new electricity supplier or aggregator free of charge within three weeks of receipt of the request,
- f) obtain free of chargeÉ in accordance with a generally binding legal regulation issued pursuant to Article 95(2)(b) data
  1. on the measurement and consumption of electricity, including data on the history of electricity consumption at its point of consumption, and, if it has installed a designated meter pursuant to Section 31(3)(q) or (r), near real-time electricity metering data,
  2. necessary to make a change of electricity supplier or aggregator,
  3. needed to provide flexibility,
  4. necessary for the provision of energy services,
- g) to communicate directly on all technical connection issues with the operator of the system to which his/her off-take point is connected, regardless of whether he/she has a contract for access to the transmission system and transmission of electricity or a contract for access to the distribution system and distribution of electricity with the operator of the system,
- h) enter into a contract for the supply of electricity with several electricity suppliers at the same time in accordance with the terms and conditions under the market rules,

- i) to disclose the data to the energy service provider pursuant to Article 34(2)(y),
- j) determine the energy service provider to whom data pursuant to § 34(2)(y) may be made available,
- k) in the case of the installation of a designated meter pursuant to Article 31(3)(q) or (r), to provide information on the individual functions of the installed designated meter and on the methods of reading the measured values enabling the control of own electricity consumption; in the case of the installation of a smart metering system, also to provide information on the possibilities of using the functions of the smart metering system in terms of the management of readings and the monitoring of electricity consumption, including the control of own electricity consumption in near real time, and information on the scope and conditions for the collection and processing of personal data,
- l) to access free of charge information on the history of electricity consumption<sup>76</sup>) enabling the control of its own electricity consumption, if it has installed a designated meter pursuant to Article 31(3)(q) or (r), and information on electricity consumption in near real time, if it has installed a smart metering system pursuant to Article 31(3)(q).

(2) In addition to the rights referred to in paragraphs 1 and 4, a household electricity consumer shall have the right to universal service.

(3) The electricity end-user is obliged to

- a) in the cases referred to in paragraph 1(c), enter into a contract with the Clearing Clearing House for the settlement of the deviation, which shall include the obligation to lodge a financial security; this obligation shall not apply to an electricity end-user who has transferred its responsibility for the deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8),
- b) enable the transmission system operator or distribution system operator to install the designated meter and equipment for the transmission of information on measured data and access to the designated meter, <sup>77</sup>
- c) maintain the electrical consumer equipment in a condition that complies with the technical requirements,
- d) meets the technical and commercial conditions for connection and access to the system,
- e) comply with the instructions of the dispatching and dispatching of the operator of the relevant system to which the end-user of electricity is connected,
- f) provide the relevant system operator and the clearing system operator with the technical data contained in the contracts referred to in paragraph 1(a) and (c),
- g) apply technical measures to avoid the possibility of affecting the quality of the electricity supply,
- h) pay a levy determined by special regulation<sup>78</sup>) in the manner prescribed by special regulation, <sup>79</sup>
- i) enter into a new contract for connection to the distribution system with the distribution system operator if it connects a charging station with a total installed capacity of more than 100 kW to the distribution system at an existing off-take point,
- j) in the application for connection to the distribution system, provide information on the connection of the charging station, if it connects a charging station with a total installed capacity of more than 100 kW at the new off-take point,
- k) enable the distribution system operator to exercise the authorisation pursuant to § 46(4),
- l) provide the transmission system operator with the data necessary for the processing of proposals for the Ministry to address the balance between supply and demand of electricity for the purposes of the development of energy policy, the assessment of resource adequacy at European level, the assessment of resource adequacy at national level and documents for the development of the system within the scope of the technical conditions of the transmission system operator pursuant to § 19, if connected to the transmission system.

(4) In addition to the rights referred to in paragraph 1, an electricity end-user, if it wishes to act as an active customer, shall have the right to

- a) produce electricity in an electricity generation facility connected at the point of consumption or off-site,
- b) store electricity in an electricity storage facility connected at the point of consumption or off-site,

- c) supply electricity generated or stored by it to another electricity end-user or to an energy community of which it is a member,
- d) share the electricity produced or stored by it to another electricity end-user or to an energy company of which it is a member and its members to their points of consumption for which a contract on access to the transmission system and transmission of electricity is concluded with the transmission system operator or a contract on access to the distribution system and distribution of electricity with the distribution system operator,
- e) supplies electricity generated or stored by it for its own use to another of its customer premises,
- f) offer and sell flexibility in organised electricity markets<sup>80</sup>) and provide support services,
- g) enter into an aggregation contract without the consent of the end-user electricity undertakings and provide flexibility through aggregation to one selected aggregator according to the contract,
- h) to written information on the content of the proposed aggregation contract and to an explanation of the implications of activating flexibility under the proposed aggregation contract or any other contract that includes the provision of flexibility, a reasonable time in advance of the conclusion of such contract.

(5) In exercising the right under paragraph 4(a), the active customer shall also be subject to the rights of the electricity producer under § 27(1) and the obligations of the electricity producer under § 27(2)(a) to (d), (f), (j), (k), (o) to (q), (s) to (u). The provisions of § 27(5) to (7) shall apply equally.

(6) In exercising the right under paragraph 4(b), the active customer shall also be subject to the rights of the operator of the electricity storage facility under § 27a(1) and the obligations of the operator of the electricity storage facility under § 27a(2)(a) to (f) and (i) to (n). The provisions of § 27a(3) to (5) shall apply equally.

(7) In exercising the right under paragraph 4(c), the active customer shall also be subject to the rights of the electricity supplier under Article 34(1)(a), (b), (e) and (f) and the obligations of the electricity supplier under Article 34(1)(a), (b), (e) and (f).

§ 34(2)(a) to (d), (g) to (j), (m), (s), (t), (u) and (y) and § 34(3).

(8) An electricity end-user who has concluded an electricity supply contract or a pooled electricity supply contract with an electricity supplier that is a legal entity that is wholly or largely financed by the State, a municipality, a higher territorial unit or a legal entity established by law that is controlled by the State, a municipality, a higher territorial unit or a legal entity established by law that is controlled by the State, a municipality, a higher territorial unit or

a legal person established by law or in which the State, a municipality, a higher territorial unit or a legal person established by law appoints or elects more than half of the members of its management body or control body, is not a public sector partner by reason of receiving performance under an electricity supply contract; this is without prejudice to its obligation to be entered in the register of public sector partners for other reasons. <sup>81</sup>

### § 35a

#### Energy Community rights and obligations

(1) The Energy Community shall have the right to

- a) consumes electricity at his/her point of consumption under an electricity supply contract or a pooled electricity supply contract,
- b) produce electricity in an electricity generation facility connected at the point of consumption or off-site,
- c) store electricity in an electricity storage facility connected at the point of consumption or off-site, d) supply electricity to its members
  1. produced at its electricity generation facility or stored at its electricity storage facility,
  2. purchased on the electricity market,
- e) shares electricity produced at its electricity generation facility or stored at its electricity storage facility to its members at their points of consumption for which a contract for access to the transmission system and transmission of electricity

is concluded with the transmission system operator or a contract for access to the distribution system and distribution of electricity is concluded with the distribution system operator,

- f) performs aggregation activities for its members,
- g) operating charging station.

(2) The energy community shall be obliged to enter into a deviation clearing contract with the deviation clearer, which shall include the obligation to lodge a financial security. The obligation under the first sentence shall not apply to an energy community which has transferred its responsibility for a deviation to another electricity market participant on the basis of a contract for the assumption of responsibility for the deviation in accordance with § 15(8).

(3) In exercising the right under paragraph 1(a), the rights and obligations of an electricity enduser under this Act shall also apply to the energy company, except for the rights of a household electricity consumer.

(4) In exercising the right under paragraph 1(b), the rights of the electricity producer under § 27(1) and the obligations of the electricity producer under § 27(2)(a) to (d), (f), (j), (k), (o) to (q), (s) to (u) shall also apply to the energy company. The provisions of § 27(5) to (7) shall apply equally.

(5) In exercising the right referred to in paragraph 1(c), the rights of the operator of the electricity storage facility pursuant to § 27a(1) and the obligations of the operator of the electricity storage facility pursuant to § 27a(2)(a) to (f) and (i) to (n) shall also apply to the energy community. The provisions of § 27a(3) to (5) shall apply equally.

(6) In exercising the right referred to in paragraph 1(d), first subparagraph, the rights of the electricity supplier pursuant to § 34(1)(a), (b), (c) and (f) and the obligations of the electricity supplier pursuant to § 34(2)(a) to (d), (g) to (j), (m), (s), (t), (u) and (y) and § 34(3) shall also apply to the energy community. In exercising the right referred to in the second subparagraph of paragraph 1(d), the energy community shall also be subject to the rights of

and the obligations of the electricity supplier pursuant to § 34.

(7) In exercising the right under paragraph 1(f), the rights and obligations of the aggregator under § 34a shall also apply to the energy community.

(8) In exercising the right referred to in paragraph 1(g), the energy community shall

- a) enter into a new contract for connection to the distribution system with the distribution system operator if it connects a charging station with a total installed capacity of more than 100 kW to the distribution system at an existing off-take point,
- b) include in the application for connection to the distribution system information on the connection of the charging station if it connects to the distribution system a charging station with a total installed capacity of more than 100 kW at a new off-take point.

(9) Where an energy community operates a local distribution system in accordance with this Act, it shall not be subject to the prohibition on owning, developing, managing or operating an electricity storage facility or a charging station for other than its own use pursuant to section 32a(1). An energy community shall be obliged to allow all its members to benefit from the advantages associated with membership of the energy community, irrespective of whether the electricity equipment of a member of the energy community is connected to the local distribution system of the energy community or is connected to another distribution system.

(10) If the energy community so requests, the operator of the distribution system to which the local distribution system of the energy community is connected shall be obliged to ensure the operation or management of the local distribution system for the energy community on the basis of a contract on ensuring the operation or management of the local distribution system. The remuneration for the operation or management of the local distribution system shall ensure the reimbursement of the costs of the distribution system operator. The distribution system operator shall have the right to refuse to enter into a contract for the operation or management of the local distribution system if the operation or management of the local distribution system would endanger

occupational safety or health. If no agreement is reached on the content of the contract for the operation or management of the local distribution system, it shall be decided by the Authority on a proposal from the energy community.

## § 37

### Short-term electricity market organiser

(1) The short-term electricity market operator is a joint stock company established by the transmission system operator. The transmission system operator is the owner of 100 % of the shares.

(2) Members of the Board of Directors of the short-term electricity market organiser shall be approved by the transmission system operator.

(3) Members of the board of directors of the short-term electricity market organiser shall not participate directly or indirectly in the activities of the transmission system operator and settlement entities through ownership, legal or managerial activities.

(4) The short-term electricity market operator shall perform

- a) organising and evaluating the organised short-term cross-border electricity market, b) clearing of deviations,
- c) related activities, in particular
  - 1. the management and collection of measured data to the extent required by the market rules,
  - 2. central invoicing to the extent required by market rules,
- d) organising and clearing support for the production of electricity from renewable energy sources and for the production of electricity by high-efficiency combined production according to a special regulation, )<sup>4</sup>
- e) registration, transfer and organisation of the market in guarantees of origin for electricity from renewable energy sources and guarantees of origin for electricity produced by high-efficiency combined generation pursuant to a special regulation. )<sup>4</sup>

(5) The short-term electricity market operator shall have the right to

- a) to provide data necessary for the fulfilment of its obligations from participants in the organised short-term cross-border electricity market and other settlement entities,
- b) to provide measured and evaluated data from the transmission system operator, distribution system operator, direct line operator, electricity generator, electricity storage facility operator, active customer and energy community and to provide the data necessary for the fulfilment of its obligations in the scope and quality according to the market rules and the operating rules of the short-term electricity market organiser,
- c) for the provision of measured and evaluated data from producers of electricity from renewable energy sources and producers of electricity by high-efficiency combined production and the provision of data necessary for the fulfilment of their obligations in the scope and quality according to the special regulation, )<sup>4</sup>
- d) withdraw from the contract on the clearing of the deviation and from the contract on the access and conditions of participation in the organised short-term cross-border electricity market and cancel the registration of the clearing entity in case of non-fulfilment of its payment obligations towards the short-term electricity market organiser,
- e) carry out activities that are not subject to regulation in network industries. )<sup>2</sup>

(6) The short-term electricity market organiser is obliged to

- a) organise the organised short-term cross-border electricity market in the defined territory and ensure the evaluation of the organised short-term cross-border electricity market,



- b) on the basis of the evaluation of the organised short-term cross-border electricity market, ensure the clearing and settlement of the organised short-term cross-border electricity market to the participants of the organised short-term cross-border electricity market,
- c) evaluate the deviations of the settlement entities in the defined territory, including the activated flexibility, and transmit the evaluation to the settlement entities and the transmission system operator,
- d) on the basis of the assessment of the deviations, provide for the clearing and settlement of deviations by the settlement entities in accordance with objective, transparent and nondiscriminatory rules,
- e) on the basis of data provided by the transmission system operator, ensure the settlement and settlement of regulatory electricity,
- f) publish on its website the amount of regulatory electricity procured to the extent required by the market rules,
- g) participates in the preparation of documents for the draft electricity market rules and submits them to the Ministry and the Authority,
- h) publish on its website the types of electricity supply type diagrams with the relevant parameters,
- i) host a register of settlement entities and record the assignment of settlement entities to the offtake points or transfer points of electricity market participants; publish the current list of settlement entities on its website,
- j) host records management and collection of measured data to the extent according to the market rules,
- k) perform central invoicing of fees related to system operation and related activities for settlement entities to the extent according to the market rules,
- l) evaluate the activated flexibility, electricity storage and electricity sharing and make the measured data and data after the evaluation of the activated flexibility, electricity storage and electricity sharing available to the electricity market participants; the details shall be regulated by the market rules and the operating rules of the short-term electricity market organiser,
- m) notify the distribution system operator of the failure of a settlement entity with a registered offtake point in the relevant distribution system to submit a daily diagram,
- n) make available on request the data provided by the electricity producer pursuant to paragraph 5(b) and (c), if it is a producer claiming the right to support pursuant to a special regulation,<sup>68a</sup> ) to the operator of the regional distribution system to which the electricity production installation is connected or in part of whose defined territory it is located, and to the electricity buyer with whom the electricity producer has concluded a contract for the compulsory purchase of electricity,
- o) compile the energy mix of electricity supply for the previous calendar year and publish it on its website by 31 May each year,
- p) to make available, on request, the data necessary for the exercise of their competence to the Ministry or the Authority,
- q) vies records of registered off-take points and transfer points of electricity market participants,
- r) to carry out and record the registration of the points of supply and transfer of jointly acting endusers and of the energy community, including its members,
- s) perform and record the registration of the off-take point and the transfer point of the flexibility provider to the aggregator and their changes and record the registration of the off-take point and the transfer point of the final electricity consumer or electricity producer to the electricity supplier or electricity producer to the electricity purchaser and their changes,
- t) host the records of electricity generation and storage facilities connected to the transmission system or distribution system and assign them to the off-take and transmission points of electricity market participants and, where aggregated flexibility is involved, host the records of other electricity generation facilities or electricity off-take facilities with flexibility capability and assign them to the off-take and transmission points of flexibility providers,
- u) vies records of electricity generation and storage facilities for which the transmission system operator or distribution system operator has issued an opinion pursuant to § 12(5)(a) or (b) or has concluded a contract for connection to the transmission system or distribution system.

(7) The short-term electricity market organiser shall be obliged to draft the draft operating rules or draft amendments thereto in a transparent and non-discriminatory manner in accordance with the generally binding legal regulation issued pursuant to Section 95(2)(k) and to consult publicly before submitting them to the Authority for approval. The short-term electricity market operator shall publish the operating rules or amendments thereto on its website after approval by the Authority.

(8) The short-term electricity market operator shall be obliged to conclude a contract on the settlement of a deviation with a settlement entity and to allow trading on the organised short-term cross-border electricity market to any settlement entity that so requests, if it meets the commercial conditions of the short-term electricity market operator and has concluded a contract with the short-term electricity market operator on access and conditions of participation on the organised short-term cross-border electricity market.

(9) The short-term electricity market organiser shall keep records of electricity market participants and shall provide data to electricity market participants, the Ministry and the Authority pursuant to § 95(2)(i).

(10) The short-term electricity market organiser shall operate an electronic system that enables electricity market participants to exercise their rights and obligations under this Act or a special regulation<sup>32a</sup> ) towards another electricity market participant or state administration authorities in the energy sector in electronic form, to communicate in electronic form, to provide electronic documents and to perform legal acts in electronic form.

(11) The Ministry and the Authority may use the data recorded by the short-term electricity market organiser in the electronic system necessary for the exercise of their competences. The short-term electricity market operator shall allow the Ministry and the Authority access to the data referred to in the first sentence through the data and functional interface of the electronic system.

(12) The conditions of access to the data and functional interface of the electronic system, the rules of operation and use of the electronic system and the scope of activities performed through the electronic system shall be regulated by the market rules. The formats of electronic communication, documents and data provided or transmitted through the electronic system and the requirements for the security of the electronic system shall be determined by the operating rules of the short-term electricity market organiser.

(13) The conditions and procedure pursuant to § 37(10) and (12) specifically for the provision of the activities of the aggregator, the operator of the electricity storage facility, the energy community and the active customer shall be determined by the Authority in such a way that the short-term electricity market organiser is able to fully ensure the performance of these activities through the data and functional interface of the electronic system operated by it as from 1 July 2024 at the latest.

### § 37a

#### Access by authorised persons to end-user data

(1) If an electricity market participant is obliged under this Act or a special regulation<sup>68a</sup> ) to provide data to an electricity end-user pursuant to paragraph 2 or to give the electricity end-user access to such data (hereinafter referred to as the "data controller"), it shall also provide such data or give access to such data to another person authorised or otherwise designated by the electricity enduser (hereinafter referred to as the "delegated person").

(2) The data of the final electricity customer shall be the following

- a) on the measurement or consumption of electricity of an electricity end-user, including near realtime electricity metering data,
- b) necessary to make a change of electricity supplier or aggregator,
- c) the end-user of electricity necessary to provide flexibility,
- d) necessary for the provision of energy services.

(3) The person responsible for data management is obliged to provide the data of the end-user of electricity if requested to do so by the authorised person. The person responsible for data management may also provide the

requested data by allowing remote access to the requested data of the final electricity customer. Where the data requested by the data controller are made available in an electronic system managed by the short-term electricity market operator, the data controller may, instead of providing the requested data, refer the data controller to access the requested data in that electronic system.

(4) The person responsible for data management shall, before providing the requested data verify the existence and scope of the delegated person's authorisation.

(5) The person responsible for data management shall publish, in a manner allowing remote access, the procedures for making the requested data available to authorised persons. The procedures for making the requested data available must ensure that the requested data are provided on a nondiscriminatory basis and within the same time limits to all authorised persons. The General Data Protection and Data Security Regulations<sup>55ab</sup>) are not affected.

(6) If the data requested are requested by the delegated person, they shall be provided free of charge in electronic form by the person responsible for the management of the data. Where the requested data are provided in a form other than electronically, the person responsible shall pay the costs of producing the document containing the requested data and delivering it by means of a postal service provider.

(7) The details and conditions of access to end-user data by authorised persons shall be governed by the market rules.

## TITLE TWO SPECIFIC FORMS OF ELECTRICITY GENERATION

### § 38a

#### Generation of electricity and supply of the generated electricity to ensure the supply of electricity to customers in the defined territory

(1) The Ministry may, in the general economic interest and for reasons of security of electricity supply, by decision impose an obligation to

- a) the electricity producer produces electricity and delivers the electricity produced to the electricity supplier to ensure the supply of electricity to customers in the defined territory,
- b) the electricity supplier shall supply electricity pursuant to point (a) to customers in the defined territory.

(2) The Ministry shall determine by decision the conditions under which the electricity producer and the electricity supplier shall be obliged to fulfil the obligations under paragraph 1, including the application of prices. The price for the supply of the electricity produced pursuant to the first sentence for the year 2023 shall be the arithmetic average of the daily prices of the official price list, published by the POWER EXCHANGE CENTRAL EUROPE (PXE) on its website, of the product F PXE SK BL Cal-2022 or of another product of the same or substantially similar type which replaces it, in euro per megawatt-hour for the period from 1 January 2021 to 30 June 2021. The price of the supply of electricity produced under the first sentence for the year 2024 shall be the arithmetic average of the daily prices of the official price list, published by the POWER EXCHANGE CENTRAL EUROPE (PXE) on its website, of the product F PXE SK BL Cal-2022 or of another product of the same or substantially similar kind which replaces it, in euro per megawatt-hour for the period from 1 January 2021 to 30 June 2021. There shall be no right of appeal against this decision.

(3) The Ministry is obliged to publish the decision on the Ministry's website.

### § 38b

#### Provision of ancillary services and supply of control electricity to ensure the operational reliability of the system and to maintain the quality of electricity supply in the defined territory

(1) The Ministry may, in the general economic interest, in order to ensure the operational reliability of the system and to maintain the quality of electricity supply, by decision impose on an electricity producer the obligation to provide support services to the transmission system operator and to deliver the required quantity of control electricity in the specified quality at the request of the operator

transmission system.

(2) The Ministry shall determine by decision the conditions under which the electricity producer is obliged to fulfil the obligations under paragraph 1, including the application of prices determined or approved by the Authority pursuant to a special regulation<sup>2</sup>) or prices determined by agreement of electricity market participants. No appeal shall be admissible against that decision.

(3) The Ministry is obliged to publish the decision on the Ministry's website.

## TITLE THREE TECHNICAL EQUIPMENT

### § 39

#### Electrical connection and off-take equipment

(1) An electrical connection is a low-voltage, high-voltage, very-high-voltage and extra-high-voltage device intended to connect an electricity consumer's electrical equipment to the transmission system or distribution system.

(2) An electricity connection starts with the tapping of the electricity line from the distribution system or transmission system towards the electricity consumer or is part of the distribution system or transmission system. The tapping of a power line at an electrical substation is its tapping away from the switching and protection elements or busbars, as the case may be. In other cases, a branch of a power line is considered to be a branch from an overhead or cable line.

(3) The low-voltage electrical connection shall terminate at the outdoor line with the main house fuse box, at the cable line with the main house cable box, which are part of the electrical connection and are located in a publicly accessible place. If the main house fuse box is not established, the outdoor electrical connection shall terminate at the last support point or at the boundary of the electricity consumer's premises.

(4) High-voltage and very high-voltage electrical connections are terminated in the case of overhead lines with anchor insulators at the customer station, in the case of cable lines with a cable termination at the customer station; the anchor insulators and cable terminations are part of the connection.

(5) An electricity line used to connect several electricity consumers from one electricity connection is not part of the electricity connection.

(6) The electrical connection shall be established by the transmission system operator or distribution system operator or, under the conditions specified by the latter, by another authorised person. The costs of the establishment of the electricity connection shall be borne by the person in whose favour it was established, unless the transmission system operator or distribution system operator agrees otherwise with the electricity consumer.

(7) The owner of the electricity connection is the one who paid the costs of its establishment. The owner of the electrical connection is obliged to ensure the operation, maintenance and repairs so that the electrical connection does not endanger the life, health and property of persons or cause faults in the distribution system or in the transmission system. The owner of the electrical connection may interfere with the electrical connection only with the consent of the transmission system operator or the distribution system operator.

(8) The transmission system operator or the distribution system operator is obliged to conclude a contract with the owner of the electrical connection for the operation, maintenance and repair of the electrical connection, if the owner so requests.

(9) An electrical consumer device is a device which is used for the consumption of electricity and which can be connected to the transmission system or to the distribution system or to an electrical connection.

The electrical consumer equipment shall be set up, operated and the person who has concluded a connection contract with the system operator shall be responsible for its maintenance, safe and reliable operation. The person who has concluded a connection contract with the system operator shall maintain the off-take electrical equipment in a technically adequate

condition and shall provide the system operator with technical data and reports from professional inspection and professional test upon request within 90 days from the date of the request; if the person fails to provide the required data and reports to the system operator within 90 days, the off-take electrical equipment shall be deemed technically inadequate.

(10) If the applicant for the establishment of an electrical off-taking device or an electrical connection is not the owner of the property in which the electrical off-taking device or electrical connection is to be established, he is obliged to ask the owner of the property for consent for the establishment of the electrical off-taking device or electrical connection. The owner of the property shall be obliged to comply with this request unless he can show that his rights will be disproportionately infringed as a result of the establishment of the off-taking electrical installation or electrical connection; paragraph 12 shall be without prejudice to this. The refusal of the application shall be justified by the property owner.

(11) The electricity consumer is obliged to enable the transmission system operator and the distribution system operator to transmit and distribute electricity free of charge through the electricity consumer's electrical equipment that is connected to the transmission system or the distribution system by looping.

(12) The property owner or property manager shall

- a) enable the distribution system operator to install the designated meter and to have the necessary access to the designated meter,
- b) enable the supply of electricity to a household electricity consumer who is located in the property and has the right to use the property,
- c) maintainÉ the electrical consumer equipment used for the supply of electricity to several household electricity consumers in an appropriate technical condition,
- d) provide technical data on the technical condition of the electricity consumption equipment it owns or manages to the distribution system operator,
- e) to allow the distribution system operator access to the electrical off-take equipment owned or managed by the distribution system operator to the extent necessary.

(13) Any interference with the customer's electrical equipment through which unmetered electricity passes without the prior written consent of the distribution system operator is prohibited.

#### § 40

#### Electricity measurement

(1) Measurement of electricity in the transmission system shall be provided by the transmission system operator and measurement of electricity in the distribution system shall be provided by the distribution system operator. Measurement of electricity pursuant to the first sentence may also be carried out by another professionally qualified person on the basis of a contract with the transmission system operator or the distribution system operator. The electricity consumption may be measured only by a designated meter.

(2) The distribution system operator is obliged to perform a physical reading of the designated meter at the point of consumption, which

- a) is not equipped with a designated meter enabling remote reading, at least once a year; for a nonhousehold electricity consumer, annually on 31 December, but no later than 30 days after the end of the calendar year,
- b) is equipped with a designated meter allowing remote reading, once a month.

(3) Physical reading of a designated meter enabling remote reading shall be understood as the detection of the measured values of electricity consumption or supply from the designated meter. Physical reading of a designated meter not allowing remote reading shall also mean the reading of a designated meter made by an electricity end-user and communicated to the distribution system operator in a manner specified by the distribution system operator. The distribution system operator shall have the right to verify the correctness of the reading made by the electricity end-user, whereby in case of doubt as to the correctness or in case of detection of an incorrect reading, the distribution system operator shall use the data on electricity consumption from the reading made by it. The electricity consumption determined by a physical reading at the point of consumption made at a time after

the duly concluded final settlement of deviations of the point of consumption for the settlement period shall not affect the amount of the deviation determined for the purposes of the already duly concluded final settlement of deviations; the details shall be governed by the market rules.

(4) In case of a change of electricity supplier or if the electricity end-user does not allow access to the designated meter at the off-take point or if for any other similar reason it is not possible to ascertain the measured values of electricity consumption or electricity supply from the designated meter, the distribution system operator shall have the right to ascertain the values of electricity consumption or electricity supply in an alternative way. The market rules shall regulate the alternative means of ascertaining the values of electricity consumption or supply.

(5) The installation of the designated meter shall be ensured by the electricity producer, the transmission system operator, the distribution system operator and the owner of the direct line at their own expense. Adjustments to the location of the designated meter shall be made by the electricity end-user, the electricity producer, the operator of the electricity storage facility and the energy community at their own expense.

(6) The transmission system operator or the distribution system operator shall have the right to secure against unauthorised manipulation the electrical connection and the off-taking electrical equipment up to the designated meter.

(7) Any interference with the designated meter and the circuitry of the designated meter in violation of a specific regulation<sup>99</sup>) is prohibited.

(8) The transmission system operator or the distribution system operator shall ensureÉ verification of the designated meters according to a special regulation.)<sup>99</sup>

(9) If the end-user of electricity has doubts about the correctness of the measurement of data by the designated meter or detects an error on the designated meter, he shall request the transmission system operator or the distribution system operator to perform an examination. The transmission system operator or distribution system operator shall, within 30 days of receipt of the written request, ensure that the designated meter is tested. The transmission system operator or distribution system operator shall provide a replacement designated meter during the testing of the designated meter. If an error of the designated meter is detected which exceeds the error allowed under a special regulation,<sup>99</sup>) the costs associated with the testing and replacement shall be borne by the transmission system operator or the distribution system operator. If no defects have been detected in the designated meter which exceed the defect allowed under the special regulation, the costs associated with the examination and replacement shall be borne by the person who requested the examination and replacement.

(10) The transmission system operator and the distribution system operator shall inform the electricity end-user in writing or electronically of the date of the planned replacement of the designated meter at least 15 days in advance; this shall not apply if the electricity end-user agrees to a later notification of the date of the planned replacement of the designated meter and in the case of an unplanned replacement of the designated meter. The transmission system operator or distribution system operator shall notify the end-user of electricity of the dismantling status of the designated meter before the replacement and the installation status of the new designated meter after the replacement when replacing the designated meter. If

the electricity end-user does not participate in the replacement of the designated meter, the system operator is obliged to inform the electricity end-user in writing or electronically about the replacement, the dismantling status of the designated meter before the replacement and the installation status of the new designated meter after the replacement and to store the dismantled designated meter for at least 30 days to enable the electricity end-user to check the dismantling status of the designated meter.

(11) The transmission system operator and the distribution system operator shall, at the time of installation or at each replacement of the designated meter, provide the electricity end-user with information in writing or electronically on the individual functions of the installed designated meter and on the methods of reading the measured values enabling the control of the electricity consumption; the information may also be provided by the

transmission system operator and the distribution system operator by reference to their website, if this information is published there. Where

for the installation of a smart metering system, the information referred to in the first sentence shall also include information on the possibilities of using the functions of the smart metering system in terms of management of readings and monitoring of electricity consumption, including near real-time control of own electricity consumption, and information on the scope and conditions for obtaining and processing personal data of end-users of electricity.

(12) The electricity producer, the operator of the electricity storage facility, the energy community or the electricity end-user is obliged to allow the transmission system operator, the distribution system operator or an authorised person access to the designated meter and to the electricity production facility, the electricity storage facility or the electricity off-take facility for the purpose of inspection, exchange, removal of the designated meter or to determine the quantity of electricity produced or withdrawn. The transmission system operator and the distribution system operator shall notify the electricity producer, the operator of the electricity storage facility, the energy company or the electricity end-user of the related interruption of the electricity supply.

(13) The transmission system operator or distribution system operator shall ensure the security of designated meters pursuant to Section 31(3)(q) and (r), data communications and the privacy of endusers pursuant to a special regulation. )<sup>98</sup>

#### § 41

##### Measurement of electricity at the terminals of electricity generation and storage equipment

(1) If the electricity producer or the operator of an electricity storage facility is obliged under this Act to provide electricity metering at the terminals of the electricity production or electricity storage facility, it shall provide electricity metering at its own expense. The electricity may only be measured by a designated meter. The place of measurement shall be the terminals of the installed generator in the electricity generation installation or the terminals of the electricity storage installation.

(2) The electricity producer or the operator of the electricity storage facility shall ensure verification of the designated meters according to a special regulation. )<sup>99</sup>

(3) The electricity metering at the terminals of the electricity generation or storage facility shall be carried out by the electricity generator or the operator of the electricity storage facility

- a) by continuous metering of electricity enabling remote reading of data if the total installed capacity of the installation is more than 1 MW or if the total installed capacity of the installation is more than 100 kW in an electricity generation installation for which the electricity producer has been granted the right to support under a special regulation, )<sup>94</sup>
- b) continuous measurement not allowing remote reading of data in other devices.

(4) The electricity producer is obliged to ensure the installation of meteorological data measurement equipment at all installations for the production of electricity from solar energy, if the total installed capacity of the installation is more than 100 kW, and to provide the measured data to the transmission system operator in accordance with the market rules.

(5) The electricity producer or the operator of the electricity storage facility shall immediately inform in writing the operator of the regional distribution system and the operator of the system to which it is connected of

- a) replacement of the designated meter,
- b) the readings of the designated meter before and after replacement.

(6) Measurement of the generated electricity at the terminals of the electricity generation equipment is not obligatory for an electricity producer whose electricity generation equipment is connected to the system of the operator to whose system the entire amount of generated electricity is supplied, except for electricity consumption related to electricity generation. In this case, the electricity produced is measured, in addition to the consumption of electricity related to the production of electricity, by a designated meter with which the electricity producer's transmission point is equipped.

(7) The electricity producer shall immediately notify the Authority in writing of the fact or a change in the fact referred to in paragraph 6. Paragraph 6 shall not apply to an electricity producer who has been granted the right to support under a special regulation. )<sup>96</sup>

#### § 42

##### Intelligent measuring systems

(1) The Ministry, in cooperation with the Authority, shall determine the categories of electricity end-users for which the use of smart metering systems is justified, the deadlines and the minimum scope for the deployment of smart metering systems at the points of consumption falling within such determined categories of electricity end-users.

(2) The Authority shall take into account the costs of procurement, installation and operation of smart metering systems for individual categories of electricity end-users pursuant to paragraph 1 in the proposed method of price regulation after the procurement and installation of smart metering systems and their commissioning.

(3) Electricity market participants shall be obliged to provide the system operator with assistance in the installation and operation of smart metering systems in the manner and under the conditions set out in the generally binding legal regulation issued pursuant to § 95(1)(h).

(4) An electricity end-user whose point of consumption does not fall within the designated categories of electricity end-users with justified use of smart metering systems pursuant to paragraph 1 shall have the right to have a smart metering system installed on request. The costs for the installation of the smart metering system pursuant to the first sentence shall be borne by the electricity end-user to the extent according to the operating rules of the distribution system operator. If the electricity end-user fulfils the conditions for the installation of the smart metering system, the distribution system operator shall ensure the installation of the smart metering system within four months from the submission of the electricity end-user's request. Prior to the installation of the smart metering system, the distribution system operator shall inform the end-user of electricity about all the functions and interoperability possibilities of the smart metering system, the possibilities for the end-user of electricity to use the smart metering system and the costs that the end-user of electricity is obliged to pay in connection with the installation of the smart metering system.

with the installation of the smart metering system is reimbursed. The obligation of the distribution system operator pursuant to § 40(10) shall not be affected.

(5) The distribution system operator is obliged to publish on its website the applied costs for the installation of a smart metering system and the types of smart metering systems offered to end-users of electricity for installation at the request of the end-user.

#### § 42a Professional competence

Only persons professionally qualified according to special regulations may manufacture, assemble, reconstruct, modernise, repair, maintain, inspect and test electrical equipment. )<sup>93</sup>

#### § 43

##### Protection zones

(1) Protection zones shall be established for the protection of the system facilities and restrictions shall be imposed in the protection zone of the system facilities, under the system facilities and above the system facilities. The protection zone is the area in the immediate vicinity of the system equipment which, together with the area under and above the system equipment, is intended to ensure the reliable and continuous operation of the system equipment and to ensure the protection of life, health and property of persons.

(2) The protection zone of an overhead power line is defined by vertical planes on both sides of the line at a horizontal distance measured perpendicular to the line from the outermost conductor. The distance of the two planes from the outermost conductors shall be at a voltage of a) from 1 kV to 35 kV inclusive

1. for conductors without insulation 10 m; in continuous forest clearings 7 m,
2. for conductors with base insulation 4 m; in continuous forest clearings 2 m,
3. for suspended cable 1 m,
- b) from 35 kV to 110 kV including 15 m,
- c) from 110 kV to 220 kV including 20 m,
- d) from 220 kV to 400 kV including 25 m,
- e) over 400 kV 35 m.

(3) The protection zone of a suspended cable line with a voltage from 35 kV up to and including 110 kV is 2 m from the outermost conductor on each side.

(4) In the protection zone of the external overhead power lines and under the power lines, except in the cases according to paragraph 14, it is prohibited to

- a) Establishment of construction, structures and landfills,
- b) planting and cultivating perennial vegetation exceeding 3 m in height,
- c) planting and cultivating perennial vegetation with a height exceeding 3 m within 2 m of the outermost conductor of an overhead line with simple insulation,
- d) storing flammable or explosive substances,
- e) carry out activities that endanger the safety of persons and property,
- f) perform activities that endanger power lines and the safety and reliability of operation systems.

(5) Planting and cultivation of permanent vegetation with a height exceeding 3 m at a distance exceeding 5 m from the outermost conductor of the overhead line is only allowed if it is ensured that the vegetation cannot damage the conductors of the overhead line in the event of a fall.

(6) The owner of the property is obliged to allow the operator of the overhead power line to access and drive to the line and for this purpose to allow the operator of the overhead power line to maintain the area under the line and a free strip of land (forest-free) with a width of 4 m on both sides of the overhead power line. This distance shall be defined from the tangent of the perpendicular line running from the outermost conductor of the overhead power line to the horizontal plane of the anchorage of the support point.

(7) The protection zone of an outdoor underground power line is defined by vertical planes on both sides of the outermost cables of the line at a horizontal distance measured perpendicular to the line from the outermost cable. This distance is

- a) 1 m at voltages up to 110 kV, including the wiring of the control regulating and safety equipment, b) 3 m for voltages above 110 kV.

(8) In the protection zone of and over the external underground power lines, it is forbidden, except in the cases according to paragraph 14

- a) set up buildings, structures, landfills, plant permanent vegetation and use special machinery,
- b) without the prior consent of the power line operator, carry out earthworks and other activities that could endanger the power line, the reliability and safety of operation, or impede access to the power line.

(9) Protection zone of the electrical station

- a) outdoor design with a voltage of 110 kV and more is defined by vertical planes, which are drawn at a horizontal distance of 30 m perpendicular to the fence or to the boundary of the power station building,
- b) external design with voltage up to 110 kV is defined by vertical planes, which are drawn at a horizontal distance of 10 m perpendicular to the fence or to the boundary of the power station building,
- c) with internal design is defined by fencing or the enclosed boundary of the electrical station building, while access to the electrical station must be provided for the exchange of technological equipment.

(10) In the protection zone of an electrical substation defined in paragraph 9(a) and (b), it is prohibited to carry out activities which endanger the safety of persons, property and the reliability and safety of the operation of the electrical substation.

(11) In the vicinity of the protection zone of the electrical installations referred to in paragraphs 2, 4, 7 to 9, a person who establishes structures or carries out activities which may bring him/her closer to the electrical installations shall be obliged to notify such activities in advance to the transmission system operator, the distribution system operator and the owner of the direct line and to comply with the conditions specified by them.

(12) Any operator whose electrical equipment is in the vicinity of the protection zone and is connected to direct current with the possibility of stray currents causing damage to underground power lines is obliged to take measures to protect these lines and to inform the operator of the underground power line about it.

(13) The protection zones referred to in paragraph 9(a) shall apply for the protection of the electricity generating installations of the electricity producer, unless special regulations<sup>72</sup> provide otherwise.

(14) Establishing buildings or placing other equipment in the protection zone of the power equipment or on the support points of the external overhead power lines with voltage up to and including 1 kV is possible only after the prior consent of the system operator. The consent of the system operator for the establishment of a structure in the protection zone of an electricity installation or on the support points of an external overhead power line with a voltage up to and including 1 kV shall be a document for the zoning and construction proceedings<sup>72a</sup> concerning the location and construction of such a structure and a document for the application for connection of such a structure to the system.

(15) Buildings, structures, landfills, planting of permanent vegetation, works and activities carried out in the protection zone or on the support points of the external overhead power lines with voltage up to and including 1 kV are obliged to be removed at their own expense by the person who has established, planted, carried out, had established, had planted or had carried out without consent. If it is not known who established, planted or carried out the buildings, structures, landfills, planting of permanent vegetation, works and activities in the protection zone or on the support points of the external overhead power lines with voltage up to and including 1 kV without the consent of the system operator or in contravention of this consent, the system operator may remove them himself/herself. In the same way, the system operator may itself remove buildings, constructions, landfills, planting of permanent vegetation, works and activities in the protection zone or on the support points of the external overhead power lines with voltage up to and including 1 kV established, planted or carried out without its consent or in violation thereof, if the person who is obliged to remove them pursuant to the first sentence has not done so even after repeated request. The system operator shall be entitled to compensation for the costs associated with the removal of such buildings, structures, landfills and perennial vegetation, against their owner or against the person who carried them out without the consent of the system operator.

(16) It is forbidden to plant and cultivate permanent vegetation within 2 m of the overhead power line conductor under outdoor overhead power lines with a voltage up to 1 kV, except for the activities referred to in paragraph 4 (d), (e) and (f).

## § 44

### Crossing and concurrence of electricity equipment

Transmission system, distribution system, direct line and electrical connection equipment may cross or coexist with land roads, outdoor unroofed parking lots, railway lines, watercourses, telecommunication lines and other equipment, provided that the crossing or coexistence does not endanger the life, health or property of persons.

#### § 45

##### Relocation of electricity distribution equipment

(1) For the purposes of this Act, the relocation of some elements of an electricity distribution installation, a change of its route or a change of some elements of an electricity distribution installation shall constitute a relocation of an electricity distribution installation.

(2) The costs for the relocation of the electricity distribution equipment shall be borne by the person who caused the need for relocation, unless the owner of the electricity distribution equipment and the person who caused the need for relocation agree otherwise. The relocation of the electricity distribution equipment shall be carried out by the system operator or, under the conditions specified by the system operator, by another authorised person. The ownership of the electricity distribution equipment shall not be changed by the relocation.

#### § 46

##### Unauthorised consumption of electricity

(1) An unauthorised consumption of electricity is a consumption of electricity

- a) without a concluded contract for
  - 1. connection to the transmission system or connection to the distribution system or in contravention of this Agreement,
  - 2. the supply or pooling of electricity, or a contract the subject matter of which is the sharing of electricity, or without any other legal basis giving rise to the right to share electricity,
  - 3. the clearing of a deviation or the assumption of responsibility for a deviation; or
  - 4. access to the transmission system and transmission of electricity or access to the distribution system and distribution of electricity,
- b) without a designated meter or with a designated meter that does not record or incorrectly records the electricity consumption due to unauthorised intervention of the electricity consumer,
- c) measured by a designated meter on which the tamper-resistant security is violated and which does not record or incorrectly records the electricity consumption, by a designated meter which is not installed by the system operator, or by a designated meter on which the verification mark or the installer's security mark is damaged, altered or removed,
- d) if the electricity consumer has prevented the interruption of the distribution of electricity or if, following a previous request by the distribution system operator, the electricity consumer has failed to allow the interruption of the distribution of electricity carried out at the request of the supplier with whom the electricity consumer has concluded a pooled electricity supply contract; such consumption shall be deemed to be unauthorised from the date on which the electricity consumer has prevented the interruption of the distribution of electricity or has failed to allow the interruption of the distribution of electricity.

(2) In the case of unauthorised withdrawal of electricity, the person who has withdrawn the electricity is obliged to pay for the actual damage caused. If the actual damage cannot be quantified on the basis of objective and reliable evidence, the method of calculation of damage caused by the unauthorised withdrawal of electricity laid down in a generally binding legal regulation issued pursuant to Article 95(1)(i) shall apply.

(3) If this is the first unauthorised withdrawal of electricity by a household electricity consumer measured by a meter located in a publicly accessible place where the tamper-proofing security pursuant to paragraph 1(c) has been breached, the amount of the damage caused by the unauthorised withdrawal of electricity shall be determined as the price of the quantity of electricity unauthorisedly withdrawn, determined by means of a withdrawal diagram. For the calculation of the damage caused by a second and subsequent such unauthorised consumption of electricity at the same off-take point, the procedure in paragraph 2 shall apply.

(4) The distribution system operator shall be entitled to take the necessary technical measures in the distribution system or on the electricity connection and the off-taking electrical equipment at its own expense to prevent unauthorised consumption of electricity; the right of the distribution system operator to take the necessary technical measures on the electricity connection and the off-taking electrical equipment extends to the electricity connection and the time of the off-taking electrical equipment from the distribution system boundary to the place of installation of the designated meter, including this place. The system operator shall be entitled to compensation from the customer at that point of consumption for the costs associated with the prevention of unauthorised consumption of electricity pursuant to the first sentence.

(5) The distribution system operator shall be entitled to request, before the electricity distribution is resumed to the point of consumption where an unauthorised consumption of electricity is detected, the reconstruction of the

electrical connection and electrical consumer equipment, including the placement of the designated meter in a publicly accessible place according to the applicable technical conditions of connection.

#### § 46a

##### Unauthorised supply of electricity to the grid

1. Unauthorised supply of electricity to the system is

- a) connection of an electricity generation facility or an electricity storage facility to the transmission system without a concluded contract for connection to the transmission system or to the distribution system without a concluded contract for connection to the distribution system or in violation of a concluded contract,
- b) supply of electricity to system users
  - 1. without a concluded contract for the supply of electricity or in breach of a concluded contract for the supply of electricity or without a contract for the provision of support services and the supply of regulatory electricity or in breach of a concluded contract for the provision of support services and the supply of regulatory electricity,
  - 2. without a Deviation Settlement Contract, Deviation Liability Assumption Contract or Mandatory Deviation Liability Assumption Contract in place,
  - 3. without a designated gauge or measured by a designated gauge,
  - 3.1 which, as a result of unauthorised interference, does not record or incorrectly records the supply of electricity to the system,
  - 3.2 at which was infringed security against unauthorised tampering and which does not record or incorrectly records the supply of electricity; or
  - 3.3 which has not been installed by the relevant system operator,
- c) the supply of electricity by an electricity generator, an electricity storage facility operator, an active customer or an energy community to the system
  - 1. without a contract for access to the transmission system and transmission of electricity or a contract for access to the distribution system and distribution of electricity,
  - 2. in direct connection with unauthorised interference on a direct line or on a system installation,
- d) use of the transmission system or distribution system in contravention of the relevant dispatching rules.

(2) Unauthorised supply of electricity to the grid is prohibited. If the system operator incurs damage, the market participant who has illegally supplied electricity to the system shall be obliged to pay the damage.

(3) In case of unauthorised supply of electricity to the system, the system operator shall have the right to

- a) disconnecting the electricity generation or electricity storage facility from the system without entitlement to compensation for damage resulting from the disconnection of the electricity generation facility from the system,

- b) interrupt the distribution or transmission of electricity to a point of consumption connected to the system at the same point of connection as the electricity generation or storage facility from which the supply of electricity to the system is made pursuant to paragraph 1, if the disconnection of the electricity generation or storage facility from the system pursuant to point (a) is not otherwise possible, without any claim for compensation for damage resulting from such interruption of the distribution of electricity.

## PART FOUR GAS INDUSTRY

### TITLE ONE

#### RIGHTS AND OBLIGATIONS OF GAS MARKET PARTICIPANTS

##### § 47

##### Basic contractual relations in the gas market

(1) The gas supply contract obliges the gas supplier to supply gas in the agreed quantity to the gas customer and the gas customer to pay the gas supplier the agreed price for the gas supplied.

(2) The contract for connection to the transmission network obliges the transmission system operator to connect the applicant's gas installation to the transmission network once the technical conditions and commercial conditions for connection to the transmission network have been met.

(3) The distribution network connection contract obliges the distribution network operator to connect the applicant's gas equipment to the distribution network after the technical conditions and commercial conditions for connection to the distribution network have been met.

(4) A contract for access to the transmission network and gas transportation obliges the transmission system operator to provide the agreed firm transportation capacity or interruptible transportation capacity, to provide access to the network and to ensure the transportation of gas from the entry point or to the exit point throughout the contract period up to the level of the agreed firm transportation capacity or interruptible transportation capacity, and the gas market participant undertakes to pay the price for the provision of the transportation and related services; in the case of a contract for access to the transmission network and transport of gas with interruptible transport capacity, the transmission system operator may interrupt or reduce the transport capacity under agreed conditions.

(5) The distribution network access and distribution contract obliges the distribution network operator to allocate the agreed distribution capacity to the gas market participant, to provide access to the network and to ensure distribution of gas from the entry point to the exit point throughout the contract period up to the level of the agreed distribution capacity, and the gas market participant undertakes to pay the price for the provision of distribution and related services.

(6) The storage access and storage contract shall oblige the storage operator to allocate to the gas market participant the agreed firm storage capacity or interruptible storage capacity and to provide storage of gas throughout the contract period up to the level of the agreed firm storage capacity or interruptible storage capacity, subject to the conditions set out in the operating rules of the storage operator, and the gas market participant shall pay for the storage and related services; in the case of a storage access and storage contract with interruptible storage capacity, the storage operator may interrupt or reduce the storage capacity under agreed conditions.

(7) By means of a contract for the transfer of responsibility for deviation, the gas market participant shall transfer responsibility for deviation to its gas supplier in accordance with the terms and conditions set out in the operating rules of the distribution network operator. By means of a contract for the transfer of responsibility for a deviation, a gas producer shall transfer responsibility for a deviation to its gas customer in accordance with the conditions set out in the operating rules of the distribution system operator.

(8) By the gas pooling contract, the gas supplier undertakes to supply gas to the end-user in the agreed quantity, to ensure the distribution of gas to the point of off-take

the end-user of the gas, including related services, and assumes responsibility for the end-user's deviation, and the end-user of the gas undertakes to pay the gas supplier the price for the delivered gas and related services.

- (9) The market rules shall govern the form of the contracts referred to in paragraphs 1 to 8. Such contracts shall be in writing.

##### § 48

##### Rights and obligations of the gas producer

(1) The gas producer has the right

- a) Establishing and operating the electronic communication network<sup>É</sup> necessary to manage the operation of the electricity network and to ensure the transmission of information necessary for management in accordance with a specific regulation,<sup>²</sup>
- b) enter into a contract for connection of the electricity network to the transmission network or distribution network with the transmission network operator or distribution network operator,
- c) refuse access to the electricity network due to lack of capacity or due to unsatisfactory technical conditions of the network.

(2) The gas producer is obliged to

- a) enter into a gas supply contract with a gas customer, a transmission system operator, a distribution system operator or a gas supplier,
- b) ensure the measurement of the delivered gas quantity and gas quality, including the evaluation and transmission of the necessary data to the transmission system operator or the distribution system operator, unless the gas producer agrees otherwise with the transmission system operator or the distribution system operator,
- c) ensure reliable, safe and efficient operation of the electricity network,
- d) allow the natural gas undertaking or the gas customer access to the Production Network, except for that part of the network used for Gas Production and the transport of gas from the Gas Production Point to the Processing Point or to the point of transfer of gas to the Transmission Network or to the Gas Distribution Network or to a storage facility,
- e) enable the transmission system operator, distribution system operator or storage tank operator to install the designated meter,
- f) allow access to the designated meter to the transmission network operator, distribution network operator or storage tank operator to carry out a functional check of the designated meter and to check the status of the delivered quantity of gas,
- g) provide the transmission system operator, distribution system operator or storage system operator with the information necessary to ensure the operability of the network on Gas Production and the Production Network,
- h) publish on its website the terms and conditions for access to and use of the electricity network; it shall publish the terms and conditions annually by 31 October for the following year,
- i) draw up<sup>É</sup> a gas production plan and a gas network development plan for a period of five years and submit<sup>É</sup> it to the Ministry by 30 November each year for the following year,
- j) develop annual emergency plans for the electricity network.

##### § 49

##### Rights and obligations of the transmission system operator

(1) The transmission system operator shall have the right to

- a) establish and operate the electronic communication network<sup>É</sup> necessary to manage the operation of the transmission network and to ensure the transmission of information necessary for management in accordance with a specific regulation,<sup>²</sup>

- b) purchase, store and sell gas to gas market participants for the purpose of ensuring the balance of the transmission network and the balance of the quantity of gas entering and leaving the transmission network and the performance of other activities of the transmission system operator on the basis of transparent, non-discriminatory and market-based procedures,
- c) refuse access to the transmission network on the grounds referred to in § 74 or on the grounds of lack of capacity on the transmission network,
- d) refuse access to the transmission network where such access prevents the fulfilment of obligations of general economic interest,
- e) require from other gas undertakings the information necessary for the fulfilment of the obligations of the transmission system operator to draw up or cooperate in the drawing up of network development plans, including for the network outside the demarcated area, pursuant to this Act and the special regulation, )<sup>65</sup>
- f) to appropriate compensation on account of the provision of solidarity in the supply of gas or measures related to its provision in accordance with a generally binding legal regulation issued pursuant to § 95(2)(m).

(2) The transmission system operator shall furthermore have the right to limit or interrupt the transport of gas to the extent and for the time necessary, without claiming compensation for damages, except where the damage has been caused by the fault of the transmission system operator, only in the case of

- a) carrying out planned reconstructions, modernisations, repairs, maintenance and revisions of gas installations,
- b) immediate threat to life, health or property of persons and in the elimination of these conditions,
- c) emergency and emergency prevention in the gas sector under a special regulation, )<sup>64</sup>
- d) accidents or breakdowns on gas installations and the elimination of their consequences,
- e) non-compliance with the contractual conditions for the transport of gas,
- f) the gas offtake by equipment that affects the quality and reliability of the gas supply, and if the gas customer has not ensured that these effects are limited by available technical means,
- g) gas supply by equipment which affects the quality and reliability of the gas supply, and where the gas producer has not ensured that these effects are limited by available technical equipment,
- h) preventing access to the metering equipment by gas customers,
- i) if a gas transportation contract with a right of interruption is concluded.

(3) In the event of a restriction or interruption of gas transport for the reasons referred to in paragraph 2(a), the transmission system operator shall notify in writing the affected gas market participants for whom it carries out the transport of gas 42 days in advance of the start, end or termination of the restriction or interruption of the gas transport; this period may be shorter if agreed between the transmission system operator and the affected gas market participant.

(4) After the reasons for which the gas transport has been restricted or interrupted have been removed, the transmission system operator shall immediately resume the gas transport.

(5) Where damage has occurred as a result of the restriction or interruption of gas transport for the reasons referred to in paragraph 2(a), the affected gas market participant shall be entitled to claim compensation for damage and lost profits only if the transmission system operator has failed to comply with the notification obligation under paragraph 3.

(6) The transmission system operator shall

- a) Ensure the reliable, secure and efficient operation of the transmission network in order to create an open gas market,
- b) ensure the maintenance and development of the transmission network while respecting environmental protection conditions,
- c) ensure that the cross-border interconnections necessary for the integration of the transmission networks in the Member States are built with sufficient capacity to meet all economically justifiable and technically feasible capacity

requirements of gas market participants for crossborder interconnections, taking into account the security of gas supply requirements; the economic justifiability of the requirements shall be assessed by the transmission system operator on the basis of the binding bids of the participants in a market demand test for the cross-border connection in question carried out on the basis of the market demand test rules approved by the Authority,

- d) providing gas transportation and related support services,
- e) enter into a contract for access to the transmission network and transport of gas with anyone who so requests, provided that the technical and commercial conditions for access to the transmission network and transport of gas are met,
- f) ensure access to the transmission network, to ancillary services and to gas storage on the network on a transparent and non-discriminatory basis,
- g) conclude a contract for connection to the transmission network with anyone who so requests, provided that the technical and commercial conditions for connection to the transmission network are met and that the connection of the off-taker's gas facility to the transmission network is not in contravention of paragraph 12,
- h) ensure non-discriminatory treatment of all gas market participants,
- i) ensure the measurement of the transported gas, including its evaluation, and submit the measured data or the data after the evaluation of the gas sharing to the gas market participants upon request,
- j) ensure the balancing of the transmission network and the settlement of the balancing of the transmission network in accordance with objective, transparent and non-discriminatory rules,
- k) purchase, store and sell gas to gas market participants for the purpose of carrying out the activities of the transmission system operator on the basis of transparent, non-discriminatory and market-based procedures,
- l) restrict the transport of gas on the basis of a decision of the Ministry pursuant to Section 88,
- m) connect the distribution network operator to the transmission network if the technical conditions and commercial conditions for connection to the transmission network are met,
- n) provide the transmission system operator, the distribution system operator and the storage system operator with the information necessary to ensure the operability of the interconnected network,
- o) inform the applicant for connection to the transmission network of the technical conditions and commercial terms and conditions for connection to the transmission network,
- p) ensure that, when a state of emergency is declared in a neighbouring Member State, transmission capacity at interconnection points to that Member State has priority over competing capacity at exit points to storage facilities pursuant to a specific regulation,<sup>72b</sup> ), irrespective of whether it is firm or interruptible and whether it has been reserved before or during the state of emergency,
- q) inform the gas dispatching operator in the defined territory about the availability of transmission capacities for the purpose of solidarity in gas supply.

(7) The transmission system operator shall furthermore be obliged to

- a) provide gas market participants with the information needed to access the network,
- b) allow the gas market participant connected to the transmission network access to the designated meter or to the meter agreed in the contract for access to the transmission network and transport of gas for the purpose of measuring the gas and for checking the functionality of the designated meter or the meter agreed in the contract,
- c) establish and operate gas supply quality monitoring sites, if necessary,
- d) submit to the Ministry and the Authority a quarterly report on the state of the network, the capacity utilisation of the transmission network and an evaluation of the transport through the transmission network within 30 days of the end of the quarter,
- e) prepare a quarterly report on gas imports and exports to the defined territory and send it to the Ministry within 30 days of the end of the quarter,



- f) develop emergency plans,
- g) prepare annually a transmission network development plan, including an interconnection development plan, for the next ten years (hereinafter referred to as the 'ten-year network development plan') and submit it to the Ministry and the Authority by 30 November each year for the following ten years, including a report on the implementation of the ten-year network development plan,
- h) notify the Ministry and the gas dispatching authority of the information necessary to declare a gas crisis under a special regulation, )<sup>64</sup>
- i) at the request of a non-household gas customer or a gas supplier acting on behalf of a final gas customer, allow the registration of the final gas customer's point of off-take with a new gas supplier free of charge within three weeks of receipt of the request; this shall be without prejudice to the contractual obligations of the final gas customer towards the transmission system operator and the previous gas supplier,
- j) provide free of charge and in a non-discriminatory manner to the final gas customer whose offtake point is connected to the network of the transmission system operator or to the gas supplier requesting on behalf of the final gas customer metered consumption data at his off-take point in accordance with the generally binding legal regulation issued pursuant to § 95(2)(e),
- k) provide the information on customers' rights drawn up by the Commission and published by the Ministry pursuant to Section 88(2)(p) to the gas customer with whom it has concluded a contract for access to the transmission network and the transportation of gas on its website and at its premises or, on request, by sending it to the gas customer,
- l) provide the resources necessary for the operation, maintenance and development of the transmission network in accordance with this Act and the special regulation<sup>2</sup> ) and inform the Authority thereof,
- m) Submit a proposal for reverse flow capacity or an exemption from the obligation to allow twoway capacity under a specific regulation, at the request of the Ministry and the Authority, )<sup>73</sup>
- n) ensure, at the request of the Authority, transparent, detailed and non-discriminatory gas market demand testing in accordance with rules approved by the Authority in order to assess whether the gas market requires investment in the transmission network necessary to meet the obligations under the special regulation. )<sup>74</sup>

(8) The transmission system operator is obliged to have a certification decision issued by the Authority pursuant to a special regulation.<sup>86</sup> ) A transmission system operator which is directly or indirectly controlled by a person or persons from a third country shall be required to have a certification decision issued by the Authority pursuant to a special regulation. )<sup>87</sup>

(9) The transmission system operator shall be obliged once every ten years

- a) carry out an assessment of the energy efficiency potential of the transmission network, which shall include
  - 1. assessing the energy efficiency of the transport, management and operability of the interconnected network,
  - 2. identification of cost-effective measures to improve energy efficiency and energy saving measures for its own gas infrastructure; and
  - 3. identifying the investments needed to introduce cost-effective energy efficiency improvement measures and a timetable for their deployment,
- b) send the assessment under paragraph (a) to the Department by 30 June of the calendar year concerned.

(10) The assessment of the energy efficiency potential of the transmission network may be part of a written energy audit report under a specific regulation. )<sup>88a</sup>

(11) A network user with priority capacity pursuant to paragraph 6(p) shall promptly pay appropriate compensation to the network user with firm capacity for financial losses incurred as a result of the prioritisation, including appropriate compensation for costs incurred in connection with the interruption of firm capacity. The determination and payment of compensation under the first sentence shall be without prejudice to the application of the priority rule.

(12) The transmission system operator may connect to the transmission network a gas off-take facility, a gas production facility, a direct pipeline, a natural gas liquefaction facility or the distribution network of a distribution system operator which does not perform the tasks of gas dispatching in the defined territory only if, on the basis of the statement of the distribution system operator, it is not possible to connect it to the distribution network for the reasons referred to in paragraph 13.

(13) For the purpose of assessing an application for the connection of a gas off-take facility, a gas installation, a direct pipeline, a natural gas liquefaction plant or the distribution network of a distribution network operator which does not perform the tasks of gas dispatching in the defined area to the transmission network, the transmission network operator shall request the distribution network operator which performs the tasks of gas dispatching in the defined area to state whether

- a) there is a distribution network in the area of interest,
- b) the current distribution network is used and is capable of covering the applicant's projected needs for connection to the transmission network in its current state or after additional measures have been taken to modify it,
- c) whether a distribution network is planned to be built in the area of interest and whether it will cover the applicant's foreseeable needs for connection to the transmission network within a reasonable time.

## § 50

### Ownership unbundling of the transmission system operator

(1) The transmission system operator is obliged to own the transmission network.

(2) The same person or the same persons are not entitled to

- a) performs the activity of production of gas, supply of gas, generation of electricity or supply of electricity or directly or indirectly exercises control over a person performing the activity of production of gas, supply of gas, generation of electricity or supply of electricity, and at the same time directly or indirectly exercises control over or claims any right in relation to a transmission system operator or a transmission system,
  - b) directly or indirectly exercises control over a transmission system operator or a transmission network while carrying out the activities of production of gas, supply of gas, production of electricity or supply of electricity or directly or indirectly exercises control over a person carrying out the activities of production of gas, supply of gas, production of electricity or supply of electricity
- or exercise any right in relation to it,
- c) elect, appoint or otherwise designate the statutory body, members of the statutory body, members of the supervisory board or proxy of the transmission system operator and perform the activity of production of gas or supply of gas or exercise, directly or indirectly, control over or exercise any right in relation to a person performing the activity of production of gas or supply of gas,
  - d) be a member of the management body, supervisory body or controlling body of a person carrying out the activity of gas production or gas supply or of a body acting on behalf of such a person and at the same time a statutory body, member of a statutory body, member of the supervisory board or a proxy of the transmission system operator.

(3) The rights referred to in paragraph 2(a), (b) and (c) shall include in particular

- a) the right to exercise voting rights in the company,
- b) the right to elect, appoint or otherwise designate members of the management body, supervisory body or controlling body of the undertaking or of a body acting on behalf of the undertaking,
- c) a share in the share capital of more than half.

(4) If the person referred to in paragraph 2 is the Slovak Republic, a state authority, a territorial self-government authority, a legal person established by law for the performance of tasks in the public interest<sup>88</sup> ) or a legal person established by a state authority for the performance of tasks in the public interest, two separate state authorities, territorial self-government authorities, legal persons established by law to perform tasks in the public

interest or legal persons established by a public authority to perform tasks in the public interest, one of which exercises control over a transmission system operator and the other of which exercises control over or claims any rights over a person carrying out the activity of electricity generation, electricity supply, gas production or gas supply, shall not be considered to be the same person.

(5) The obligation under paragraph 1 shall also be deemed to be fulfilled where the transmission system operator is one of the founders of a legal person acting as a transmission system operator in two or more Member States, or acquires a participation in such a person and transfers the transmission network to such a person for the purpose of operating it. This shall not apply where a person referred to in the preceding sentence is established by, or acquires participation in, a person whose independence is not verified by the competent authority of a Member State in a certification procedure similar to the certification procedure under a special regulation<sup>2</sup>) and who is not approved and designated as a transmission system operator by a Member State.

(6) A gas producer, gas supplier, electricity producer or electricity supplier shall not be entitled to acquire control over a person carrying out gas transport activities in a Member State which is not part of a vertically integrated undertaking. A person carrying out gas production, gas supply, electricity production or electricity supply activities shall not be entitled to acquire control over a transmission system operator which is not part of a vertically integrated undertaking.

(7) The transmission system operator shall not disclose to persons involved in its activities or commercial information obtained in the course of its activities which is the subject of commercial secrecy,<sup>39</sup>) or other commercial information of a confidential nature to persons carrying out gas production or gas supply activities, except where the disclosure of such information is necessary for the conclusion or performance of a contract with a person carrying out gas production or gas supply activities. The transmission system operator shall apply the measures necessary to comply with the obligation under the first sentence and shall monitor the implementation of those measures by the persons involved in its activities.

(8) The Government may, by 1 December 2012, on a proposal from the Ministry, determine that the proprietary

Department of the operator transport network, which is presently  
Vertical integrated natural gas undertaking pursuant to paragraphs 1 to 7.

(9) Where the Government determines that ownership unbundling of a transmission system operator which is part of a vertically integrated natural gas undertaking pursuant to paragraphs 1 to 7 shall not apply, the conditions of independence of the transmission system operator pursuant to Sections 51 to 60 shall apply to the transmission system operator which is part of the vertically integrated natural gas undertaking; this shall be without prejudice to the right of the vertically integrated natural gas undertaking to implement ownership unbundling of the transmission system operator in accordance with the provisions of paragraphs 1 to 7. A transmission system operator to which the provisions of paragraphs 1 to 7 apply shall not be subject to the conditions of independence of the transmission system operator pursuant to §§ 51 to 60.

**There is not the reassessment of the previous considerations system**

## § 51

### Legal form, organisation and governance of the independent transmission system operator

(1) The transmission system operator must have the legal form of a public limited company or a limited liability company.

(2) The Commercial Code shall apply to the transmission system operator, unless the provisions of Sections 51 to 60 provide otherwise.

(3) The transmission system operator is obliged to issue statutes, which, in addition to the requirements laid down in the Commercial Code, must regulate the following

a) the organisational structure and management system of the transmission system operator in a manner that ensures compliance with the conditions of independence of the transmission system operator pursuant to §§ 52 to 60,

- b) the powers and responsibilities of the statutory body, the supervisory commission, other bodies of the transmission system operator under the Commercial Code, the employees of the transmission system operator under point (c) and the person obliged to ensure compliance under § 58, the relations and rules of cooperation between them,
- c) the definition of the positions of the employees of the transmission system operator who are under the direct management responsibility of the statutory body of the transmission system operator in matters relating to the operation, maintenance and development of the network,
- d) the appointment of a compliance officer who performs an employment activity for the transmission system operator by the supervisory commission of the transmission system operator as a requirement for the performance of his/her function,
- e) other particulars, if so provided by this Act.

(4) The transmission system operator shall deliver a copy of the full text of the statutes to the Authority within 15 days of the issuance of the statutes and of any amendments thereto.

## § 52

### Statutory body of the independent transmission system operator

(1) The competence of the statutory body of the transmission system operator to decide on matters relating to the day-to-day activities of the transmission system operator, the management of the transmission system and the preparation of the ten-year network development plan pursuant to Section 59 may not be entrusted to another body of the transmission system operator.

(2) A person who is not a statutory body or a member of a statutory body of the controller of the transmission system, may not be entrusted with the overall management of the transmission system operator.

(3) The statutory body or the members of the statutory body shall be appointed or elected and dismissed by the Supervisory Commission of the transmission system operator. The appointment or election and removal of the statutory body or members of the statutory body of the transmission system operator shall require the prior consent of the Authority, otherwise the appointment or election and removal shall be null and void.

(4) The transmission system operator is obliged to regulate the legal relations with the statutory body or members of the statutory body by a contract on the performance of the function to which the requirements under the Commercial Code apply, at the latest on the day of the commencement of the performance of their function.

(5) The contract on the performance of the function of the statutory body or member of the statutory body must contain the terms and conditions of the performance of the function, including the terms and conditions relating to the length and termination of the term of office and the rules of remuneration of the statutory body or member of the statutory body; the provisions of the Commercial Code on the power of the general meeting of the company to approve the rules of remuneration of the statutory body or members of the statutory body of the company shall not apply.

(6) The Supervisory Commission of the transmission system operator shall approve the conclusion or modification of the contract for the performance of the functions of the statutory body or a member of the statutory body. The conclusion or amendment of a contract on the exercise of the functions of a statutory body or a member of a statutory body shall require the prior approval of the Authority; a provision of a contract on the exercise of the functions of a statutory body or a member of a statutory body, the wording of which is not approved by the Authority in the procedure for prior approval, shall be null and void.

(7) Proceedings for prior consent of the Authority pursuant to paragraph 3 and paragraph 6 shall be initiated on the proposal of the transmission system operator. The transmission system operator shall be a party to the procedure for the prior consent of the Authority pursuant to paragraphs 3 and 6; the person for whose removal the transmission system operator seeks consent shall also be a party to the procedure for the prior consent of the Authority for the removal of the statutory body or a member of the statutory body.

(8) The transmission system operator's application for prior consent to the appointment or election of the statutory body or a member of the statutory body must be accompanied by documents enabling the independence of the person proposed as a statutory body or a member of the statutory body to be assessed in accordance with Section 53.

(9) The request of the transmission system operator for prior consent to the conclusion or amendment of a contract for the performance of the functions of the statutory body or a member of the statutory body shall be accompanied by a draft contract for the performance of the functions or a draft amendment thereto.

(10) A request from the transmission system operator for prior approval for the removal of a statutory body or a member of a statutory body shall include the grounds for removal.

(11) Office shall notify to the operator the transmission of the transmission system day of delivery complete application for prior consent pursuant to paragraphs 8, 9 or 10. If the Authority does not issue a notice to complete the application for prior approval pursuant to paragraphs 8, 9 or 10 within five working days of the date of the application or the date on which the application is completed, the application shall be deemed to be complete for the purposes of paragraph 13.

(12) The Authority shall not grant prior approval

with the appointment or election of a statutory body or a member of a statutory body if it has reasonable doubts about the independence of the statutory body or a member of the statutory body under § 53,

with the conclusion or modification of a contract for the performance of the functions of a statutory body or a member of a statutory body, if it reasonably believes that the proposed terms of office their changes do not allow the independent exercise of the functions of the statutory body or a member of the statutory body,

- a) with the dismissal of the statutory body or a member of the statutory body if it has reasonable doubts as to the validity of the grounds for dismissal of the statutory body or a member of the statutory body.

(13) If the Authority does not decide on the transmission system operator's request for prior consent pursuant to paragraphs 8, 9 or 10 within 21 days of receipt of a complete application, the Authority shall be deemed to have issued a decision on the prior consent; the Authority shall, on request, issue a confirmation of this fact to the transmission system operator without delay.

(14) Where a transmission system operator appeals against a decision of the Authority not to grant a request for prior consent to the appointment or election of a statutory body or a member of a statutory body, the transmission system operator shall have the right to submit a request for prior approval of the appointment or election of the next proposed person. If the proceedings on the remedy ends with a decision of the Authority giving its prior consent to the appointment or election of the person originally proposed, the appointment or election of the person originally proposed shall be deemed to be a valid ground for the removal of the person referred to in the preceding sentence under paragraph 12(c) even without the prior consent of the Authority.

(15) A resolution of the general meeting of the transmission system operator amending the statutes to shorten the term of office of the statutory body or a member of the statutory body of the transmission system operator during the term of office shall be null and void.

## § 53

**Independence of the statutory body, members of the statutory body and employees of the independent transmission system operator**

(1) A statutory body or a member of a statutory body and an employee referred to in section 51(3)(c) may not be a person who, in the three years preceding his appointment or election or the conclusion of an employment contract for the performance of his functions

- a) had, directly or indirectly, an ownership interest in, or was a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than the transmission system operator or any other person carrying out gas transport activities in another Member State or which is above the person, which is part of the same vertically integrated natural gas undertaking as the transmission system operator, directly or indirectly exercised control over, or was in an employment or other similar relationship with, or was in another contractual relationship with, such person or persons in the exercise of his or her business activities, directly or indirectly,
- b) had, directly or indirectly, an ownership interest in, or was a member of the management, supervisory or controlling bodies of, a person which is or was, in the exercise of its business activities, directly or indirectly, in another contractual relationship with a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than a transmission system operator or other person carrying out gas transport activities in another Member State or which has exercised control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(2) The restriction in paragraph 1 shall apply to a majority of the persons who hold office as statutory body or members of statutory bodies and a majority of the employees referred to in Article 51(3)(c); the other persons who hold office as statutory body or members of statutory bodies and the other employees referred to in Article 51(3)(c) may not be persons who, in the six months prior to their appointment or

by electing or entering into an employment contract for the performance of their duties, have been a member of the management, supervisory or controlling bodies of a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than the transmission system operator or another person carrying out gas transport activities in another Member State, or have carried out activities for such a person in an employment or other similar relationship.

(3) The statutory body or members of the statutory body and persons performing activities for the transmission system operator in an employment or other similar relationship shall not

- a) have, directly or indirectly, an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than the transmission system operator, or which is above the person, which is part of the same vertically integrated natural gas undertaking as the transmission system operator directly or indirectly exercises control over, or performs activities for, such person or such persons in an employment or other similar relationship, or is in any other contractual relationship directly or indirectly with such person or such persons in the exercise of his or her business activities,
- b) have, directly or indirectly, an ownership interest in, or be a member of the management, supervisory or controlling bodies of, a person which, in the exercise of its business activities, has, directly or indirectly, another contractual relationship with, or exercises control over, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than the transmission system operator, or which exercises control over, directly or indirectly, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(4) The statutory body or members of the statutory body and persons performing activities for the transmission system operator in an employment or other similar relationship shall not directly or indirectly have a proprietary interest in the business of a person which is part of the same vertically integrated natural gas

undertaking as the transmission system operator, other than the transmission system operator, or receive directly or indirectly from it a share of the profits or other similar consideration. The remuneration of the statutory body or members of the statutory body and of persons performing activities for the transmission system operator in an employment or other similar relationship shall in no way depend on the economic performance of persons other than the transmission system operator.

(5) A person who has held the office of statutory body or member of the statutory body or employee pursuant to Article 51(3)(c) of a transmission system operator shall not, for a period of four years after his removal or other termination of his office

- a) have an ownership interest in, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than a transmission system operator or other person carrying out gas transport activities in another Member State or which is above the person, which is part of the same vertically integrated natural gas undertaking as the transmission system operator directly or indirectly exercises control over, or performs activities for, such person or such persons in an employment or other similar relationship, or is directly or indirectly in another contractual relationship with such person or such persons in the exercise of his or her business activities,
- b) have an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person which, in the exercise of its business activities, is directly or indirectly in another contractual relationship with a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, other than a transmission system operator or other person carrying out gas transport activities in another Member State or which

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a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator directly or indirectly exercises control.

(6) The prior consent of the Authority is required for the termination of an employee's employment under Section 51(3)(c) by notice<sup>62</sup> ) or by immediate termination by the employer<sup>63</sup> ), otherwise the termination of employment is null and void; the time limits under the Labour Code for termination of employment by notice or by immediate termination<sup>64</sup> ) do not expire during the procedure for the Authority's prior consent to the termination of an employee's employment under Section 51(3)(c). The provisions of Article 52(7) and (10) to (13) shall apply mutatis mutandis to the granting of prior consent to the termination of the employment of a staff member pursuant to Article 51(3)(c).

(7) A contractual relationship pursuant to paragraphs 1, 3 and 5 shall not be a contractual relationship established by a contract pursuant to Section 47(3), (5), (7) and (8) or a gas supply contract relating to the customer's own consumption of gas or a similar contractual relationship under the law of another State.

#### § 54

##### Supervisory committee of the independent transmission system operator

(1) The transmission system operator is obliged to establish a supervisory commission as a body of the company with competence under this Act; the competence of the company's bodies under the Commercial Code shall not be affected, unless otherwise provided for in this Act. The competence of the Supervisory Commission shall include

- a) the approval of decisions that have a material impact on the value of the shares of the transmission system operator's shareholders in the transmission system operator, namely
  - 1. approving annual and long-term financial plans
  - 2. approving the maximum level of indebtedness of the transmission system operator,
  - 3. approval of the proposal of the statutory body for the distribution of profits or the reimbursement of losses before its submission to the general meeting of the transmission system operator; the power of the general meeting to

decide on the proposal for the distribution of profits or the reimbursement of losses under the Commercial Code shall not be affected, unless otherwise provided for in this Act,

- 4. approval of the ten-year network development plan pursuant to Section 59 and decisions on the commencement of individual investments pursuant to the ten-year network development plan pursuant to Section 59,
- b) appointment or election and dismissal of the statutory body or members of the statutory body of the transmission system operator,
- c) approval of the rules on remuneration of the statutory body or members of the statutory body of the transmission system operator,
- d) approval of the conclusion or modification of a contract for the performance of the functions of the statutory body or a member of the statutory body of the transmission system operator,
- e) the appointment or appointment and removal of a compliance officer under section 58,
- f) Approval of the conclusion or amendment of a contract<sup>75</sup> ) between the transmission system operator and the person required to ensure compliance.

(2) Decisions of the Supervisory Commission taken within the scope of its competence pursuant to paragraph 1 shall be binding on the statutory body of the transmission system operator. The competence of the Supervisory Commission shall not include decisions on matters relating to the day-to-day activities of the transmission system operator, the management of the transmission network and activities relating to the preparation of the ten-year network development plan pursuant to Section 58.

(3) The general meeting of the transmission system operator may decide only on a proposal by the statutory body for the distribution of profits or the settlement of losses that has been approved by the Supervisory Commission.

A resolution of the General Meeting that contradicts the preceding sentence shall be null and void.

(4) The Supervisory Committee must have at least three members. The number of members and the composition of the Supervisory Committee shall be regulated by the statutes of the transmission system operator.

(5) The members of the Supervisory Commission shall be elected and dismissed by the general meeting of the transmission system operator. The term of office of a member of the Supervisory Commission shall be governed by the statutes of the transmission system operator; a resolution of the general meeting of the transmission system operator amending the statutes to shorten the term of office of a member of the Supervisory Commission during the term of office shall be null and void. The prior consent of the Authority shall be required for the election and dismissal of a member of the Supervisory Commission, otherwise the election and dismissal shall be null and void; the consent of the Authority shall not be required for the election of a member of the Supervisory Commission if, at the time of his election, the term of office of the members of the Supervisory Commission is ongoing pursuant to the first sentence of paragraph 7.

(6) The transmission system operator is obliged to regulate the legal relations with the members of the Supervisory Commission by a contract on the performance of the function to which the requirements under the Commercial Code apply, at the latest on the day of the commencement of the performance of their function. The contract of office of a member of the Supervisory Board shall contain the terms and conditions of office, including the length and termination of the term of office and the rules on remuneration of the member of the Supervisory Board. The prior consent of the Authority shall be required for the conclusion or modification of a contract of office of a member of the Supervisory Board whose election requires the Authority's approval, otherwise the contract of office or the modification thereof shall be null and void.

(7) The provisions of Sections 52(7) to (14) and 53(1) and (3) to (5) shall apply mutatis mutandis to half of the members of the Supervisory Board, less one member, unless the statutes provide for a higher number. The provisions of Article 52(7), (10), (11), (12)(c) and (13) shall apply mutatis mutandis to the removal of a member of the Supervisory Board.

(8) Where the successor company has a supervisory committee under this Act in the case of a conversion or cross-border conversion, the conversion project or cross-border conversion project shall include the names of the members of the supervisory committee. The decision on the change of legal form or cross-border change of legal form of the transmission system operator shall include the names and surnames of the members of the supervisory committee. The provisions of the Commercial Code and the special regulation<sup>76</sup>) shall be without prejudice.

(9) The provisions of Sections 66(1) and (2), 194(5) to (9) shall apply mutatis mutandis to the members of the Supervisory Commission, § 196, § 196a, § 197(2), § 200(4) and § 201 of the Commercial Code; the provision of § 201(2) of the Commercial Code applies mutatis mutandis only to the extent governing the notification of the position of the minority of the Supervisory Board members to the General Meeting.

## § 55

(1) In addition to the activities under § 49, the transmission system operator shall ensure<sup>Ě</sup>

- a) representing the transmission system operator vis-à-vis third parties, the Authority, the regulatory authorities of other Member States and the Agency,
  - b) Representation of the transmission system operator within the European Network of Transmission System Operators for Gas, )<sup>76</sup>
  - c) granting and managing third party access to the transmission network on a non-discriminatory basis,
- Republic
- d) collection of charges related to the operation of the transmission network, including charges for access to the transmission network and transport of gas and charges for the provision of ancillary services,
  - e) the operation, maintenance and development of a secure, efficient and economic transmission network,
  - f) investment planning to ensure the long-term ability of the transmission network to meet adequate demand and guarantee security of gas supply,

- g) activities related to the possible establishment of joint ventures with other transmission system operators, gas exchanges or other persons for the purpose of establishing regional markets or facilitating the process of liberalisation of the gas market and participation in such joint ventures,
- h) normal in-house activities related to the operation of the business, including legal, accounting and IT services.

(2) The transmission system operator shall have sufficient human, technical, material and financial resources necessary to fulfil its obligations under this Act and special regulations. )<sup>77</sup>

(3) The transmission system operator shall

- a) own the assets needed to transport gas, including the transmission network,
- b) employ sufficient persons to ensure the transport of the gas and the performance of all related duties.

(4) Another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator may not

- a) assign its employees to work for the transmission system operator,
- b) provide any services to the transmission system operator.

(5) A transmission system operator shall not assign its employees to work for another person who is part of the same vertically integrated natural gas undertaking as the transmission system operator or who directly or indirectly exercises control over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator. A transmission system operator may provide services to another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator only with the prior consent of the Authority to the terms and conditions of the provision of services.

The Authority shall grant prior consent if the transmission system operator demonstrates that

- a) the provision of services by the transmission system operator to another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator does not lead to discrimination against other users of the transmission system,
- b) the services of the transmission system operator are available to all network users on equal terms,
- c) the provision of services by the transmission system operator to another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, does not distort or restrict competition in the gas market or impede such competition.

(6) The transmission system operator and other persons which are part of the same vertically integrated natural gas undertaking as the transmission system operator may not use common services, including legal services; this restriction shall not apply to administrative

services which do not risk breaching the obligations of the transmission system operator relating to confidentiality of information pursuant to § 94.

## § 56

(1) The transmission system operator shall ensure that sufficient resources are available for the proper and efficient performance of gas transport and the development and maintenance of an efficient, safe and economic transmission network.

(2) Other persons which are part of the same vertically integrated natural gas undertaking as the transmission system operator shall make available to the transmission system operator in a timely manner, upon its reasoned request, adequate financial resources necessary for future investment projects and the replacement of existing assets; the powers of the Supervisory Commission pursuant to Section 54 shall not be affected. The transmission system operator shall inform the Authority annually by 30 November of the financial resources available for future investment projects and the replacement of existing assets.

(3) The transmission system operator shall be entitled to obtain the necessary financial resources also by means of loan financing and by increasing the share capital; the powers of the Supervisory Commission pursuant to § 54 shall not be affected.

(4) The transmission system operator shall have effective decision-making rights in relation to the assets necessary for the operation, maintenance and development of the transmission network, which it may exercise independently of another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator; the powers of the Supervisory Commission pursuant to Section 54 shall not be affected thereby.

(5) The transmission system operator shall ensure that it is not confused with another person that is part of the same vertically integrated natural gas undertaking as the transmission system operator, in particular in relation to the separate corporate identity, communication, labelling and operating premises of the transmission system operator.

(6) A transmission system operator shall not share information technology systems and equipment, premises and systems to protect against unauthorised access with another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(7) A transmission system operator may not use the same suppliers of information technology systems and equipment and systems to protect against unauthorised access as are used by another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, unless otherwise provided for in this Act.

(8) A transmission system operator may use the same information technology system as another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated undertaking as the transmission system operator only if they have separate contracts with the supplier of such information technology system and such information technology system has not been tailored to their specific operating conditions.

(9) A transmission system operator may use the same information technology facilities as another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated undertaking as the transmission system operator only if

- a) those information technology facilities are located outside the premises of the transmission system operator and of another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated undertaking as the transmission system operator,
- b) these IT facilities are made available and operated by a third party as a supplier of IT facilities.

(10) A transmission system operator shall not use the same providers of consultancy services relating to information technology systems and equipment and intrusion prevention systems as are used by another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control, directly or indirectly, over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(11) The transmission system operator shall ensure that its financial statements are audited by an auditor who does not audit the financial statements of another person who is part of the same vertically integrated natural gas undertaking as the transmission system operator or who exercises control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator during the same period.

(12) An auditor who audits the accounts of another person that is part of the same vertically integrated natural gas undertaking as the transmission system operator shall be entitled to inspect the accounts of the transmission system operator to the extent necessary to audit the consolidated accounts of the vertically integrated natural gas undertaking; in doing so, he shall keep confidential information which is the subject of business secrets,<sup>29</sup>) or other information of a confidential nature, in particular not to disclose that information to another person who is part of the same vertically integrated undertaking as the transmission system operator or who exercises control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator.

## § 57

### Independence of the transmission system operator

(1) A subsidiary which is part of the same vertically integrated natural gas undertaking as the transmission system operator and which carries out gas production or supply activities may not have a direct or indirect holding in the share capital of the transmission system operator. The transmission system operator shall not hold a direct or indirect interest in the share capital of another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator and which carries out the activities of production or supply of gas, nor shall it receive, directly or indirectly, a share in the profits or other similar consideration from another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(2) The transmission system operator shall

- a) ensure that the commercial and financial relations between the transmission system operator

and another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, including loans from the transmission system operator to another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator, the terms and conditions normally applied in the ordinary course of business have been complied with,

- b) keep detailed records of the commercial and financial relations between the transmission system operator and another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator and make them available to the Authority on request,
- c) submit draft commercial and financial agreements with a vertically integrated undertaking to the Authority for approval; a contract concluded between the transmission system operator and another person which is part of the same vertically integrated gas undertaking as the transmission system operator or a modification thereof shall be null and void without the prior consent of the Authority; the Authority shall grant consent to the conclusion of the contract or modification thereof if the transmission system operator demonstrates that the terms of the contract or modification thereof correspond to those customary in normal commercial relations, otherwise the Authority shall not grant consent to the conclusion of the contract or modification thereof.

(3) Another person who is part of the same vertically integrated natural gas undertaking as the transmission system operator and a person who exercises control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator shall refrain from any act which would

- a) directly or indirectly determine the competitive behaviour of the transmission system operator in matters relating to the day-to-day activities of the transmission system operator, the management of the transmission network and the preparation of the ten-year network development plan pursuant to Section 59,
- b) could prevent or restrict the transmission system operator or cause it prejudice in the performance of its obligations under §§ 51 to 60,
- c) require the transmission system operator to obtain the authorisation of another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator in order to fulfil the obligations under §§ 51 to 60.

(4) For the purposes of this Act, a subsidiary shall mean a person over which control is exercised, directly or indirectly, by a person which is part of a vertically integrated gas undertaking in a defined territory.

## § 58

### Compliance programme and compliance officer

(1) The transmission system operator shall

- a) develop a compliance programme in which it shall identify
  - 1. measures to ensure non-discriminatory behaviour of the transmission system operator,
  - 2. the specific responsibilities of the transmission system operator's staff aimed at fulfilling the purpose of the compliance programme,
- b) Submit a draft compliance program to the Authority for approval,
- c) Ensure and monitor compliance with the compliance programme,
- d) appoint or otherwise designate a compliance officer; a natural person or a legal person may be appointed or otherwise designated as a compliance officer.

(2) The compliance programme shall be approved by the Authority. The Authority shall not approve a compliance programme if it is reasonably

Considers, that the programme compliance does not ensure non-discriminatory conduct of the transmission system operator.

(3) The compliance officer shall be appointed or otherwise appointed and removed by the supervisory committee of the transmission system operator. The appointment or other appointment and removal of a compliance officer shall require the prior consent of the Authority, otherwise the appointment or other appointment and removal shall be null and void. The supervisory committee of the transmission system operator shall be obliged to remove the compliance officer at the request of the Authority on the grounds of lack of independence or professional competence.

(4) The transmission system operator is obliged to regulate the legal relations with the person obliged to ensure compliance with the contract at the latest on the day of the commencement of his/her function. The contract between the transmission system operator and the compliance officer shall regulate the terms and conditions for the performance of the compliance officer's activities under this Act, including the terms and conditions relating to the duration and termination of his contractual relationship with the transmission system operator and his remuneration, in a manner that ensures his independence and provides him with the resources necessary to perform his duties. The conclusion or modification of the contract between the transmission system operator and the compliance officer shall be approved by the supervisory commission of the transmission system operator. The conclusion or amendment of a contract between the transmission system operator and the compliance agent shall require the prior consent of the Authority; a provision in a contract between the transmission system operator and the compliance agent, the wording of which is not approved by the Authority in the procedure for prior consent, shall be null and void.

(5) The request of the transmission system operator for prior consent to the appointment or designation of a compliance officer shall be accompanied by documents enabling the independence and competence of the person proposed as compliance officer to be assessed.

(6) The Authority shall not grant prior approval

- a) with the appointment or appointment of a compliance officer if it has reasonable doubt as to the independence or competence of the compliance officer,
- b) with the conclusion or modification of a contract between the transmission system operator and the compliance agent if it reasonably believes that the proposed terms and conditions or the modification thereof will not allow the independent performance of the compliance agent's obligations or will not provide the compliance agent with the resources necessary to fulfil its obligations,
- c) with the removal of the compliance officer if it has reasonable doubts as to the validity of the grounds for removal of the compliance officer.

(7) Sections 52(7), (9) to (11) and (13) and 53(1), (4), (5) and (7) shall apply mutatis mutandis to the person required to ensure compliance.

(8) A person obliged to ensure compliance may not, in addition to the activities under this Act carried out on the basis of a contract concluded with the transmission system operator pursuant to paragraph 4

- a) have, directly or indirectly, an ownership interest in, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which exercises control over the person, which is part of the same vertically integrated natural gas undertaking as the transmission system operator, directly or indirectly controls or performs activities for such person or persons in an employment or other similar relationship or is in another contractual relationship directly or indirectly with such person or persons,

- b) have an ownership interest, directly or indirectly, in a business or be a member of the management, supervisory or controlling bodies of a person who is directly or indirectly in another

a contractual relationship with a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator or which directly or indirectly exercises control over a person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

(9) A compliance officer who performs activities for a transmission system operator in an employment relationship must be under the direct management responsibility of the statutory body of the transmission system operator. The dismissal of the compliance officer shall be a condition for the termination of the employment of the compliance officer who performs employment activities for the transmission system operator by giving notice<sup>62</sup>) or by immediate termination of employment by the employer;<sup>63</sup>) the time limits under the Labour Code for the termination of employment by giving notice or by immediate termination of employment<sup>64</sup>) shall not expire during the procedure for the Authority's prior consent to the dismissal of the compliance officer.

(10) The person responsible for compliance shall have the right to

- a) participate in meetings of the executive management or statutory body, supervisory commission, general meeting of the transmission system operator and other bodies of the transmission system operator pursuant to the Commercial Code,
- b) to disclose documents and records relating to the activities of the transmission system operator and to provide all information necessary for the performance of the obligations of the compliance officer,
- c) access to the headquarters and premises of the transmission system operator without prior notification.

(11) The person responsible for ensuring compliance shall

- a) monitor the implementation of the compliance programme,
- b) prepare and submit an annual report to the Authority setting out the measures taken to implement the compliance programme,
- c) report to the transmission system operator on the implementation of the compliance programme and make recommendations on the compliance programme and its implementation,
- d) submit regular oral or written reports to the transmission system operator's supervisory committee,
- e) promptly notify the Authority in writing of any serious breach relating to the implementation of the compliance programme,
- f) provide the Authority with a report on any commercial and financial relationship between the transmission system operator and another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator,
- g) submit to the Authority draft decisions on the investment plan or on the commencement of individual investments in the network; it shall submit them at the latest at the time when the executive management or the statutory body of the transmission system operator submits these proposals to the supervisory commission of the transmission system operator for approval,
- h) submit regular oral or written reports to the Authority on the implementation of the compliance programme,
- i) monitor compliance with the obligations of the transmission system operator under § 55(6) and § 94,
- j) participate in meetings of the executive management or bodies of the transmission system operator at which the following are discussed

1. network access conditions laid down in a specific regulation,<sup>45</sup> ) in particular as regards access prices, third party access services, capacity allocation and congestion management, transparency, network balancing and secondary market trading,
  2. projects related to the operation, maintenance and development of the transmission network, including investments related to the connection of gas facilities to the transmission network, capacity enhancement and optimisation of the existing capacity of the transmission network,
  3. buying or selling the energy needed to operate the transmission network,
- k) inform the Authority of any act by another person who is part of the same vertically integrated natural gas undertaking as the transmission system operator or who exercises control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator, at a general meeting or by a member of the supervisory committee at a meeting of the supervisory committee of the transmission system operator, which prevents the transmission system operator from carrying out an investment to be made in the next three years under the ten-year network development plan,
- l) monitor the implementation of the compliance programme of a legal person pursuant to paragraph 12, if the transmission system operator has an ownership interest in its business.

(12) The provisions of paragraph 1 shall apply mutatis mutandis to a legal entity established by transmission system operators, at least one of which is part of a vertically integrated natural gas undertaking, for the purpose of carrying out cooperation; the compliance programme of the legal entity pursuant to this paragraph shall be approved by the Agency; the provisions of paragraph 2 shall not apply.

(13) The transmission system operator shall provide the person required to ensure compliance with the necessary assistance in the exercise of its rights and obligations under paragraphs 10 and 11 and shall ensure that such assistance is provided by all persons through whom the transmission system operator carries out its activities.

(14) A person who is part of the same vertically integrated natural gas undertaking as the transmission system operator or who exercises control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the transmission system operator shall, at the request of the Authority, provide the Authority with a justification for the proceedings referred to in paragraph 11(1)(a). (k) and demonstrate that the conduct referred to in paragraph 11(k) did not discriminate in favour of another person which is part of the same vertically integrated natural gas undertaking as the transmission system operator.

## § 59

### Ten-year network development plan

1. When preparing the ten-year network development plan pursuant to § 49(7)(g), the transmission system operator shall be obliged to base its decisions in particular on
    - a) the current and projected future supply and demand situation for transmission network capacity,
    - b) on the basis of reasonable assumptions on the development of production, supply, consumption, exchanges with other countries, taking into account the network development plan for the whole European Union and the regional investment plans according to the special regulation<sup>78</sup> ) and the investment plans for gas storage and liquefaction facilities.
- (2) The ten-year network development plan must contain effective measures to guarantee the adequacy of the network and the security of gas supply. In particular, the ten-year network development plan shall
- a) lists the main parts of the transmission network that need to be built or upgraded over the next ten years, together with their expected completion dates,
  - b) lists investments in the transmission network that are related to building new capacity or upgrading the transmission network,
    1. which the transmission system operator has already decided to implement,
    2. which will have to be implemented over the next three years,

c) set deadlines for the implementation of the investments referred to in point (b).

3. The transmission system operator shall take into account in the ten-year network development plan decisions of the Authority to impose an obligation to amend the ten-year network development plan pursuant to paragraph 7 issued in previous periods. The transmission system operator shall not be obliged under the preceding sentence if the results of the market demand testing pursuant to paragraph 9 show that the market does not require the transmission network investment resulting from such a decision of the Authority; this shall not apply if the transmission network investment is necessary to meet obligations under a specific regulation.<sup>74</sup> ) For the purposes of this provision, the market shall be presumed to require an investment if the transmission system operator receives a sufficient number of binding capacity reservations from network users interested in capacity in accordance with the market demand testing rules pursuant to paragraph 9.

4. The transmission system operator shall consult all interested parties in a non-discriminatory and transparent manner and give them the opportunity to comment on the draft ten-year network development plan before submitting it to the Authority. The transmission system operator shall submit the results of the consultation to the Authority together with the ten-year network development plan.

5. The Authority shall consult the ten-year network development plan in a non-discriminatory and transparent manner with existing and potential users of the network and shall give them the opportunity to make reasoned comments on it within a reasonable period of time. The Authority shall not deal with comments which do not relate to the ten-year network development plan, comments submitted by a person who is not an existing network user or who does not indicate on what grounds he is a potential network user, comments without justification and comments submitted after the expiry of the time limit set by the Authority. The Authority shall publish information on the results of the consultation, including information on the requirements of existing and potential network users for the implementation of investments in the transmission network, on its website.

6. The Authority shall examine the consistency of the ten-year network development plan with the requirements for the implementation of investments in the transmission network pursuant to paragraph 5 and with the network development plan for the whole of the European Union pursuant to a specific regulation.<sup>78</sup> ) In case of doubt as to the consistency of the ten-year network development plan with the network development plan for the whole European Union, the Authority shall consult the ten-year network development plan with the Agency.

7. The Authority shall impose an obligation on the transmission system operator to amend the ten-year network development plan within a reasonable period determined by the Authority if the ten-year network development plan does not take into account economically reasonable and technically feasible requirements for the implementation of investments in the transmission network pursuant to paragraph 5, is inconsistent with the network development plan for the whole European Union or is not drawn up in accordance with paragraphs 1 to 3. The transmission system operator shall be a party to the procedure for the imposition of an obligation to amend the ten-year network development plan. The decision to impose an obligation to amend the ten-year network development plan shall be the first act of the Authority in the proceedings. The provisions of the General Provisions on Proceedings before the Courts on the suspension of the enforceability of the decision shall not apply.

8. The Authority shall monitor and evaluate the implementation of the 10-year network development plan.

The transmission system operator may, before making an investment under the ten-year network development plan, carry out market demand testing for such investment in accordance with rules approved by the Authority; the market demand testing rules must ensure the economic soundness of the investment taking into account the required reservation period, the proposed tariffs, the minimum capacity to be reserved, the total available capacity and other relevant indicators. The Authority shall approve the market demand test rules for an individual investment on a proposal from the transmission system operator; the transmission system operator shall be a party to the procedure.

shall not approve the transmission system operator if the proposed market demand testing rules

- a) are inconsistent with the standard principles for conducting market demand testing that are generally accepted by national regulatory authorities in the European Union; or
- b) are not economically proportionate, transparent and non-discriminatory.



(10) The transmission system operator shall not be obliged to make an investment under the ten-year network development plan if it carries out market demand testing pursuant to paragraph 9 before the expiry of the deadline for its implementation pursuant to paragraph 2(c) and the results of the market demand testing pursuant to paragraph 9 show that the market does not require such an investment in the transmission network; this shall not apply if the investment in the transmission network is necessary to meet obligations under a special regulation.<sup>24</sup>) For the purposes of this provision, the market shall be presumed to require the investment if the transmission system operator receives a sufficient number of binding capacity reservations from network users expressing an interest in capacity in accordance with the market demand testing rules pursuant to paragraph 9.

(11) If the transmission system operator fails to implement an investment which, according to the ten-year network development plan, should have been implemented within the next three years pursuant to paragraph 2(b) within the time limit referred to in paragraph 2(c), the investment is still relevant according to the most recent ten-year network development plan and the conditions pursuant to paragraph 10 are not fulfilled, the Authority shall ensure that the investment is implemented by taking the following measures:

- a) impose an obligation on the transmission system operator to implement the investment within a time limit set by the Authority,
- b) if the transmission system operator fails to comply with the obligation imposed by the Authority pursuant to point (a), it shall carry out a competitive tendering procedure in respect of the investment in question, in which the Authority shall allow all investors to participate in a transparent and non-discriminatory manner; the successful investor shall carry out the investment on its own responsibility.

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shall not approve the transmission system operator if the proposed market demand testing rules

- c) are inconsistent with the standard principles for conducting market demand testing that are generally accepted by national regulatory authorities in the European Union; or
- d) are not economically proportionate, transparent and non-discriminatory.

(10) The transmission system operator shall not be obliged to make an investment under the ten-year network development plan if it carries out market demand testing pursuant to paragraph 9 before the expiry of the deadline for its implementation pursuant to paragraph 2(c) and the results of the market demand testing pursuant to paragraph 9 show that the market does not require such an investment in the transmission network; this shall not apply if the investment in the transmission network is necessary to meet obligations under a special regulation.<sup>24</sup>) For the purposes of this provision, the market shall be presumed to require the investment if the transmission system operator receives a sufficient number of binding capacity reservations from network users expressing an interest in capacity in accordance with the market demand testing rules pursuant to paragraph 9.

(11) If the transmission system operator fails to implement an investment which, according to the ten-year network development plan, should have been implemented within the next three years pursuant to paragraph 2(b) within the time limit referred to in paragraph 2(c), the investment is still relevant according to the most recent ten-year network development plan and the conditions pursuant to paragraph 10 are not fulfilled, the Authority shall ensure that the investment is implemented by taking the following measures:

- c) impose an obligation on the transmission system operator to implement the investment within a time limit set by the Authority,
- d) if the transmission system operator fails to comply with the obligation imposed by the Authority pursuant to point (a), it shall carry out a competitive tendering procedure in respect of the investment in question, in which the Authority shall allow all investors to participate in a transparent and non-discriminatory manner; the successful investor shall carry out the investment on its own responsibility.

(12) The Authority shall not adopt a measure pursuant to paragraph 11(a) where the transmission system operator demonstrates that it is prevented from making the investment by an obstacle which has arisen independently of its will and it cannot reasonably be assumed that the obstacle or its consequences could have been averted or overcome by the transmission system operator.

(13) If the Authority adopts a measure pursuant to paragraph 11(a), the transmission system operator shall be obliged to implement the investment within a time limit set by the Authority. Where the Authority adopts a measure pursuant to paragraph 11(b), the transmission system operator shall provide the investors with the information necessary for the implementation of the investment, connect the new gas installations to the transmission network and make all efforts that may reasonably be required of it to facilitate the implementation of the investment.

(14) Where the Authority ensures the implementation of an investment in the transmission network by adopting a measure pursuant to paragraph 11, contracts containing financial arrangements related to the implementation of such investments in the transmission network shall only enter into force upon their approval by the Authority.

(15) The Authority may also impose a measure pursuant to paragraph 11(b) to ensure that an investment in the transmission network is made if the results of the market demand testing pursuant to paragraph 9 demonstrate that the market does not require such an investment in the transmission network; the prior imposition of an obligation pursuant to paragraph 11(a) shall not be required in such a case; the successful investor shall make the investment on its own responsibility. The provisions of paragraphs 13 and 14 shall apply *mutatis mutandis*.

## § 60

### Connection of a new storage tank, gas liquefaction plant and gas off-take equipment of a

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#### non-household gas customer

The transmission system operator shall develop and publish transparent and effective procedures for the non-discriminatory connection of a new storage tank, a gas liquefaction plant and a gas off-take facility of a non-household gas customer to the transmission network; these procedures shall form part of the operating rules of the transmission system operator and shall be subject to approval by the Authority pursuant to a special regulation.<sup>25</sup>) in the case of gas liquefaction plants, the transmission system operator shall be obliged to develop such procedures only on the basis of a request from a prospective customer for the construction of a gas liquefaction plant.

(1) The transmission system operator shall not be entitled to refuse the connection of a new storage tank, gas liquefaction plant and gas off-take equipment of a non-household gas customer to the transmission network on the grounds of possible limitations of the available capacities of the transmission network in the future, nor on the grounds of additional costs associated with the necessary increase in capacity. The transmission system operator shall ensure that sufficient capacity is available at the entry and exit point of the connection for the connection of the new storage tank, gas liquefaction plant and non-household gas customer's off-take gas installation to the transmission network. The provisions of Article 49(12) shall be without prejudice to this.

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## § 61

## Entrusting the operation of the transmission network to an independent network operator

(1) Persons who are part of a vertically integrated undertaking of which the transmission system operator is part, and persons who directly or indirectly exercise control over them, shall, within six months of the date on which the Authority's decision pursuant to a special regulation<sup>79</sup> ) on the imposition of an obligation to entrust the operation of the transmission system to an independent network operator becomes final, ensure that

- a) unbundling of the transmission system owner in accordance with § 62,
- b) the selection of the person to whom the transmission system owner shall entrust the operation of the transmission system in accordance with Section 63, on the basis of a transparent and non-discriminatory tender procedure, the conditions of which shall be approved by the Authority,
- c) the conclusion of contracts necessary for the operation of the transmission network by the person referred to in point (b) in accordance with § 63, between the owner of the transmission network and the person referred to in point (b) or third parties,
- d) the submission of a joint application for a certification decision pursuant to a special regulation<sup>80</sup> ) by the transmission system owner and the person referred to in point (b).

(2) A person referred to in paragraph 1(b) shall be obliged to start performing the activities of an independent network operator pursuant to section 62 on the date of his designation as an independent network operator pursuant to a special regulation. )<sup>86</sup>

(3) The transmission system owner shall be obliged to operate the transmission network in accordance with Sections 51 to 60 until the date of designation of the person referred to in paragraph 1(b) as an independent network operator pursuant to a special regulation.

## § 62

## Department of the transmission system owner

- (1) Where the Authority decides under a special regulation<sup>79</sup> ) to impose an obligation to entrust the operation of the transmission network to an independent network operator, the transmission network owner, which is part of a vertically integrated undertaking, must be independent in terms of legal personality, organisation and decision-making from other activities not related to the transmission, distribution and storage of gas.

(2) The independence<sup>81</sup> of the transmission system owner referred to in paragraph 1 shall be ensured

- a) that the persons responsible for the management of the transmission system owner are not directly or indirectly involved in the management of the gas production and supply activities of the integrated undertaking,
- b) taking measures to ensure the independence of the persons responsible for the management of the transmission system owner,
- c) by establishing a compliance programme pursuant to paragraph 3,
- d) by appointing or otherwise designating a person to ensure compliance pursuant to paragraphs 5 to 9.

(3) The transmission system owner referred to in paragraph 1 shall draw up a compliance programme setting out measures to ensure non-discriminatory behaviour by the transmission system owner. The compliance programme shall identify specific obligations for employees aimed at eliminating possible discriminatory behaviour by the transmission system owner.

(4) The transmission system owner referred to in paragraph 1 shall publish on its website by 30 June each year, together with the annual report<sup>82</sup> ) of the transmission system owner, a report on the implementation of the measures taken in the compliance programme for the previous year, prepared by the person responsible for ensuring compliance pursuant to paragraph 11(b). The transmission system owner shall deposit the annual report<sup>83</sup> ) in the public part of the register of accounts. )<sup>84</sup>

(5) The transmission system owner shall appoint or otherwise designate and remove a compliance officer pursuant to paragraph 1. The transmission system owner referred to in paragraph 1 shall ensure that the compliance officer appointed or otherwise designated by the transmission system owner

- a) meet the conditions of independence referred to in paragraph 6,
- b) have at least five years' professional experience in the gas industry; where the person required to ensure compliance is a legal person, the requirement of professional experience in the gas industry must be met by its responsible representative,
- c) have a second-class university degree in a technical, economic or legal field; where the person responsible for ensuring compliance is a legal person, the requirement of a university degree must be met by its responsible representative,
- d) have the conditions for the independent performance of its tasks pursuant to paragraph 11; the conditions for the independent performance of the tasks of the compliance officer shall also include the contractual terms and conditions relating to the duration and termination of its contractual relationship with the transmission system owner and its remuneration,
- e) if it performs activities for the transmission system owner in an employment or other similar relationship, it is under the direct management responsibility of the statutory body of the transmission system owner in matters relating to the performance of its tasks pursuant to paragraph 11,
- f) has duly fulfilled the tasks of the compliance officer under paragraph 11.

(6) The person required to ensure compliance shall not

- a) have, directly or indirectly, an ownership interest in, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the owner of the transmission network, or of a person exercising control over the person, which is part of the same vertically integrated natural gas undertaking as the owner of the transmission network, directly or indirectly controls or performs activities for such person or persons in an employment or other similar relationship or is in another contractual relationship directly or indirectly with such person or persons; another contractual relationship is not a contractual relationship based on a contract for connection to the transmission network, a Page 152 251/2012 Coll.

Republic contract for connection to the distribution network, a contract for access to the transmission network and transport of gas, a contract for access to the distribution network and distribution of gas, a contract for the pooling of gas supply and a contract for the supply of gas for the customer's own consumption,

b) have, directly or indirectly, an ownership interest in, or be a member of the management, supervisory or controlling bodies of, a person who has, directly or indirectly, another contractual relationship with a person who is part of the same vertically integrated natural gas undertaking as the owner of the transmission network, or a person who exercises, directly or indirectly, control over a person who is part of the same vertically integrated natural gas undertaking as the owner of the transmission network; another contractual relationship is not a contractual relationship established by a contract for connection to the transmission network, a contract for connection to the distribution network, a contract for access to the transmission network and transport of gas, a contract for access to the distribution network and distribution of gas, a contract for the pooling of gas supply and a contract for the supply of gas for the customer's own consumption.

(7) The appointment or appointment of a compliance officer shall require the prior consent of the Authority, otherwise the appointment or appointment shall be void; the Authority shall not give prior consent to the appointment or appointment if the conditions relating to the compliance officer under paragraph 5(a) to (c) are not met.

(8) The prior consent of the Authority shall be required for the removal of a compliance officer, otherwise the removal shall be null and void; the Authority shall not give prior consent to the removal if it has reasonable doubts as to the validity of the grounds for removal of the compliance officer.

(9) If the Authority does not issue a decision on the granting of prior consent pursuant to paragraphs 7 and 8 within three weeks from the date of receipt of a complete application from the transmission system owner, the Authority shall be deemed to have issued a decision on the granting of prior consent. The Authority shall notify the transmission system owner of the date of receipt of the complete application for prior consent.

(10) The dismissal of a compliance officer is a condition for the termination of the employment of a compliance officer who performs an employment activity by giving notice<sup>62</sup> ) or by immediate termination of employment by the employer;<sup>63</sup> ) the time limits under the Labour Code for termination of employment by giving notice or by immediate termination of employment<sup>64</sup> ) do not expire during the procedure for the prior consent of the Authority to the dismissal of a compliance officer.

(11) The person responsible for ensuring compliance shall

- a) monitor the implementation of the compliance programme,
- b) prepare and submit annually by 30 April a report to the Authority for the preceding year setting out the measures taken to implement the compliance programme,
- c) make recommendations to the transmission system owner on the compliance programme and its implementation,
- d) inform the Authority without delay of any serious breach of the compliance programme.

(12) Anyone involved in the activities of the transmission system owner shall provide the person responsible for ensuring compliance with the information and documents necessary for the performance of the tasks under paragraph 11 and shall provide the person responsible for ensuring compliance with other necessary assistance.

(13) The provisions of Parts One and Two of the Commercial Code shall apply mutatis mutandis to the performance of the obligations under paragraphs 1 and 2.

### § 63

#### Rights and obligations of the independent system operator and the transmission system owner

(1) The independent network operator shall have the rights and obligations of a transmission system operator under this Act.

(2) The independent system operator shall furthermore be obliged to

- a) have at their disposal the financial, technical, material and human resources necessary for the performance of the tasks of the transmission system operator pursuant to § 49,
- b) submit a ten-year network development plan pursuant to Section 49(7)(g) to the Authority for approval and comply with the ten-year network development plan approved by the Authority,
- c) fulfil the obligations of a transmission system operator, including obligations relating to cooperation with transmission system operators at European and regional level pursuant to a specific regulation, )<sup>45</sup>
- d) ensuring the granting of access to the transmission network to third parties and the management of access to the transmission network, including the collection of access and transmission charges, the operation, maintenance and development of the transmission network, and ensuring the long-term ability of the network to meet adequate demand through investment planning,
- e) Ensuring the planning, including obtaining the necessary permits, and the construction and commissioning of new infrastructure for the development of the transmission network.

(3) The requirements of Section 50(2) shall apply mutatis mutandis to the independent network operator.

(4) The owner of the transmission network is obliged to

- a) provide the independent system operator with assistance, including the provision of information necessary for the performance of the independent system operator's tasks,
- b) finance investments decided by the independent network operator and approved by the Authority, or consent to the financing of such investments by a third party, including the independent network operator,
- c) provide for liability cover in relation to transmission network assets in addition to liability in relation to the tasks of the independent network operator,
- d) provide guarantees to facilitate the financing of transmission network extensions, except for those investments for which it has given its consent under point (b) to financing by a third party, including an independent network operator.

(5) Contracts for the financing of investments in the transmission network referred to in paragraph 4(b) shall not enter into force until they have been approved by the Authority. The Authority shall publish information on the draft decision on the approval of the contract on the financing of investments in the transmission network pursuant to paragraph 4(b) on the website of the Authority and shall give the transmission system owner and persons who, within 15 days of the date of publication of the information on the draft decision on the website, demonstrate to the Authority that they may be affected by such a decision, the opportunity to comment on the draft decision within a reasonable period of time.

(6) The transmission system owner shall not provide for the granting of access to the transmission network to third parties and the management of access to the transmission network or investment planning related to the transmission network.

(7) The transmission system owner and other persons who are part of the same integrated undertaking as the transmission system owner may not use common services, including legal services; this restriction shall not apply to administrative and information technology services which do not risk breaching the transmission system owner's obligations of confidentiality under § 94.

#### § 64

##### Rights and obligations of the distribution system operator

(1) The distribution system operator shall have the right to

- a) establish and operate the electronic communication network<sup>46</sup> necessary for traffic management of the distribution network and to ensure the transmission of information necessary for management in accordance with a specific regulation, )<sup>32</sup>
- b) purchase, store and sell gas to gas market participants for the purpose of ensuring the balance of the distribution network and the balance of the quantity of gas entering and leaving the distribution network,
- c) refuse access to the distribution network for reasons referred to in § 74 or due to lack of capacity of the distribution network,

- d) refuse access to the distribution network if such access prevents the fulfilment of obligations of general economic interest,
- e) to appropriate compensation on account of the provision of solidarity in the supply of gas or measures related to its provision in accordance with a generally binding legal regulation issued pursuant to § 95(2)(m).

(2) The distribution system operator shall furthermore have the right to limit or interrupt the distribution of gas to the extent and for the time necessary, without claiming compensation, except where the damage is caused by the fault of the distribution system operator, only in the case of

- a) carrying out planned reconstructions, modernisations, repairs, maintenance and revisions of gas installations,
- b) immediate threat to life, health or property of persons and in the elimination of these conditions,
- c) emergency and emergency prevention in the gas sector,
- d) accidents or breakdowns on gas installations and the elimination of their consequences,
- e) non-compliance with the contractual conditions for gas distribution,
- f) the gas offtake by equipment which affects the quality and reliability<sup>47</sup> of the gas supply and where the gas customer has not ensured that these effects are limited by available technical means,
- g) unauthorised gas abstraction; the restriction or interruption of gas distribution to dependent gas customers in the event of unauthorised gas abstraction pursuant to the second subparagraph of Article 82(1)(a) and Article 82(1)(g) shall not be possible in the period from 1 November to 31 March,
- h) gas supply by equipment which affects the quality and reliability<sup>48</sup> of the gas supply and where the gas producer has not ensured that these effects are limited by available technical means,
- i) preventing access to the metering equipment by gas customers,
- j) repeatedly failing to allow access to gas installations located on or in someone else's property,
- k) a negative inspection report of a gas installation or a common off-take gas installation or failure to submit technical data or an inspection report of a gas off-take gas installation or a common offtake gas installation pursuant to § 73(5).

(3) In the event of restriction or interruption of gas distribution for the reasons referred to in paragraph 2(a), the distribution system operator shall notify the affected gas market participants for whom it distributes gas in writing 15 days in advance of the start of the restriction, the end of the restriction or the interruption of gas distribution; this period may be shorter if agreed between the distribution system operator and the affected gas market participant.

(4) After the reasons for which gas distribution was restricted or interrupted have been removed, the distribution network operator shall immediately resume<sup>49</sup> gas distribution.

(5) If, as a result of the restriction or interruption of gas distribution for the reasons referred to in paragraph 2(a), damage has been caused, the affected gas market participant shall have the right to claim<sup>50</sup>

the right to compensation for damages and lost profits only if the distribution system operator has failed to comply with the notification obligation under paragraph 3.

(6) The distribution system operator is obliged to

- a) to ensure reliable, safe and efficient operation of the distribution network under economic conditions while respecting environmental protection conditions and energy efficiency,
- b) ensure<sup>51</sup> the development of the distribution network, subject to environmental and economic conditions, so that the capacity of the network meets the reasonable requirements of gas market participants for access to the distribution network and distribution of gas in the long term,
- c) provide gas distribution and related support services,
- d) ensure access to the distribution network<sup>52</sup>, to ancillary services and to gas storage on the network on a transparent and non-discriminatory basis,

- e) enter into a contract for access to the distribution network and gas distribution with anyone who so requests, provided that the technical conditions and commercial terms and conditions for access to the distribution network and gas distribution are met,
- f) enter into a contract for connection to the distribution network with anyone who so requests, provided that the technical conditions and commercial terms and conditions for connection to the distribution network are met,
- g) ensure non-discriminatory treatment of all gas market participants,
- h) ensure the measurement of the distributed gas, including its evaluation, and submit the measured data, the data after the evaluation of gas sharing or the data determined on the basis of the delivery type diagram to the gas market participant with whom the contract for access to the distribution network and distribution of gas at the off-take point is concluded, in volume unit and energy unit, within the time limits set out in § 76(2) or in the market rules or at the request of the gas market participant,
- i) determine for the gas customer the type diagram of gas consumption, if the gas customer does not have a gas metering device installed; the distribution network operator is obliged to notify the gas supplier, which provides access and distribution of gas to the customer's point of consumption, of the determined type diagram electronically within three working days from the date of the gas supplier's request to do so,
- j) ensure the balancing of the distribution network,
- k) ensure the settlement of distribution network balancing,
- l) restrict gas distribution on the basis of a decision of the Ministry pursuant to Section 88,
- m) the connection of the distribution network operator and the final gas customer to the distribution network,
- n) establish and operate gas supply quality monitoring sites, if necessary,
- o) to allow the gas market participant access to the designated meter for the purpose of measuring gas and for the purpose of checking the functionality of the designated meter.

(7) The distribution system operator shall furthermore be obliged to

- a) provide the distribution system operator and the transmission system operator with the information necessary to ensure the operability of the interconnected network,
- b) provide gas market participants with the information needed to access the network,
- c) submit the distribution network balance and its evaluation to the gas dispatcher,
- d) publish the commercial terms and conditions for access to and use of gas storage on the network; it shall publish those terms and conditions annually by 31 October for the following year,
- e) develop annual emergency plans,
- f) prepare a distribution network development plan for a period of five years and submit it to the Ministry and the Authority by 30 November each year for the following year, including a report on the implementation of the distribution network development plan,
- g) Notify the Ministry of the declaration and lifting of a gas crisis under a special regulation, <sup>14</sup>
- h) at the request of the gas supplier acting on behalf of the final gas customer, allow the registration of the final gas customer's point of off-take to a new gas supplier free of charge within three weeks of receipt of the request, without prejudice to the contractual obligations of the final gas customer towards the distribution network operator and the previous gas supplier; if the original or new gas supplier does not request the distribution system operator for data on the status of the designated meter, the determination of the gas supply data shall be made on the basis of the data determined by the type-specific supply diagram or the data reported by the final gas customer when changing gas supplier,
- i) provide, free of charge and in a non-discriminatory manner, to the final gas customer whose offtake point is connected to the network of the distribution network operator, through his gas supplier or to another gas supplier requesting on behalf of the final gas customer, metered consumption data at his off-take point in accordance with a generally binding legal regulation issued pursuant to § 95(2)(e),

- j) provide the information on customers' rights drawn up by the Commission and published by the Ministry pursuant to Section 88(2)(p) to the gas customer with whom it has concluded a contract for access to the distribution network and distribution of gas, on its website and at its premises, or on request by sending it to the gas customer,
- k) keep a register of dependent gas customers whose off-take points are connected to its network, inform those gas customers in writing of any planned restriction or interruption of gas distribution to their off-take points that is to take place in the period from 1 November to 31 March, any planned interruption of gas distribution in the period from 1 November to 31 March, any planned interruption of gas distribution in the period from 1 November to 31 March only after the dependent gas customer has acknowledged receipt of the information on the interruption of gas distribution and to allow communication of these gas customers directly with the distribution network operator for the purpose of reporting faults; the details of the procedure for keeping records of dependent gas customers shall be regulated by the market rules, whereby the records of dependent gas customers shall include the following
  1. name, surname,
  2. your permanent address,
  3. contact telephone number, fax number, e-mail address, if any,
  4. date of birth,
  5. the address of the place of subscription,
  6. the number of the off-take point of the dependent gas customer,
- l) install smart metering systems pursuant to Section 77,
- m) determine restrictive measures in the gas sector for the customer, if the gas customer has a contract for access to the distribution network and gas distribution,
- n) provide data on restrictive measures in the gas industry to the distribution network operator, which performs the tasks of gas dispatching in the defined area,
- o) provide the transmission system operator with a statement pursuant to § 49(13) within 15 working days from the date of receipt of the transmission system operator's request, p) published on its website
  1. model application for access to the distribution network,
  2. the conditions for the connection of the gas market participant to the distribution network, in particular
    - 2.1. a model application for connection to the distribution network,
    - 2.2. the procedure for concluding a contract for connection to the distribution network,
    - 2.3. a model contract for connection to the distribution network,
    - 2.4. model application for connection to the distribution network for a household gas customer,
    - 2.5. model application for connection to the distribution network and installation of a meter for a non-household gas customer,
    - 2.6. time limits for connection to the distribution network, unless they are determined individually depending on the technical conditions of gas offtake required by the gas customer,
- q) notify in writing the users of the distribution network of the planned cancellation of the authorisation or amendment of the authorisation resulting in the termination of gas distribution in part of the defined territory at least six months before the application is submitted to the Authority,
- r) keep records of the accounts of household gas customers in an electronic database and submit the data from the records to the Authority annually by 28 February of the following year,
- s) after a change of gas supplier, provide measured consumption data free of charge to the new gas supplier and to the final gas customer within ten days from the date of receipt of the written request.

(8) A distribution system operator which is part of a vertically integrated undertaking shall draw up a compliance programme setting out measures to ensure non-discriminatory behaviour by the distribution system

operator. The compliance programme shall identify specific obligations on employees aimed at eliminating possible discriminatory behaviour by the distribution system operator.

(9) A distribution system operator which is part of a vertically integrated undertaking shall publish on its website by 30 June each year, together with the annual report<sup>(4)</sup> ) of the distribution system operator, a report on the implementation of the measures taken in the compliance programme for the preceding year, prepared by the person responsible for ensuring compliance pursuant to § 65(8)(b). The distribution system operator shall deposit the annual report<sup>(4)</sup> ) in the public part of the register of accounts. )<sup>5a</sup>

(10) A distribution system operator which is part of a vertically integrated undertaking shall ensure the proper performance of the tasks of the compliance officer pursuant to Section 65(8).

(11) A distribution system operator which is part of a vertically integrated undertaking shall submit to the Authority any contract between it and another person which is part of the same vertically integrated undertaking within 30 days of its conclusion.

(12) The distribution network operator is obliged to change the amount of the daily distribution capacity on the basis of a request of the distribution network user within 15 days from the date of receipt of the request, even during the duration of the distribution system access and distribution contract concluded for one year. The application shall be accompanied by documents proving that the gas consumer has not caused the events justifying the request for a change in the amount of the daily distribution capacity by its own activity. A request for a change in the amount of the daily distribution capacity may be made in the following cases:

- a) major industrial accident, )<sup>6</sup>
- b) serious economic reasons not attributable to the customer resulting in the cessation of production, the dissolution of the company or the declaration of bankruptcy.

(13) A distribution network operator to which more than 100 000 end-users are connected shall, at the request of a distribution network operator to which fewer than 100 000 end-users are connected (hereinafter referred to as 'the selling distribution network operator') or at the request of the owner of the distribution network, purchase a distribution network for which a construction permit has been issued and which has entered into force after 1 September 2012, at a regulated price determined by the Authority, which shall also take into account the economic efficiency of the distribution network to be purchased. If the selling distribution network operator is not the owner of the land on which the distribution network is located, the sale of the distribution network shall be subject to the prior registration of an easement in the land register in favour of the operator of the distribution network to which more than 100 000 gas end-users are connected. A distribution network operator to which more than 100 000 final gas customers are connected may use funds for the purchase of distribution networks in one calendar year, the maximum amount of which may not exceed 50 % of the annual value of the sum of the amount of the reasonable profit determined by the Authority and the planned investments authorised by the Authority.

(14) The distribution system operator shall be obliged once every ten years

- a) an assessment of the energy efficiency potential of the distribution network, which shall include
  - 1. assessing the energy efficiency of the distribution, management and operability of the interconnected network,
  - 2. Identification of cost-effective measures to improve energy efficiency and energy saving measures for its own gas infrastructure,
  - 3. identification of the investments needed to introduce cost-effective energy efficiency improvement measures and a timetable for their deployment,
- b) send the assessment under paragraph (a) to the Department by 30 June of the calendar year concerned.

(15) The assessment of the energy efficiency potential of the distribution network may be part of a written energy audit report under a specific regulation. )<sup>5a</sup>

## § 65

### Department of the distribution network operator

1. A distribution system operator which is part of a vertically integrated undertaking shall be independent in terms of legal personality, organisation and decision-making from other activities which are not related to gas distribution.

2. Independence under paragraph 1 shall not imply an obligation to separate the ownership of the assets of the distribution system operator from the ownership of the assets of the vertically integrated undertaking.

3. The independence<sup>Ě</sup> of the distribution system operator referred to in paragraph 1 shall be ensured

- a) that the persons responsible for the management of the distribution network are not directly or indirectly involved in the management of the integrated undertaking's gas production, transport and supply activities,
- b) by taking measures to ensure the independence of persons responsible for the management of the distribution network; persons responsible for the management of the distribution network shall not participate directly or indirectly in the business of another person which is part of the same integrated undertaking as the distribution system operator, or receive from it a share of the profits or other benefits; the remuneration of persons responsible for the management of the distribution network shall not depend in any way on the economic performance of persons other than the distribution system operator,

that the decision-making rights attaching to assets necessary for the operation, maintenance or development of the distribution network are independent of the decision-making rights attaching to other the assets of the integrated undertaking; the distribution system operator must have at its disposal the resources, including human, technical, material and financial resources, necessary for the operation, maintenance and development of the distribution network; the existence of appropriate mechanisms to ensure the right to protection of the assets of the integrated undertaking shall not be excluded; the integrated undertaking may approve the annual financial plan of the distribution system operator and determine the level of indebtedness of the distribution system operator; the integrated undertaking shall not have the right to issue instructions concerning the day-to-day operation of the distribution system operator, nor to issue decisions concerning the construction or upgrading of the distribution network where the decisions of the distribution system operator are in accordance with the approved financial plan indicators,

d) by drawing up a compliance programme pursuant to Article 64(8),

e) by the appointment or other designation of a person to ensure compliance pursuant to paragraphs 4 to 8.

(4) A distribution system operator which is part of a vertically integrated undertaking shall appoint or otherwise designate and remove a compliance officer with the prior consent of the Authority. A distribution system operator which is part of a vertically integrated undertaking shall ensure that the compliance officer appointed or otherwise appointed by it

- a) meet the conditions of independence referred to in paragraph 5,
- b) have at least five years' professional experience in the gas industry; where the person required to ensure compliance is a legal person, the requirement of professional experience in the gas industry must be met by its responsible representative,
- c) have a second-class university degree in a technical, economic or legal field; where the person responsible for ensuring compliance is a legal person, the requirement of a university degree must be met by its responsible representative,
- d) have the conditions for the independent performance of its tasks pursuant to paragraph 8; the conditions for the independent performance of the tasks of the compliance officer shall also include the contractual conditions relating to the duration and termination of its contractual relationship with the distribution system operator and its remuneration,
- e) where it performs activities for the distribution system operator in an employment or other similar relationship, it was under the direct management responsibility of the statutory body of the distribution system operator in matters relating to the performance of its tasks pursuant to paragraph 8.

(5) The person required to ensure compliance shall not

- a) have, directly or indirectly, an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person which is part of the same vertically integrated natural gas undertaking as the distribution system operator, or of a person who exercises control over the person, which is part of the same vertically integrated natural gas undertaking as the distribution system operator, directly or indirectly controls or performs activities for such person or persons in an employment or other similar relationship or is in another contractual relationship directly or indirectly with such person or persons; another contractual relationship is not a contractual relationship based on a contract for connection to the transmission network, a contract for connection to the distribution network, a contract for access to the transmission network and transport of gas, a contract for access to the distribution network and distribution of gas, a contract for the pooling of gas supply and a contract for the supply of gas for the customer's own consumption,
- b) have, directly or indirectly, an ownership interest in the business of, or be a member of the management, supervisory or controlling bodies of, a person who is, directly or indirectly, in another contractual relationship with a person who is part of the same vertically integrated natural gas undertaking as the distribution system operator, or a person who has a controlling interest in a person who is part of the same vertically integrated natural gas undertaking as the distribution system operator

the distribution network operator directly or indirectly exercises control; another contractual relationship is not a contractual relationship based on a contract for connection to the transmission network, a contract for connection to the distribution network, a contract for access to the transmission network and transport of gas, a contract for access to the distribution network and distribution of gas, a contract for the pooling of gas supply and a contract for the supply of gas for the customer's own consumption.

(6) The appointment or appointment of a compliance officer shall require the prior consent of the Authority, otherwise the appointment or appointment shall be void; the Authority shall not give prior consent to the appointment or appointment if the conditions relating to the compliance officer under paragraph 4 are not met. The prior consent of the Authority shall be required for the removal of the compliance officer, otherwise the removal shall be null and void; the Authority shall not give prior consent to the removal if it has reasonable doubts as to the validity of the grounds for the removal of the compliance officer. If the Authority does not issue a decision on prior consent under this paragraph within 21 days of receipt of a complete application from the distribution system operator, the Authority shall be deemed to have issued a decision on the issue of prior consent. The Authority shall notify the distribution system operator of the date of receipt of the complete application for prior consent.

(7) The dismissal of a compliance officer is a condition for the termination of the employment of a compliance officer who performs an employment activity by giving notice<sup>62</sup>) or by immediate termination of

employment by the employer;<sup>63</sup>) the time limits under the Labour Code for termination of employment by giving notice or by immediate termination of employment<sup>64</sup>) do not expire during the procedure for the prior consent of the Authority to the dismissal of a compliance officer.

(8) The person responsible for ensuring compliance shall

- a) monitor the implementation of the compliance programme,
- b) prepare and submit annually by 30 April a report to the Authority for the preceding year setting out the measures taken to implement the compliance programme,
- c) make recommendations to the distribution system operator on the compliance programme and its implementation,
- d) inform the Authority without delay of any serious breach of the compliance programme.

(9) Anyone involved in the activities of the distribution system operator shall provide the person responsible for ensuring compliance with the information and documents necessary for the performance of the tasks under paragraph 8 and shall provide the person responsible for ensuring compliance with the other necessary assistance.

(10) A distribution system operator which is part of a vertically integrated undertaking shall act in such a way that it is not confused with a gas supplier or gas producer which is part of the same vertically integrated undertaking.

(11) A vertically integrated undertaking which provides services to fewer than 100 000 connected customers shall not be subject to the obligations under § 64(8) to (11), the obligations under paragraphs 1 to 10 and the obligations under § 96(22).

(12) The provisions of Parts One and Two of the Commercial Code shall apply mutatis mutandis to the fulfilment of the obligations under paragraphs 1 to 3.

## § 66 Network management

(1) The distribution network<sup>65</sup>) in the defined territory is managed by the gas dispatching centre, which is responsible for the operational management of the distribution network.

(2) If there are several distribution network operators in the defined territory, the Ministry shall determine by decision which of the distribution network operators shall be obliged to perform the tasks of gas dispatching in the defined territory.

(3) Gas dispatching in the defined area

- a) operationally manage its own distribution network<sup>66</sup>) and the distribution of gas to the interconnection points of downstream distribution networks,
- b) manage the interconnected transmission and distribution networks in the defined territory in the event of a crisis in the gas sector and the activities that immediately prevent its occurrence,
- c) technically manage the allocation of gas resources at entry points to interconnected distribution networks,
- d) Declares and revokes a gas crisis situation and its level according to a special regulation, )<sup>64</sup>
- e) declare and revoke restrictive measures in the gas sector pursuant to Section 21,
- f) determines the measures aimed at eliminating the crisis situation in the gas sector,
- g) submit weekly in the period from 1 November to 31 March, and daily in the event of a crisis situation, to the Ministry for each day a calculation of the capacity of the other infrastructure in the event of an interruption of the single largest gas infrastructure, including a calculation taking into account appropriate market-based measures on the consumption side in accordance with a specific regulation, )<sup>60</sup>
- h) informs the Ministry of the imminent shortage of gas for protected customers when such a situation arises for customers protected by solidarity and the related need to request Member States for solidarity in the supply of gas, on a daily basis

until the gas crisis situation is resolved; the information shall also include an estimate of the volume of gas needed to cover the needs of protected or solidarity-protected customers for the following gas day, )<sup>52</sup>

- i) inform the Ministry without delay, upon request, of the available gas volume for the purpose of solidarity in gas supply in the event of voluntary gas releases by gas market participants and in the event of the declaration of a state of emergency and the application of restrictive measures in the gas sector on the basis of information from other gas market participants,
- j) immediately inform the transmission system operator at the time of granting or receiving gas supply solidarity of the volume of gas for gas supply solidarity purposes,
- k) inform a gas supplier which has a gas supply contract or a gas pooling contract with a customer protected by solidarity in a defined territory or which provides gas for the purpose of solidarity in the supply of gas outside the defined territory of the necessary volume and location of the interconnection of the transmission network with the transmission networks of the Member States, in which such supplier is obliged to order transmission capacity for gas solidarity purposes, based on information on the availability of transmission capacity provided by the transmission system operator and information on the agreed volume of gas for gas solidarity purposes provided by the Ministry.

(4) Gas dispatching shall have the right to request from gas market participants connected to the distribution network the information necessary to ensure the fulfilment of the tasks pursuant to paragraph 3. The gas market participant shall provide the requested information without delay.

(5) The gas dispatching centre shall follow the instructions of the Ministry when carrying out the tasks referred to in paragraph 3(d) to (f).

(6) From 1 November to 31 March, the gas dispatching centre in the demarcated area shall, on the basis of data from the gas suppliers pursuant to Section 69(7), (8) and (9), monitor the gas supply to the demarcated area for the purpose of assessing the possibility of and declaring an emergency situation

in the gas industry.

(7) For the purpose of performing its tasks under this Act, the gas dispatching authority shall have the right to request from gas market participants the information necessary for monitoring and forecasting gas supplies in the defined territory. The gas market participant shall be obliged to provide the information pursuant to the first sentence without delay.

(8) A distribution system operator which does not perform the tasks of gas dispatching may ensure the performance of dispatching tasks through an already established gas dispatching centre of the distribution system operator which performs the tasks of gas dispatching. If the technical conditions of the distribution system operator do not allow this, the distribution system operator which does not perform gas dispatching tasks shall be obliged to set up its own dispatching centre. The dispatching centre so established shall perform the same tasks as the gas dispatching centre in part of the defined territory of the distribution system operator.

## § 67

### Rights and obligations of the storage-tank operator

(1) The storage tank operator shall have the right to

- a) establish and operate the electronic communication network necessary to manage the operation of the storage tank and to ensure the transmission of the information necessary for management in accordance with a specific regulation, )<sup>52</sup>
- b) connect the storage tank to the transmission or distribution network,
- c) refuse access to the storage tank for the reasons referred to in § 74 or because of a lack of storage capacity,
- d) refuse access to the storage facility if access prevents the fulfilment of obligations of general economic interest,
- e) purchase gas needed to cover own losses in storage or for own consumption or for technological purposes,
- f) to appropriate compensation on account of the provision of solidarity in the supply of gas or measures related to its provision in accordance with a generally binding legal regulation issued pursuant to § 95(2)(m).

(2) The storage operator may, without any claim for damages, except where the damage is caused by the fault of the storage operator, limit or interrupt the storage of gas to the extent necessary and for the time necessary only in the case of

- a) carrying out planned reconstructions, modernisations, repairs, maintenance and revisions of gas installations,
- b) immediate threat to life, health or property of persons and in the elimination of these conditions,
- c) emergency and emergency prevention in the gas sector,
- d) accidents or breakdowns on gas installations and the elimination of their consequences,
- e) non-compliance with contractual conditions by gas market participants,
- f) if a storage access and storage contract with a right of interruption is concluded.

(3) In the event of restriction or interruption of gas storage for the reasons referred to in paragraph 2(a), the storage system operator shall notify in writing the affected gas market participants for whom it stores gas 15 days in advance of the commencement, termination, restriction or interruption of gas storage; this period may be shorter if agreed between the storage system operator and the affected gas market participant.

(4) Once the reasons for which the storage of gas has been restricted or interrupted have been removed, the storage operator shall immediately resume the storage of gas.

(5) Where damage has been caused as a result of the restriction or interruption of gas storage referred to in paragraph 2, the affected gas market participant shall be entitled to claim compensation for damage and lost profits only if the storage operator has failed to comply with the notification obligation under paragraph 3.

(6) The storage tank operator shall

- a) ensure reliable, safe and efficient operation of the storage facility in order to create an open gas market,
- b) ensure the maintenance and development of the reservoir while respecting the conditions of environmental protection,
- c) provide gas storage and related support services,
- d) enter into a storage access and storage contract with anyone who so requests, provided that the technical conditions and commercial terms and conditions for access to storage and storage are met,
- e) ensure access to the storage and support services on a transparent and non-discriminatory basis,
- f) ensure non-discriminatory treatment of all gas market participants,
- g) ensure the measurement of stored gas, including its evaluation, and the submission of measured data to the gas dispatcher and, on request, to gas market participants,
- h) publish the commercial terms and conditions for access to storage and gas storage within ten days of their entry into force,
- i) provide storage capacity to the network operator,
- j) restrict gas production for affected gas market participants who store gas for customers outside the demarcated territory, on the basis of a decision of the Ministry pursuant to Section 88,
- k) provide the transmission system operator and the distribution system operator with the information necessary to ensure the operability of the interconnected network,
- l) provide gas market participants with the information necessary to access the storage,
- m) develop annual emergency plans,
- n) notify the Ministry and the gas dispatch of the facts necessary to declare a gas crisis,
- o) provide the Ministry and the Authority on a quarterly basis with information from storage access and storage contracts, including information on the gas market participant with whom the storage access and storage contract has been concluded, on storage volumes and on the Energy Outputs for individual gas market participants; in the event of a change to the storage access and storage contract concerning the gas market participant with which the storage access and storage contract was concluded, the storage volumes or the Outputs, the storage operator shall provide the Ministry and the Authority with information on such change without delay,



- p) disclose information on the application of regulated access or negotiated access to the reservoir,
- q) provide the resources necessary to fulfil the obligations of the storage operator under this Act and the special regulation, )<sup>6</sup>
- r) published on its website
  - 1. model application for access to storage for a gas market participant,
  - 2. information on
    - 2.1. the current free storage capacity of the storage tank,
    - 2.2. an annual storage shutdown plan and a storage maintenance plan, which may have an impact on the amount of storage capacity and the quality of service provided,
    - 2.3. plan for adjusting the amount of storage capacity,
  - 3. data on the spare storage capacity of the storage tank, broken down into
    - 3.1. maximum injection power per day depending on the injection curve,
    - 3.2. Maximum Power per day depending on the Power Curve,
    - 3.3. the working volume of the container,
- s) draft the operating rules of the storage tank operator and publicly consult on the draft.

(7) The obligations under paragraph 6(c) shall not apply to ancillary services and temporary gas storage related to natural gas liquefaction plants and necessary for the regasification process.

(8) In the event of a state of emergency in the gas industry, the storage operator is obliged, on the basis of a decision of the Ministry, to interrupt, to the extent determined by the decision of the Ministry, the production of gas from the storage facility for the affected gas market participants who store gas for customers outside the defined territory, to ensure the technical security of the network in the defined territory; no appeal against the decision of the Ministry shall be admissible. The Ministry shall decide on the proposal of the distribution network operator, which shall perform the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry, and which shall indicate in this proposal with which storage operators and to what extent gas production from the storage shall be interrupted. The storage system operator shall immediately notify the affected gas market participants in writing of the interruption of gas production from the storage system. Once the gas emergency has been lifted, the storage system operator shall immediately resume the production of gas from the storage system. If damage has been caused as a result of the interruption of the release of gas from storage, the affected gas market participant shall be entitled to claim compensation for damage and lost profits only if the storage system operator has failed to comply with the notification obligation. Where a gas emergency has been declared for reasons pursuant to Section 21(11), the obligations of the storage operator pursuant to this paragraph shall be imposed by the Ministry by measure pursuant to

§ 21 (13) even without a prior proposal of the distribution network operator, which shall perform the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry.

(9) The storage system operator shall apply measures to allow free trading of capacity rights and facilitate such trading in a transparent and non-discriminatory manner, in particular by specifying the conditions for trading capacity rights in the operating rules of the storage system operator. The storage system operator shall publish the bids and offers for the trading of capacity rights on its website.

(10) In the event of a contractual reassignment, the storage operator shall offer unused storage capacity to gas market participants or storage capacity that has been offered by a gas market participant in its entirety for use by another gas market participant from the date of its allocation as interruptible storage capacity in accordance with the operating rules of the storage operator.

(11) The operator of the storage tank shall be obliged once every ten years

- a) an assessment of the energy efficiency potential of the storage tank, which shall include
  - 1. assessing the energy efficiency of the distribution, management and operational performance of the storage tank,

- 2. Identification of cost-effective measures to improve energy efficiency and measures to achieve energy savings of the storage tank,
  - 3. identifying the investments needed to introduce cost-effective energy efficiency improvement measures and a timetable for their deployment,
- b) send the assessment under paragraph (a) to the Department by 30 May of the calendar year concerned.

(12) The assessment of the energy efficiency potential of the storage tank may be part of a written energy audit report according to a specific regulation. )<sup>55a</sup>

#### § 67a

##### Department of the storage tank operator

- 1. A storage system operator which is part of a vertically integrated undertaking shall be independent in terms of legal personality, organisation and decision-making from other activities which are not related to the transmission, distribution or storage of gas.
- 2. Independence pursuant to paragraph 1 shall not imply an obligation to separate the ownership of the assets of the storage system operator from the ownership of the assets of the vertically integrated undertaking.
- 3. The independence of a storage system operator which is part of a vertically integrated undertaking shall be ensured
  - a) that the persons responsible for the management of the storage facility are not directly or indirectly involved in the management of the gas production and supply activities of the integrated undertaking,
  - b) taking measures to ensure the independence of the persons responsible for the management of the storage tank,
  - c) that the decision rights attaching to the assets necessary for the operation, maintenance or development of the storage tank are independent of the decision rights attaching to other assets of the integrated undertaking; this does not preclude the existence of appropriate mechanisms to ensure the right to protect the assets of the integrated undertaking; the integrated undertaking may approve the annual financial plan of the storage system operator and determine the level of indebtedness of the storage system operator; the integrated undertaking shall not have the right to give instructions concerning the day-to-day operation of the storage system operator or to take decisions concerning the construction or modernisation of the storage system where the decisions of the storage system operator are in accordance with the approved financial plan indicators,
  - d) by establishing a compliance programme pursuant to paragraph 4.

(4) A storage system operator which is part of a vertically integrated undertaking shall draw up a compliance programme setting out measures to ensure non-discriminatory behaviour by the storage system operator. The compliance programme shall identify specific obligations on employees aimed at eliminating possible discriminatory behaviour by the storage system operator.

(5) A storage system operator which is part of a vertically integrated undertaking shall publish on its website by 30 June each year, together with the annual report<sup>61</sup> ) of the storage system operator, a report on the implementation of the measures taken in the compliance programme for the preceding year, prepared by the person responsible for ensuring compliance pursuant to paragraph 4. The storage-tank operator shall deposit the annual report<sup>61</sup> ) in the public part of the register of accounts.

)<sup>61a</sup>

(6) The provisions of Parts One and Two of the Commercial Code shall apply mutatis

obligations under paragraphs 1 to 3.

The obligations in paragraphs 1 to 5 shall not apply to a storage-tank operator who produces gas only for its own consumption, its technological needs or geological needs and to a storage operator whose annual gas production does not exceed 5 % of the technical capacity of the storage facility specified in the gas storage permit issued by the Authority. If the storage operator ceases to comply with the conditions under the first sentence, it shall ensure compliance with paragraphs 1 to 5 by 31 August of the following calendar year. By 31 January each year, the storage operator shall submit to the Authority information on the annual gas production and the purpose of gas production in the preceding calendar year.

(7) The exemption from the obligations of the storage system operator provided for in paragraph 7 shall apply until 31 December 2024.

## § 68

### Operator of the combined network

The operator of the combined network shall have the same rights and the same obligations as the transmission system operator, the distribution system operator and the storage system operator under this Act, depending on the method of combination of the network. The rights and obligations of the combined network operator shall be subject mutatis mutandis to the provisions of Sections 50 to 64.

## § 69

### Rights and obligations of the gas supplier

(1) The gas supplier has the right to

- a) sellÉ gas to gas customers to the extent and under the conditions defined in the gas supply licence,
- b) for the transport and distribution of gas if it meets the technical conditions and commercial conditions for access to the network pursuant to this Act and the special regulation, )²
- c) for the storage of gas, if it meets the technical conditions and commercial conditions for access to the storage facility and storage of gas pursuant to this Act and the special regulation, )²
- d) requestÉ the transmission network operator and the distribution network operator to interrupt or restrict the transport or distribution of gas to an end-user for whom the gas supplier has concluded a contract for access to the transmission network and transport of gas or a contract for access to the distribution network and distribution of gas with the network operator,
- e) for the purchase of gas destined for the requesting Member State, for compensation corresponding to the price for the supply of gas under the gas supply contract concluded with the gas consumer to whom such gas is destined, and for the reimbursement of other costs related to the provision of gas for the purpose of gas solidarity, at the time when gas solidarity is provided,
- f) to purchase gas for the needs of gas customers in the demarcated area at a price corresponding to the price for gas supply according to the gas supply contract concluded with the gas customer to whom such gas is destined, at the time when solidarity in gas supply is accepted,
- g) submitÉ in agreement with the gas customer, an offer to provide voluntary solidarity in gas supply and, if a c c e p t e d , compensation in the amount of the offer made, at the time when solidarity in gas supply is provided,
- h) for the allocation of transmission capacity according to the information of the gas dispatching operator in the defined territory on the basis of the request of the gas supplier, at the time of receiving or providing solidarity in the supply of gas,
- i) set offÉ the gas customer's overpayment against its due claim arising under a contract pursuant to § 47(1) or § 47(8), unless otherwise agreed with the gas customer.

- (2) The gas supplier is obliged to
- a) where the gas supplier is a universal service provider
    1. conclude a gas pooling contract in the defined area pursuant to Section 17(1) with any household gas customer who so requests and complies with the commercial terms and conditions of the gas supplier, whereby the refusal to conclude a gas pooling contract shall be justified by the gas supplier; the obligation of the gas supplier to conclude a gas supply contract shall not apply to a household gas customer who has seriously breached a gas supply contract or a gas pooling contract or has been abstracting gas in an unauthorised manner in the last 12 months,
    2. inform household gas customers on its website and at its points of sale about the possibility of concluding a pooled gas supply contract providing universal service,
    3. apply the terms and conditions of universal service provision in the gas supply contract or the gas pooling contract concluded with the household gas consumer; the terms and conditions of universal service provision must meet the requirements of the provisions of the Civil Code on consumer contracts, must contain the method of gas sales and the complaints procedure pursuant to § 17a par. The terms and conditions of the gas service must be set out in accordance with Article 17(2), must be formulated in a clear and comprehensible manner and must not contain provisions which unduly restrict or prevent the exercise of the rights of the household gas consumer,
    4. publish the commercial terms and conditions for the provision of universal service and any changes thereto on its website; any change to the commercial terms and conditions for the provision of universal service shall be published by the gas supplier on its website at least 30 days before the change takes effect,
  - b) inform the household gas customer of alternative measures to prevent disconnection due to non-compliance with the household gas customer's contractual obligations,
  - c) to ensure a safe and reliable supply of gas to its gas customers under the terms and conditions agreed in the contract,
  - d) provide information to the final gas customer in accordance with Article 17(1)(b), (d) and (e),
  - e) provide information to the final gas customer regarding the prices and technical conditions of gas supply,
  - f) provide the information on customers' rights drawn up by the Commission and published by the Department under section 88(2)(p) to the end-user with whom it has a gas pooling contract on its website and at its premises or, on request, by sending it to the end-user,
  - g) provide the Authority or an organisation authorised under a special regulation<sup>65</sup>) with information on gas supply offers, their terms and conditions and changes thereto at least five working days before they take effect for publication on the comparison portal in the structure and manner published by the Authority on its website; this does not apply to offers of gas supply at a price regulated by the Authority under a special regulation,<sup>67</sup>)
  - h) enable the end-user to change gas supplier free of charge,
  - i) keep data on transactions between the gas supplier and persons purchasing gas for the purpose of its resale, transmission system operators or storage system operators concerning gas supply contracts for a period of five years following the year to which they relate, and provide such data on request to the Ministry, the Authority, the Antimonopoly Office of the Slovak Republic, other state authorities within the scope of their competence and the Commission; for the purposes of this provision, a gas supply contract shall be understood as a gas supply contract except for a contract in respect of a gas derivative, where a gas derivative is a financial instrument under a special regulation,<sup>67</sup>) relating to gas,
  - j) keep data on transactions between the gas supplier and persons purchasing gas for the purpose of its resale or transmission system operators concerning derivatives relating to gas for five years following the year to which they relate, in accordance with a special regulation to be issued by the Commission, and make such data available on request to the Ministry, the Authority, the Antimonopoly Office of the Slovak Republic, other state authorities within the scope of their competence and the Commission,
  - k) provide the operator of the network of which it is a user with technical data from gas supply contracts and personal data on customers resulting from gas supply contracts, providing personal data to the extent of
    1. identification data,

2. your permanent address,
  3. contact telephone number, fax number, e-mail address, if any,
  4. date of birth,
  5. the address of the place of subscription,
  6. the number of the customer's gas off-take point,
- l) provide the network operator with technical data from storage access and storage contracts, where the relevant storage facilities are connected to the relevant network,
  - m) In the event of a crisis situation in the gas industry pursuant to a special regulation<sup>64</sup>) , the measures of the gas dispatching authority or the relevant dispatching authority shall be followed,
  - n) maintain a balance between the quantity of gas entering the network and the quantity of gas simultaneously leaving the network of which it is a user, so that, in any one gas day, the quantity of gas entering the network is at least 75 % but not more than 125 % of the quantity of gas leaving the network, otherwise such action by the gas supplier shall be considered to be an action endangering the security of the network,
  - o) comply with the standard of security of gas supply pursuant to Section 22,
  - p) specify the restrictive gas measures to the customer in the gas supply contract,
  - q) provide data on restrictive measures in the gas sector to the distribution network operator,
  - r) ensure that the data within the scope of § 64(7)(i) is provided to the gas customer without delay upon request of the gas customer,
  - s) communicate to the distribution system operator the data on dependent gas customers resulting from gas supply contracts, namely
    1. identification data,
    2. your permanent address,
    3. contact telephone number, fax number, e-mail address, if any,
    4. date of birth,
    5. the address of the place of subscription,
    6. the number of the off-take point of the dependent gas customer,
  - t) if authorised to do so by the final gas customer by written power of attorney, make available to the energy service provider<sup>67a</sup>) designated pursuant to § 70(1)(j) in a manner understandable to the final gas customer
    1. billing for gas supply,
    2. information on gas billing,
    3. information on gas consumption history,<sup>67b</sup>) if the final gas customer has a designated meter installed pursuant to § 73(2),
  - u) make available to the final gas customer information on the history of gas consumption, if the final gas customer has a designated meter installed pursuant to § 73(2),
  - v) submit to the distribution network operator performing the tasks of gas dispatching in the defined territory, by 31 August each year, information on its protected customers and its solidarity-protected customers who have provided it with data pursuant to Section 70(3)(f), except for household gas customers, to the extent of the customer's point of supply number and the customer's assignment to a category pursuant to a special regulation,<sup>67b</sup>)
  - w) provide, at the request of the Ministry, at the time of receiving or providing solidarity in the supply of gas, the transport capacity available to it under the contract for access to the transmission network and the transport of gas,
  - x) provide the distribution system operator performing gas dispatching tasks in the defined territory with information on the required volume of gas if it anticipates a shortage of gas for its customers protected by solidarity,

- y) order transmission capacity for the purpose of providing or receiving solidarity in gas supply in the volume and at the point of interconnection of the transmission network with the transmission networks of the Member States, as informed by the gas dispatch operator in the defined territory,
- z) supply gas to an end-user of gas for heat production and heat supply, the price for the trader's services, which shall consist of the price for the commodity and the trader's other costs for the provision of gas, excluding the costs for the transportation of gas and the distribution of gas, shall not be higher than the value set by the Authority in the general binding legal regulation which shall lay down the details for the determination of the price for the trader's services for the supply of gas to an end-user of gas for heat production and heat supply.

(3) The Authority shall require the universal service provider to amend the commercial terms and conditions of universal service where the commercial terms and conditions of universal service do not meet the requirements under paragraph 2(a), third subparagraph, or where the Authority has reason to believe that the universal service provider is applying the commercial terms and conditions of universal service in an unreasonable or discriminatory manner.

(4) A gas supplier providing universal service shall notify the Authority in writing within 30 days from the date of receipt of the Authority's request pursuant to paragraph 3 whether and to what extent it has changed the commercial terms and conditions for the provision of universal service and shall deliver the changed commercial terms and conditions for the provision of universal service to the Authority. If the universal service provider has not changed the commercial terms and conditions of universal service, it shall notify the Authority within the time limit referred to in the first sentence of the reasons for not changing the commercial terms and conditions of universal service.

(5) The Authority shall inform the universal service provider of the invitation of the universal service provider by the Authority pursuant to paragraph 3 and of the manner in which the universal service provider by the universal service provider has dealt with the invitation pursuant to paragraph 4 on its website.

(6) A supplier of gas to household gas customers who supplies gas exclusively to household gas customers and who is also the operator of a distribution network to which fewer than 100 000 final gas customers are connected and to which household gas customers are connected, shall have the right to conclude, directly or through its gas supplier, a contract for access to the distribution network and distribution of gas with the distribution network operator which carries out the distribution of gas to ensure its gas supply, with a contract duration of one year, in which the value of the daily distribution capacity may be divided into two six-month periods.

(7) The gas supplier shall be obliged to ensure the quantity of gas for the supply of gas to endusers with whom it has concluded gas supply contracts or gas pooling contracts and to submit data on the quantity of gas secured to the Authority.

(8) From 1 November to 31 December 2009, the gas supplier which is a user of the distribution network shall provide the distribution network operator, which performs the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry, with the following information. On the first working day of each calendar week, data on the maximum quantity of gas which it is able to deliver at the entry point to the distribution network from the transmission network and which is destined for the gas market in the delimited territory, for each day of the current calendar week; this quantity of gas shall be reduced by the quantity of gas which the gas supplier delivers to another gas supplier at the entry point to the distribution network from the transmission network.

(9) From 1 November to 31 December 2009, the gas supplier, which is a user of the distribution network, shall provide the distribution network operator, which, on the basis of a decision of the Ministry, performs the tasks of gas dispatching in the defined territory, with the following information. On the first working day of each calendar week, the gas supplier shall provide data on its maximum available EOR from storage facilities to the distribution network and which are destined for the gas market in the defined territory for each day of the current calendar week; this quantity of gas shall be reduced by the quantity of gas that the gas supplier transfers to another gas supplier from storage facilities to the distribution network.

(10) Where a gas crisis situation is declared at the level of an emergency or a state of emergency, the gas supplier shall provide the data referred to in paragraphs 8 and 9 on a daily basis by 12 noon of the current day for the following calendar day.

## § 70

### Rights and obligations of the final gas customer

1. The final gas customer shall have the right to

- a) enter into a gas supply contract with the gas supplier; the refusal to enter into a gas supply contract must be justified by the gas supplier,
- b) require, prior to the conclusion of the gas supply contract, the disclosure of information related to the essential elements of the contract; the gas supplier shall provide this information to the final gas customer prior to the conclusion of the contract,
- c) apply for prior approval and carry out the construction and operation of a direct pipeline under the conditions of this Act,
- d) for the transport and distribution of gas if it meets the technical conditions and commercial conditions for access to the network pursuant to this Act and the special regulation, )
- e) for the storage of gas, if it meets the technical conditions and commercial conditions for access to the storage facility and storage of gas pursuant to this Act and the special regulation, )
- f) for the connection of the off-taker gas installation to the transmission network or to the distribution network, if the technical conditions and commercial conditions for connection to the transmission network or to the distribution network are met and if the connection of the off-taker gas installation to the transmission network is not in contravention of § 49(12),
- g) to be assigned free of charge to a new gas supplier within three weeks of receipt of the request; this provision shall be without prejudice to any contractual obligations towards the previous gas supplier or other gas market participants,
- h) obtain free of charge through the gas supplier metered consumption data at his/her off-take point in accordance with a generally binding legal regulation issued pursuant to § 95(2)(e),
- i) for the disclosure of data to the energy service provider<sup>67a</sup> ) pursuant to § 69(2)(t),
- j) designate the energy service provider,<sup>67a</sup> ) to whom data pursuant to § 69(2)(t) may be made available,
- k) to access information on the history of gas consumption<sup>68a</sup> ) enabling the control of his own gas consumption if he has installed a designated meter pursuant to § 73(2),
- l) the choice of a written or electronic method of notification of the billing invoice and the method of delivery of the billing invoice,
- m) when installing a designated meter pursuant to § 73(2), to provide information on the individual functions of the installed meter and on the means of reading the measured values to enable the control of the actual gas consumption,
- n) to be adequately compensated for the restriction of gas supply, to the extent of the restriction due to the provision of solidarity in gas supply, at the time when solidarity in gas supply is provided to the requesting Member State,
- o) submitÉ in agreement with the gas supplier, an offer to provide voluntary gas solidarity and, if a c c e p t e d , compensation in the amount of the offer made, at the time the gas solidarity is provided.

(2) In addition to the rights referred to in paragraph 1, the household gas consumer shall have the right to universal service.

(3) The final gas customer is obliged to

- a) participate in the payment of the eligible costs of the transmission system operator or the distribution system operator that are associated with the connection of the off-taker's gas facility to the network,

- b) enable the transmission system operator or the distribution system operator to install the designated meter, including the telemetry equipment for data transmission, and enable the transmission system operator and the distribution system operator to access the designated meter and the telemetry equipment,
- c) provide the necessary data to the gas supplier for the preparation or conclusion of a gas supply contract,
- d) maintain the gas consumption equipment in an appropriate technical condition,
- e) maintain a balance between the quantity of gas entering the network and the quantity of gas simultaneously leaving the network of which it is a user,
- f) provide the gas supplier with details of whether it is a protected customer or a customer protected by solidarity, together with the identification of the points of supply.

(4) An end-user of gas who has concluded a gas supply contract or a gas pooling contract with a gas supplier which is a legal entity that is wholly or largely financed by the State, a municipality, a higher territorial unit or a legal entity established by law that is controlled by the State, a municipality, a higher territorial unit or a legal person established by law, or in which the State, a municipality, a higher territorial unit or a legal person established by law appoints or elects more than half of the members of its management or supervisory body, is not a public sector partner by reason of receiving performance under a gas supply contract or a pooled gas supply contract; this shall be without prejudice to its obligation to be entered in the register of public sector partners for other reasons.<sup>146)</sup>

### § 70a

#### Rights and obligations of the renewable energy community

(1) The renewable energy community has the right to

- a) consumes gas at its off-take point under a gas supply contract or a gas pooling contract, b) produces biomethane,
  - c) supplies its members
    - 1. biomethane produced in its biomethane plant,
    - 2. gas purchased on the gas market,
  - d) shares the biomethane produced in its biomethane production facility to its members at their offtake points for which a contract for access to the transmission network and transport of gas is concluded with the transmission network operator or a contract for access to the distribution network and distribution of gas is concluded with the distribution network operator.
- (2) In exercising the right under paragraph 1(a), the rights and obligations of the final gas customer under this Act shall apply to the renewable energy community in addition to the rights of the household gas customer.
- (3) In exercising the right under paragraph 1(b), the rights and obligations of a biomethane producer under a special regulation<sup>146c)</sup> shall also apply to the renewable energy community, except for the obligation to enter into a gas supply contract with the gas consumer.
- (4) In exercising the right under paragraph 1(c), first subparagraph, the rights of the gas supplier under section 69(1) and the obligations of the gas supplier under section 69(2)(b) to (e), (h), (k) to (s) and (u) shall also apply to the community producing energy from renewable sources. In exercising the right under paragraph 1(c) second subparagraph, the rights and obligations of the gas supplier under section 69 shall also apply to the renewable energy community.

## SECOND TITLE TECHNICAL EQUIPMENT

### § 72

#### Subscribing equipment

1. The distribution network operator shall construct the gas installation, including the main gas shut-off, to which the gas-consuming installation is connected, on the boundary of the gas customer's property or on the boundary of the gas customer's premises to which the gas is supplied.  
The gas off-take equipment shall be installed by the gas customer at his own expense.
2. The gas consumer's gas installation shall start after the main gas shut-off and end with the consumer's gas appliances. Where a gas off-take is connected to a common gas off-take, each gas off-take shall start downstream of the shut-off valve separating it from the common gas off-take. The gas off-take equipment shall not include a domestic gas pressure regulator and a gas metering device.
3. A common gas off-take facility is a gas off-take facility intended for the off-take of gas by several customers. A common gas off-take facility shall start downstream of the main gas shutoff valve and end with a shut-off valve separating it from the gas off-take facility of the gas customer. A common gas supply off-take situated in a single property shall be part of that property.
4. The establishment of a new gas off-take facility, extension or reconstruction of an existing gas off-take facility, the operation of which will change the technical conditions and commercial terms of gas off-take, may only be carried out with the prior consent of the network operator to which it is connected and in compliance with the conditions specified by the latter.
5. It is forbidden to interfere with the gas off-take equipment through which unmeasured gas is distributed from the main gas shut-off to the designated meter without the consent of the distribution network operator.
6. The gas supply may be closed by the main gas shut-off valve during the repair of the gas consumption equipment by the gas consumer, who is obliged to inform the distribution network operator without delay.
7. In the event of a preventable emergency, the main gas shut-off valve can be closed by anyone. Closure of the main gas shut-off shall be notified without delay to the distribution network operator. The reopening of the main gas shut-off may only be carried out by a competent person who shall immediately inform the distribution system operator.
8. The distribution network operator shall have the right to check compliance with the technical conditions pursuant to § 19 and compliance with the gas market rules for the connection and operation of gas consumption facilities, legal regulations and other regulations to ensure occupational safety and health, safety of technical equipment, as well as compliance with the terms of the contract for access to the distribution network and gas distribution.
9. The owner or person authorised to use or manage the gas installation through which the endusers of gas are connected to the distribution network of the distribution network operator, and the owner or manager of the property concerned to which the gas is supplied, shall be obliged to
  - a) enable the supply of gas to end-users,
  - b) Enabled by the operator of distribution the distribution network necessary access to this gas equipment,
  - c) maintain this gas supply equipment in an appropriate technical condition,
  - d) provide technical data and inspection reports on that gas installation under its ownership or management to the distribution network operator.

### § 73

#### Connection conditions

- (1) Only the property owner or property manager may apply for the construction and connection of a gas off-take facility. If a person who is not the owner of the property applies for a connection, he is obliged to ask the property owner or the property manager for prior consent for the construction and connection of the off-gas installation; refusal to grant prior consent must be justified.
- (2) The distribution network operator is obliged to ensure the connection and maintenance of the designated gas meter and to apply the necessary measures to prevent unauthorised manipulation of the designated meter.

(3) At the request of the distribution network operator, the gas consumer is obliged to make the necessary adjustments to the gas consumer's installation when setting up, installing, reconstructing the gas installation or when the distribution network operator installs the designated meter.

(4) The gas consumer or the owner of the property to which the gas is supplied is obliged to allow the distribution network operator to inspect the gas consumption equipment or the designated meter.

(5) The gas consumer is obliged to maintain the connected gas-consuming equipment in an appropriate technical condition and to provide the distribution network operator with technical data and inspection reports of the gas-consuming equipment within 90 days from the date of request; if he fails to provide the required data and reports within 90 days, his gas-consuming equipment shall be deemed to be technically unsatisfactory.

#### § 74

##### Temporary exemptions from access to the transmission network and storage

(1) A gas supplier which has concluded a gas supply contract with a fixed delivery volume and an obligation to pay regardless of the quantity of gas withdrawn may apply to the Authority for a temporary exemption from the obligation of the transmission system operator to ensure access to the transmission network for another gas market participant where that gas supplier is threatened with serious economic harm or serious financial difficulties in meeting its obligations under such a contract; the application may also apply to the distribution system operator and the storage tank operator.

(2) The threat of serious economic harm and the occurrence of serious financial Hardship is not a condition or situation where the gas supply does not fall below the level of the fixed gas supply volume agreed in the gas supply contract or where the fixed gas supply volume agreed in the gas supply contract can be changed or where the gas supplier can find other ways of dealing with the situation.

(3) The application of the gas supplier pursuant to paragraph 1 shall include

- a) the business name, legal form and registered office of the legal entity,
- b) the identification number of the legal entity,
- c) the name, surname, date of birth and permanent residence of the members of the legal entity's statutory body,
- d) the period for which the temporary derogation is requested,
- e) the reasons for which the temporary derogation is requested,
- f) a notarised photocopy of the gas supply contract which is the subject of the request for a temporary exemption,
- g) justification of the need to fulfil contractual obligations towards gas customers, quantification of the extent of economic harm and the extent of financial hardship that may arise in the event that the temporary exemption is not granted,
- h) measures taken to avoid the threat of serious economic harm or serious financial hardship,
- i) the level of interconnection of the network with the networks of Member States and third countries and the degree of interoperability achieved between them.

(4) In deciding whether to grant a temporary exemption from the obligation to provide access to the network, the Authority shall take into account

- a) the seriousness of the threat of economic harm and the seriousness of the financial difficulties which threaten or may threaten the gas supplier and which are related to the gas supply contract which is the subject of the request,
- b) impact on the competition actually achieved in the gas market,
- c) the position of the gas supplier on the gas market,
- d) the agreed terms and conditions of the gas supply contract that is the subject of the application, including the extent to which changes to that contract can be made, taking into account the gas market,

- e) the efforts made by the gas supplier to avoid the threat of serious economic harm and serious financial difficulties that may arise from the gas supply contract that is the subject of the application,
- f) the extent to which the gas supplier could foresee at the time of signing the gas supply contract that serious economic harm or serious financial hardship may arise in connection with the provisions of this Act,
- g) the level of interconnection of the network with the networks of other Member States and third countries and the degree of interoperability of these networks.

(5) The decision to grant a temporary exemption from the obligation to provide access to the network shall include

- a) the business name, legal form and registered office of the legal entity,
- b) the identification number of the legal entity,
- c) the name and surname, date of birth and permanent residence of the members of the statutory body of the legal person,
- d) Required range Gas facilities, of which shall award temporary exemption from the obligation to provide access to the network will apply,
- e) the period of time for which a decision granting a temporary exemption from the obligation to provide access to the network is issued.

(6) The Authority shall send the decision to grant a temporary exemption from access to the network to the party to the proceedings. The Authority shall send the decision, together with information relating to the temporary exemption granted, to the Ministry and the Commission. The Commission shall have the right, within eight weeks of receipt of the decision, to request the Authority to amend or revoke it.

#### § 75

##### Major new gas installations

(1) For the purposes of this Act, a new significant gas installation is a gas installation which has not been completed or reconstructed before the entry into force of this Act and which provides an interconnection between the networks of the Member States, or a natural gas liquefaction plant or a storage tank.

(2) The Authority may grant an exemption for a new major gas installation from the obligation to ensure unbundling of the transmission system operator pursuant to Section 50, the obligation to ensure third party access to the network and storage and the exemption from regulation pursuant to a special regulation<sup>(4)</sup> under the following conditions:

- a) a major new gas facility will increase the economic competitiveness and security of gas supply,
- b) the risk associated with the construction of a new gas installation is such that its construction is not possible without a derogation,
- c) New significant Gas facility must own person, who is independent from the network operator in whose network the gas installation will be built,
- d) the operation of a new major gas installation will be subject to a charge,
- e) the operation of the new major gas installation will not disrupt the functioning of the gas market.

(3) The exemption may apply to all or part of a major new gas installation and is time-limited.

(4) The Authority shall decide on the exemption on the basis of an application. The Authority is obliged to request the opinion of the Ministry before issuing the decision, which it publishes together with the decision.

(5) An application for an exemption shall include the reasons for the exemption, the duration requested and the scope of the exemption. The applicant shall accompany the application with a summary of the results of the capacity allocation process at the new major gas installation in accordance with the rules determined by the Authority in accordance with paragraph 10. The Authority shall send a copy of the request for exemption to the Commission without delay after its receipt.

(6) The granting of a derogation for a major new gas installation located in a demarcated territory and in the territory of another Member State must be discussed with the competent authorities of the Member States concerned before a decision is taken. The opinion of the competent authority of the Member State concerned shall be binding on the Authority. The Authority shall issue similar binding opinions to the competent authority of the Member State concerned.

(7) The Authority, together with the competent authorities of the Member States concerned, shall inform the Agency of the granting of the exemption. The Agency shall decide on the granting of the exemption in accordance with a specific regulation,<sup>(2)</sup> if the Authority, together with the competent authorities of all the Member States concerned, so requests, or if the competent authority of the Member State concerned does not give a favourable opinion on the granting of the exemption by the Authority within six months of the date on which the applicant applied for the exemption from the Authority or, at a later date, the date on which the applicant applied for a similar exemption from the last competent authority of the Member State concerned, in which case the Authority shall refer the application pursuant to paragraph 5 to the Agency, and paragraph 4 shall apply mutatis mutandis. The Authority may, jointly with the competent authorities of all Member States concerned, request the Agency to extend the six-month period referred to in the preceding sentence by a maximum of three months.

(8) The decision granting the exemption shall be forwarded to the applicant and the Commission, together with information including, in particular

- a) a detailed description of the grounds on the basis of which the decision to grant or refuse to grant an exemption was taken, together with a reference to the specific conditions referred to in paragraph 2 on the basis of which the decision was taken, including the financial information justifying the need for the exemption,
- b) analyses have been carried out on the effect of the exemption on economic competition and on the efficient functioning of the gas market,
- c) a justification of the time period for granting the exemption and the share of the affected gas installations in the total capacity of the gas installations,
- d) the result of a consultation with the competent authorities of the Member State concerned where a derogation is granted for a gas installation providing interconnection between the networks of the Member States,
- e) the share of gas installations in the diversification of gas supply.

Where the Commission issues a decision requesting the Authority to revoke or amend an exemption decision, the Authority shall revoke or amend the exemption decision within one month of the Commission's decision and shall inform the Commission thereof. The exemption decision shall cease to have effect two years after the expiry of two years from its adoption if construction of the new major natural gas facility has not commenced by that time and five years after the expiry of five years from its adoption if the new major natural gas facility has not been put into operation by that time; it shall not cease to have effect, however, if the Commission decides that the delay is due to serious obstacles beyond the control of the person to whom the exemption has been granted.

- (9) Rules and procedures for the management and capacity allocation of new major gas

facilities designated by the Authority pursuant to paragraph 5 shall determine

- a) the obligation to invite all potential users of the gas installation to express their interest in reserving the capacity of the gas installation before the capacity is allocated to the users, including capacity for the gas installation operator's own use,
- b) the obligation of users of the gas supply system to offer unused capacity of the gas supply system on the market in the event of an oversupply,
- c) the right of the users of the gas installation to trade the allocated capacity of the gas installation on the secondary market.

## § 76

### Gas supply and metering

(1) The distribution network operator is obliged to measure the gas supply with its own designated meter, which it installs, maintains and regularly ensures its verification free of charge to the end-user.

(2) The distribution network operator shall be obliged to carry out a physical reading of the counter status of the designated meter at the customer's point of consumption that is not equipped with a designated meter with remote reading at least once every 12 consecutive calendar months, unless the customer has confirmed to the distribution network operator an interest in reporting the counter status of the designated meter as a substitute for physical reading or the customer is not a customer's point of consumption that has not exceeded 200 m<sup>3</sup> per year for the last five years; the physical reading of the non-household gas customer is obliged to be carried out annually by 31. December during the month of December of the relevant calendar year. A physical reading of the meter reading of the designated meter at the off-take point shall also be understood as a reading based on the meter reading of the designated meter reported by the gas customer and agreed by the distribution network operator. If the gas customer confirms to the distribution system operator his interest in reporting the status of the counter of the designated meter as a substitute for a physical reading and does not report the reading within the agreed time limit, the distribution system operator shall be entitled to use the supply type diagram to determine the reading of that customer. A nonhousehold gas customer may report annually to his gas supplier or to the distribution system operator the actual meter reading of the designated meter as at 31 December at the latest within five calendar days of the end of the calendar year. The distribution system operator shall have the right to use type delivery diagrams if it does not have data on the actual status of the meter counter of the designated meter or data on the status of the meter counter of the designated meter reported by the gas customer and agreed by the distribution system operator, or if the consumption at the off-take point has not exceeded 200 m<sup>3</sup> per year for the last five years. The distribution network operator shall notify the gas supplier of the data for the non-household gas customers' off-take points within 10 calendar days of the end of the calendar year.

(3) The distribution network operator is obliged to provide access to measured data or data determined by the use of gas supply type diagrams on the basis of a concluded gas distribution contract.

(4) Where a gas supplier supplies gas to one customer at the same pressure level to several offtake points, the supplier shall invoice the quantity of gas supplied jointly for all off-take points as if he were supplying gas to a single off-take point.

(5) The quantity of gas delivered and withdrawn shall be evaluated as an amount of energy expressed in energy units.

(6) The basis for accounting for gas supply between the supplier and the customer is the quantity of energy supplied. This quantity of energy is the product of the combustion heat by volume for the billing period and the delivered volume of gas.

(7) The gas supplier shall invoice the delivered quantity of gas for 12 consecutive months on the basis of the data notified by the distribution system operator pursuant to paragraph 2 at the latest in the calendar month following their notification by the distribution system operator. In the periods between the dates of the periodic

readings of the actual measured gas supply data pursuant to paragraph 2, the gas supplier may determine the quantity of gas supplied for the purpose of invoicing on the basis of the type delivery diagrams, if it does not have data available according to the status of the designated meter mutually agreed between the gas supplier and the gas customer. The gas supplier shall indicate in each gas supply invoice the number of the off-take point under which the off-take point is registered with the relevant distribution network operator.

(8) If a gas customer or supplier has doubts about the correctness of the measurement of gas supply or withdrawal data by a designated meter or detects an error in a designated meter, he has the right to request the transmission system operator or the distribution system operator to examine the designated meter. The transmission system operator or distribution system operator shall, within 15 days of receipt of a written request, ensure the replacement of the designated meter and submit the designated meter for testing.

(9) The distribution network operator or the transmission network operator is obliged to provide a spare meter during the testing of the designated meter or to agree with the gas consumer the method of billing for the gas taken. If an error of the designated meter is detected which exceeds the error allowed under a special regulation,<sup>9)</sup> the costs associated with the testing and replacement shall be borne by the transmission system operator or the distribution system operator. If no defects have been detected in the designated meter which exceed the defect allowed under the special regulation, the costs of testing and replacement shall be borne by the person who requested the testing and replacement.

(10) The transmission system operator and the distribution system operator shall inform the enduser of gas in paper or electronic form of the date of the planned replacement of the designated meter at least 30 days in advance; this shall not apply if the end-user of gas agrees to a later notification of the date of the planned replacement of the designated meter. When replacing a designated meter, the transmission system operator or distribution system operator shall inform the end-user of gas of the status of the quantity of gas withdrawn and shall at the same time notify the status of the designated meter before replacement and the status of the new designated meter after replacement. If the final gas customer does not participate in the replacement of the designated meter, the network operator shall inform the final gas customer in writing about the replacement, the status of the designated meter before the replacement and the status of the new designated meter after the replacement and store the dismantled designated meter for at least

60 days for the purpose of enabling the end-user to check the status of the designated meter. For each replacement of a designated meter, the transmission system operator and the distribution system operator shall provide the end-user of gas in writing or electronically with information on the individual functions of the installed designated meter and on the methods of reading the measured values that will enable him to control his gas consumption; the information may also be provided by the transmission system operator and the distribution system operator by reference to their website, if this information is published there.

(11) The gas consumer is obliged to operate the gas consumption equipment in such a way as not to damage the designated meter. Any interference with the designated meter in contravention of a special regulation<sup>10)</sup> is prohibited.

(12) Details of the conditions of connection, supply, gas metering, the use of supply type diagrams and the method of balancing the network shall be laid down in the technical conditions of the network operator pursuant to § 19 and in the market rules.

## § 77

### Intelligent measuring systems

(1) The Ministry, in cooperation with the Authority, shall determine the categories of end-users of gas for which the justification for the use of smart metering systems is demonstrated. The network operator shall be obliged to implement smart metering systems for the categories of end-users of gas referred to in the first sentence under the conditions laid down by a generally binding legal regulation issued pursuant to § 95(1)(k).



(2) The Authority shall take into account the costs of procurement, installation and operation of smart metering systems for individual categories of end-users of gas pursuant to paragraph 1 in the proposed method of price regulation after the procurement and installation of smart metering systems and their commissioning.

(3) Gas market participants shall be obliged to provide the network operator with assistance in the installation and operation of smart metering systems in the manner and under the conditions laid down in the generally binding legal regulation issued pursuant to § 95(1)(k).

## § 78

### Professional competence

Only persons professionally qualified according to special regulations may manufacture, assemble, reconstruct, modernise, repair, maintain, inspect and test gas equipment. )<sup>83</sup>

## § 79

### Protective zone

(1) Protection zones are established to protect gas installations and direct gas pipelines.

(2) For the purposes of this Act, the protection zone is the area in the immediate vicinity of the direct pipeline or gas installation defined by the horizontal distance from the axis of the direct pipeline or from the ground plan of the technological part of the gas installation measured perpendicularly to the axis of the pipeline or to the edge of the ground plan of the technological part of the gas installation. The distance<sup>84</sup> on each side from the axis of the pipeline or from the plan view of the technological part of the gas installation is

- a) 4 m for gas pipeline with nominal clearance up to 200 mm,
- b) 8 m for a gas pipeline with a nominal clearance from 201 mm to 500 mm,
- c) 12 m for pipeline with nominal clearance from 501 mm to 700 mm,
- d) 50 m for a gas pipeline with a nominal clearance above 700 mm,
- e) 1 m for a gas pipeline distributing gas in the built-up area of the municipality with an operating pressure lower than 0.4 MPa,
- f) 8 m for technological objects,
- g) 150 m for probes,
- h) 50 m for other gas installations of the storage and distribution network not listed in points (a) to (g).

(3) Technological objects for the purposes of this Act are control stations, filtration stations, valve junctions, corrosion protection equipment, gas trace heaters and telecommunications equipment.

(4)

Owners of land located in forest clearings, through which gas installations operated with pressure above 0,4 MPa are routed, are obliged to allow the network operator and the operator of the production network to maintain free strips 2 m wide on both sides from the axis of the distribution network and production network pipeline and 5 m wide on both sides from the axis of the transmission network pipeline and the pipeline that is part of the storage tank.

(5) Buildings<sup>71</sup>) may be established in the protection zone of a gas installation only with the prior consent of the network operator. The consent of the network operator for the establishment of a building in the protection zone of a gas installation is a document for the planning and construction procedure.

(6) Persons may carry out activities in the protection zone of a gas installation only with the consent of the network operator and under the conditions specified by the network operator.

(7) Damage to gas equipment, equipment that serves for its protection, is prohibited. A person who damages a gas supply installation or the equipment used for its protection shall, in addition to the damage caused to the gas supply installation or the equipment used for its protection, be liable to pay<sup>85</sup> the costs of restoring the supply and the damage for the leaked gas which has escaped as a result of the damage to the gas supply installation or the equipment used for its protection. For the purposes of this paragraph, the cost of restoring the supply shall mean the cost of earthworks, transport, materials and labour to repair the damaged gas installation or equipment used for its protection.

## § 80

### Safety zone

(1) The safety zone is intended to prevent or mitigate the effects of faults or accidents on gas installations and to protect the life, health and property of persons.

(2) For the purposes of this Act, the safety zone means the area defined by the horizontal distance from the axis of the pipeline or from the ground plan of the gas installation, measured perpendicular to the axis or to the ground plan. The distance on each side from the axis of the pipeline or from the ground plan of the gas installation shall be

- a) 10 m for gas pipelines with a pressure lower than 0.4 MPa operated in the open air and in undeveloped areas,
- b) 20 m for gas pipelines with pressure from 0,4 MPa to 4 MPa and with nominal clearance up to 350 mm,
- c) 50 m for gas pipelines with pressure from 0,4 MPa to 4 MPa and with nominal clearance over 350 mm,
- d) 50 m for gas pipelines with pressure above 4 MPa with nominal clearance up to 150 mm,
- e) 100 m for gas pipelines with pressure above 4 MPa with nominal clearance up to 300 mm,
- f) 150 m for gas pipelines with pressure above 4 MPa with nominal clearance up to 500 mm,
- g) 200 m for gas pipelines with pressure above 4 MPa with nominal clearance above 500 mm,
- h) 50 m at control stations, filter stations, valve junctions,
- i) 250 m for other gas installations of the storage and distribution network not listed in points (a) to (h).

(3) For gas pipelines with a pressure lower than 0.4 MPa, if they distribute gas in a continuous development, and for control stations with an input pressure lower than 0.4 MPa, located in a continuous development, the safety zones shall be determined in accordance with the technical requirements by the distribution network operator.

Buildings<sup>71</sup>) may be established in the safety zone of a gas installation only with the prior consent of the network operator.

(4)

**§ 81****Relocation of gas installations**

(1) For the purposes of this Act, the relocation of certain elements of a gas installation or a change of route is a relocation of a gas installation.

(2) The costs for the relocation of the gas supply installation shall be paid by the person who caused the need for the relocation, unless the owner of the gas supply installation and the person who caused the need for the relocation agree otherwise. The relocation of the gas installation shall be carried out by the network operator or, under the conditions specified by the network operator, by another authorised person. The ownership of the gas installation shall not be changed by the relocation.

**§ 82****Unauthorised consumption of gas**

(1) An unauthorised withdrawal of gas is a withdrawal of

- a) without a concluded contract for
  1. connection to the transmission network or connection to the distribution network,
  2. the supply or pooling of gas or a contract the subject matter of which is the sharing of gas, or without any other legal ground giving rise to a right to share gas, or
  3. access to the transmission network and transport of gas or access to the distribution network and distribution of gas,
- b) unmeasured gas,
- c) without a designated meter or with a designated meter which, as a result of unauthorised intervention by the customer, does not record or incorrectly records gas consumption,
- d) measured by a designated meter on which the tamper-resistant security has been breached or by a designated meter which has not been installed by the network operator,
- e) if the customer has not allowed the distribution network operator to interrupt the gas supply; such a withdrawal shall be deemed to be an unauthorised withdrawal from the date on which the customer has not allowed the gas supply to be interrupted,
- f) if the customer has not complied with the restrictions set by the gas supplier, transmission system operator, storage system operator or distribution system operator,
- g) if the customer has not complied with the contractually agreed payment terms,
- h) if the customer has repeatedly, without good reason, failed to allow access to the meter, even though he was previously requested to do so by the distribution network operator by a written request, the delivery of which has been confirmed by the customer.

(2) The customer who has illegally withdrawn gas is obliged to pay the gas supplier, the transmission network operator and the distribution network operator, the storage tank operator for the actual damage incurred, if any. The customer who has unlawfully withdrawn gas shall be obliged to pay the lost profit together with the damage to the gas supplier, the transmission system operator and the distribution system operator.

(4)

(3) If the actual damage cannot be quantified on the basis of objective and reliable evidence, the method of calculating the damage caused by the unauthorised extraction of gas laid down by a generally binding legal regulation issued pursuant to § 95(1)(l) shall be used.

In the case of the first unauthorised withdrawal of gas by a household gas consumer measured by a meter located in a publicly accessible place where the tamper-proofing referred to in paragraph 1(d) has been breached, the amount of the damage caused by the unauthorised withdrawal shall be determined as the price of the unauthorised quantity of gas withdrawn, determined using the typespecific supply diagram. For the calculation of the damage caused by a second and further such unauthorised gas extraction at the same off-take point, the procedure in paragraph 3 shall apply.

(5) The distribution network operator is entitled to take the necessary technical measures in the distribution network to prevent unauthorised consumption.

**PART FIVE**

**THE OPERATION OF PIPELINES FOR THE TRANSPORT OF FUEL OR FOR THE TRANSPORT OF OIL, THE OPERATION OF EQUIPMENT FOR THE FILLING OF PRESSURE VESSELS AND OPERATION OF EQUIPMENT FOR THE DISTRIBUTION OF LIQUEFIED GASEOUS HYDROCARBON**

**§ 83**

2. For the purposes of this Part, a pipeline means a fuel pipeline and an oil pipeline.
3. The operation of pipelines, the operation of equipment for filling pressure vessels and the operation of equipment for the distribution of liquefied gaseous hydrocarbons shall not be subject to the Special Regulation. )

**§ 84****Rights and obligations of the pipeline operator**

(1) Only a person who owns or has other rights to the pipeline and who has been issued a permit to transport fuel or petroleum may operate the pipeline.

(2) The pipeline operator shall have the right to establish and operate the electronic communication network necessary to manage the operation of the pipeline and to ensure the transmission of the information necessary for management in accordance with a specific regulation.

)e

(3) The pipeline operator is obliged to ensure reliable, safe and efficient operation of the pipeline, to meet the requirements for the transport of fuel and oil and for the development of the pipeline, while complying with the conditions of environmental protection.

**§ 85**

**Rights and obligations of the operator of pressure vessel filling equipment and the operator of liquefied gaseous hydrocarbon distribution equipment**

(1) The operator of the pressure vessel filling equipment shall have the right to

- a) refuse to fill pressure vessels if it suspects that the pressure vessels do not comply with the technical requirements under the special regulation, )<sup>64</sup>
- b) entering the land or premises of the customer of liquefied gaseous hydrocarbon for the purpose of filling pressure vessels and for the purpose of inspections, tests, maintenance and control of pressure vessels after prior consent of the land owner or a person authorised by him,

(4)

- c) request technical documentation of pressure vessels and gas consumption equipment from the customer of liquefied gaseous hydrocarbon gas.

(2) The operator of pressure vessel filling equipment shall

- a) secure
1. safe operation,
  2. crash prevention,
  3. health and safety,
  4. preventive protective measures,
  5. the reliable, safe and efficient operation of pressure vessel filling equipment while complying with environmental protection conditions,
- b) filling liquefied gaseous hydrocarbon gas only into pressure vessels meeting the technical requirements under the special regulation, )<sup>84</sup>
- c) fill liquefied gaseous hydrocarbons into their own pressure vessels or into the pressure vessels of others only with the written consent of their owner,
- d) hostÉ a register of own pressure vessels which includes the serial number of the pressure vessel and the year of manufacture of the pressure vessel.

(3) The operator of liquefied gaseous hydrocarbon liquefaction equipment shall have the right to

- a) request technical documentation of the off-taker's gas equipment from the customer of the liquefied gaseous hydrocarbon,
- b) enter the land or premises of the customer of liquefied gaseous hydrocarbons for the purposes of inspections, tests, maintenance and control of the distribution of liquefied gaseous hydrocarbons with the prior consent of the land owner or a person authorised by him.

(4) The operator of liquefied gaseous hydrocarbon liquefaction equipment shall a) secure

1. safe operation,
  2. crash prevention,
  3. health and safety,
  4. necessary precautionary protective measures,
  5. the reliable, safe and efficient operation of liquefied gaseous hydrocarbon distribution facilities while complying with environmental protection conditions,
  6. measurement of the delivered liquefied gaseous hydrocarbon gas, including its evaluation and submission of the measurement results to the customer of the liquefied gaseous hydrocarbon gas,
- b) develop annual emergency plans.

## § 86 Pipeline protection zone

(1) For the purposes of this Act, a pipeline protection zone is an area in the vicinity of a pipeline that is designed to ensure the smooth operation of the pipeline and to ensure the safety of persons and property. Owners and occupiers of property within the protection zone are obliged to refrain from anything that could damage the pipeline and endanger the smooth and safe operation.

(2) The pipeline protection zone, except for the protection zone of the pipeline for the transport of oil from the point of extraction to the point of processing, is defined by vertical surfaces running at a horizontal distance of 300 m on both sides from the pipeline axis.

(3) The protection zone of the pipeline for the transport of crude oil from the extraction site to the processing site is defined by vertical surfaces running at a horizontal distance of 100 m on both sides from the pipeline axis.

## § 87 Restrictions in the pipeline protection zone

(1) It is forbidden to establish objects of special importance, pits of exploration and mining enterprises and tailings dumps in the pipeline protection zone.

(2) In the pipeline protection zone, except for the protection zone of a pipeline for the transport of crude oil from the point of extraction to the point of processing, it is prohibited within a distance of

- a) 200 m from the axis of the pipeline, bridges and water works are built on the watercourse,
- b) 150 m from the axis of the pipeline along the pipeline, continuously build up land, construct other important objects and build railway lines,
- c) 100 m from the axis of the pipeline any buildings are erected,
- d) 50 m from the axis of the pipeline the sewerage network is being built,
- e) 20 m from the axis of the pipeline, the pipeline for the transport of substances other than flammable substances of Class I and II,
- f) 10 m from the centreline of the pipeline to carry out activities, in particular excavation, probing, excavation and piling of soil and planting of trees, which could jeopardise the safety of the pipeline and the smooth running of the operation.

(3) Establishment of structures<sup>71</sup>) and maintenance work on a structure in the pipeline protection zone may only be carried out with the prior consent of the pipeline operator and the owner of the land on which the structure is or is to be built. The consent of the pipeline operator and the owner of the land on which the structure is or is to be built for the establishment of a structure in the pipeline protection zone shall be a document for the planning and construction p r o c e d u r e ; persons may carry out other activities pursuant to paragraph 2 in the pipeline protection zone only with the consent of the pipeline operator and under the conditions specified by the pipeline operator, including appropriate conditions to ensure the safety of the pipeline.

(4) Power lines may be established at least at such a distance from the pipeline that the protection zones according to § 43 are maintained, unless the operator of the power line and the operator of the pipeline agree otherwise.

(5) Persons may only carry out activities within the protection zone of a pipeline transporting crude oil from the point of extraction to the point of processing with the consent of the pipeline operator.

## § 87a Special provision governing rules on trade in petroleum and petroleum products subject to sanctions

(1) A legal person or natural person who produces petroleum products according to a special regulation<sup>84a</sup>) from crude oil subject to sanctions according to a special regulation<sup>84b</sup>) shall be obliged to keep a mass balance on such petroleum products and crude oil and to label them in accordance with a generally binding legal regulation issued pursuant to Section 95(1)(p).

(2) A legal person or natural person who imports into the territory of the Slovak Republic crude oil subject to sanctions pursuant to a special regulation,<sup>84b</sup> ) and a legal person or natural person who transports petroleum products designated pursuant to paragraph 1 to the Czech Republic shall be obliged to notify the Ministry every three months of data relating to crude oil and petroleum products subject to sanctions pursuant to a special regulation,<sup>84b</sup> ) to the extent provided for by a generally binding legal regulation issued pursuant to Section 95(1)(p).

(3) A legal person or natural person who produces, imports, exports, buys or sells petroleum and petroleum products designated under paragraph 1 shall keep records of the quantity of such products produced, imported, sold or purchased and the quantity of such petroleum purchased, imported or transported. Where a legal person or natural person produces, imports or purchases petroleum products labelled pursuant to paragraph 1 for its own consumption, the obligation under the first sentence shall not apply to it.

(4) Petroleum products and petroleum labelled under paragraph 1 may be handled only in accordance with a special regulation.<sup>84c</sup> )

## SIXTH PART

### PERFORMANCE OF STATE ADMINISTRATION IN THE ENERGY SECTOR

#### § 88

(1) State administration in the energy sector shall be carried out by a) Ministry,

b) Office.

(2) Ministry

- a) is responsible for the development of an energy policy for a period of at least 20 years, and is responsible for updating the energy policy on a minimum five-year cycle, taking into account the optimal use of domestic raw material, natural, technical and human potential,
- b) ensures the fulfilment of the commitments undertaken in the field of energy resulting from international treaties to which the Slovak Republic is bound and from membership in international organisations,
- c) ensures monitoring of compliance with the security of electricity and gas supply,
- d) adopt measures aimed at ensuring the security of electricity and gas supply, including a decision on the interruption of gas extraction from storage for the affected gas market participants storing gas for customers outside the demarcated territory pursuant to § 67(8),
- e) determines the scope of the technical security criteria for the system and the network,
- f) determines obligations and decides on the application of obligations in the general economic interest pursuant to § 24,
- g) decides on the application of the measures if it is
  1. compromising the integrity and integrity of the system and the network,
  2. threatening the security and reliability of the operation of the system and the network,
- h) decides on the issuance of a certificate for the construction of an energy installation pursuant to Section 12,
- i) take measures to ensure the development and promotion of electricity generation from renewable energy sources,
- j) by 31 July each year, publish a report on the results of the monitoring of the security of gas supply and on the measures taken and envisaged to address the security of gas supply; the report shall be published in the Ministry's Bulletin and on the Ministry's website and sent to the Commission,
- k) sends requests to the Commission for exemptions from the obligations arising from the common rules for the internal market in electricity and the internal market in gas,

- l) issues an opinion on a draft regulatory policy under a specific regulation<sup>85</sup> ) on issues related to compliance with energy policy and energy security,
  - m) issues a certificate of competence in the energy sector,
  - n) decide on the designation of the transmission system operator and the transmission system operator as a transmission system operator or a transmission system operator which complies with the independence requirements pursuant to sections 30, 50, 51 to 60 or 61 to 63 and notify the Commission thereof in accordance with a special regulation,<sup>87</sup> )
  - o) at the request of the Authority, issue an opinion on a threat to the security of electricity or gas supply in a defined territory and in the territory of the European Union pursuant to a special regulation,<sup>87</sup> )
  - p) publish on its website practical information for electricity and gas customers on their rights drawn up by the Commission,
  - q) shall be the responsible authority and shall perform the tasks of the responsible authority pursuant to a special regulation<sup>86</sup> ) in addition to the tasks performed pursuant to this Act by the distribution network operator, which shall perform the tasks of gas dispatching in the defined territory on the basis of a decision of the Ministry,
  - r) requests the competent authorities of other Member States to reinforce the two-way capacity of the cross-border interconnection of the transmission network for security reasons pursuant to a specific regulation<sup>73</sup> ) and accepts similar requests from the competent authorities of other Member States,
  - s) publish on its website information on measures of general economic interest relating to security of gas supply pursuant to a special regulation,<sup>87</sup> )
  - t) issue an opinion on the compatibility of the construction of a direct line or the construction of a direct pipeline with the general economic interest and with energy policy,
  - u) cooperate with the Authority in the development of methodological guidance for electricity and gas undertakings on optimising the use of electricity and gas, including the provision of services to electricity and gas consumers aimed at increasing energy efficiency, the application of prices and conditions for the supply of electricity and gas in a manner aimed at increasing energy efficiency, the introduction of smart metering systems and the modernisation of systems and networks aimed at increasing energy efficiency,
  - v) is a competent authority under a special regulation,<sup>87a</sup> )
  - w) assigns the tasks entrusted to the transmission system operator pursuant to a special regulation,<sup>87b</sup> )
  - x) decides on the appointment of the electricity buyer,
  - y) inform without delay the gas dispatching entity in the demarcated territory and the transmission system operator of the request for gas solidarity from the competent authority of another Member State and of the relevant gas volumes for the requesting Member State when providing gas solidarity or for the solidarity-protected customers in the demarcated territory when receiving gas solidarity,
  - z) requests the gas dispatching authority in the demarcated territory to provide information on the volume of gas available for the purpose of gas supply solidarity for the requesting Member State in the event of voluntary gas releases by gas market participants and in the event of a declared emergency and the application of restrictive measures in the gas sector, aa) requests the transmission system user at the time of receiving or providing gas supply solidarity to provide transmission capacity for the purpose of gas supply solidarity.
3. In proposing measures under paragraph 2(d), the Ministry shall take  
into account
- a) the importance of ensuring continuity of electricity and gas supplies,
  - b) the importance of a transparent and stable regulatory framework,
  - c) the impact of the measures on the price of electricity and gas for end-  
users,
  - d) the internal market and opportunities for cross-border cooperation on security of electricity and gas supply,

- e) the importance of promoting economic competition in the electricity and gas markets,
- f) the need for regular maintenance and, where appropriate, renewal of the transmission system, transmission network, distribution system and distribution network to maintain the performance of the systems and networks,
- g) the importance of supporting electricity produced from renewable energy sources and of supporting cogeneration based on useful heat demand in the internal electricity market,
- h) the need to ensure sufficient transmission, transmission and generation reserve capacity for the stable operation of the electricity and gas markets.

(4) Measures pursuant to paragraph 2(d) shall not be discriminatory and shall not constitute a disproportionate burden on market participants, including new entrants and undertakings with a small market share, and shall not create barriers to a liberalised electricity and gas market. The Ministry shall decide on the interruption of gas production from storage for the affected gas market participants storing gas for customers outside the demarcated territory pursuant to Section 67(8), after considering the adoption of available measures aimed at ensuring the technical security of the network in the demarcated territory, including the possibility of cross-border cooperation, in accordance with a specific regulation. )<sup>88</sup>

(5) In proposing measures pursuant to paragraph 2(d), the Ministry shall, in ensuring an appropriate degree of interconnection between Member States, take particular account of

- a) the geographical location of the state,
- b) maintaining an appropriate balance between the costs of building new interconnections and the benefits to end-users,
- c) ensuring the most efficient use of existing connecting lines.

(6) The measures referred to in paragraph 2(d), (f) and (g) may be imposedÉ as

- a) tariff measures or non-tariff measures,
- b) the obligation to provide or implement technical or organisational measures,
- c) an obligation to refrain from an act or activity,
- d) Providing economic incentives. )<sup>90</sup>

(7) When imposing measures pursuant to paragraph 6, the functioning of the electricity market or the gas market may be disrupted only to the extent necessary and for the time necessary to achieve the purpose of the measure imposed. No distinction shall be made between cross-border and national contracts in the measures imposed. The Ministry shall be obliged to repeal the measures imposed if the reasons for imposing them no longer exist. Liability of the person on whom measures have been imposed pursuant to paragraph 6 for damage caused as a result of the implementation of the measures imposed shall be excluded.

(8) A decision to impose a measure under paragraph 2(f) and (g) may be appealed; an appeal shall not have suspensive effect.

(9) The Ministry shall further inform the Commission of

- a) the measures taken to fulfil the universal service obligation,
- b) measures to meet obligations in the general economic interest, including measures to protect consumers and the environment, and their possible impact on economic competition; it shall report regularly every two years on changes to the measures taken,
- c) the reasons for refusal of an application for a certificate for the construction of an energy installation pursuant to Section 12,
- d) measures taken and envisaged to address security of electricity and gas supply,
- e) the measures referred to in paragraph 2(f) and (g),
- f) Preventive Action Plan and Emergency Plan under special regulation, )<sup>97</sup>

- g) facts relating to intergovernmental agreements concluded with third States to the extent provided for in a special regulation, )<sup>89</sup>
- h) cooperate with another Member State on security of gas supply in the internal g a s market; it shall also inform the other Member States,
- i) exceptions to the application of the thirteenth point of Article 12(4)(b),
- j) the reasons for the rejection of the application pursuant to Section 12(4) if the application does not contain the elements of an investment plan pursuant to Section 12(4)(b), seventh point, thirteenth point and fourteenth point, no later than three months after the rejection of the application.

(10) The Ministry is the competent authority for the area of risk preparedness in the electricity sector according to a special regulation<sup>90</sup> ) and for the area of resource adequacy according to a special regulation<sup>94</sup> ) and determines the reliability standard according to a special regulation. )<sup>94</sup>

(11) The Ministry shall ensure that the report on the results of the monitoring of the security of gas supply pursuant to paragraph 2(j) includes

- a) the results of gas security of supply monitoring and the measures taken and envisaged to address gas security of supply,
- b) an assessment of the overall ability of the network to meet current and expected gas demand, including
  1. network operational security,
  2. the projected balance between gas supply and gas demand for the next five years,
  3. the prospects for securing gas supplies for a period of five to fifteen years from the date of the report,
  4. the investment intentions of the transmission system operator, storage operators and gas producers and the investment intentions of any other party known to them regarding the provision of cross-border transmission capacity for the next 10É years; the Ministry shall prepare the report in cooperation with the transmission system operator, storage operators and gas producers,
  5. possible measures to cover particularly high gas demand and to deal with the failure of one or more gas suppliers.

(12) The Ministry, in cooperation with the Authority, shall prepare an analysis of the economic benefits resulting from the introduction of different forms of smart metering systems and the costs of their procurement, installation and operation for particular categories of final electricity customers and shall prepare a reassessment of that analysis at least every four years if the analysis results in a finding that the economic benefits of the installation and operation of smart metering systems for particular categories of final electricity customers do not justify the costs of their installation and operation. In developing the analysis, the Department shall take into account the requirements for evaluating the economic benefits and costs and functions of smart metering systems and the requirements for ensuring cybersecurity and data protection.<sup>55ab</sup> ) The Department shall also conduct a reevaluation of the analysis under the first sentence if the technical, economic, or legal assumptions on which the Department based the analysis change significantly.

## § 89 Office

(1) The Authority shall supervise compliance with the obligations of persons pursuant to § 6(2)(d) to

(h), § 9,

§ Sections 11, 12 to 14, 19(1) to (4), 20 to 24, 25(1), 27(2)(d) to (i), (l) to (q) and (s), § 27a(2)(d) to (h), (m) and (n), § 28(2)(a) to (h), (r) to (w), § 28(3)(b) to (d), (h), (j) to (o), (v), (z), (ak) to (am), § 31(2)(a) to (e), (j) to (n), (p) to (s), (w), (z), § 31(3)(a) (c) to (c), (j), (k), (o), (q), (ac) to (ae), section 33(1) to (6), (8), (9), section 34(2)(c) to (e), (n), (p) to (r), (v), (w), (y) to (z), section 35, section 39, section 40(1), (6), (7) and (12), section 41(1) to (5), section 42 to (46), section 48(2)(b), (c), (e) to (g), (j), § 49(6)(a), (b), (i), (l), (n), (o), § 49(7)(b), (d), (e) to (h), (m), § 49(9) and (10), § 64 6(a) to (d), (j) to (l), (o), § 64(7)(a), (c), (e) to (g), (j), (l) to (n), § 64(14) and (15), § 66, § 67(6)(a), (b), (g), (j), (k), (m) to (o), § 67(8), (11) and (12), § 69(2)(c), (i), (j), (m) to (o), t) and (u), § 70(3)(b), (d), (e), § 72(4) to (7), § 72(9)(a), (b) to (d), § 73, § 76(3),

9 to 11, § 77(1) and (3), § 79 to 82, § 84 to 87, § 87a and under special regulations<sup>91</sup> ) with particular regard to the fulfilment of obligations

- a) electricity and gas market participants concerning the performance of tasks
  - 1. in the general economic interest,
  - 2. ensuring the security and reliability of the operation of systems and networks,
  - 3. for the prevention of a state of emergency in the electricity sector or a crisis situation in the gas sector and when a state of emergency in the electricity sector or a crisis situation in the gas sector is declared,
  - 4. imposed in connection with the adoption of measures pursuant to § 88,
  - 5. comply with the security of gas supply standard,
- b) persons carrying out activities in the energy sector which do not require authorisation to the extent referred to in point (a),
- c) other persons on whom obligations are imposed in relation to the performance of the tasks referred to in point (a),
- d) for the performance of activities in the energy sector and duties in the protection zones of the system, protection zones and safety zones of gas facilities and in the protection zones of pipelines for the transport of fuel or oil,
- e) resulting from measures imposed by the Authority.

#### (2) Office

- a) manages the exercise of state supervision,
- b) imposes measures to remedy the deficiencies identified,
- c) issues decisions and interim measures in administrative proceedings, )<sup>92</sup>
- d) impose fines pursuant to § 91(1).

(3) In the exercise of state supervision, the Authority shall proceed accordingly in accordance with a special regulation. )<sup>93</sup>

(4) Employees of the Authority in the performance of state supervision are entitled to enter the land, objects and facilities of the persons inspected, to carry out the necessary investigations, to request the necessary documents, data, written or oral explanations, to verify the identity of the persons inspected and to make visual, audio and visual-sound recordings to document the detected deficiencies; this does not apply in the case of defence infrastructure objects, land and objects in the administration of the Ministry of Defence of the Slovak Republic, for which the employees of the Authority may exercise the powers under this paragraph only after prior consent of the Minister of Defence of the Slovak Republic and in accordance with special regulations.<sup>94</sup>)

(5) Where deficiencies are identified, the Authority's staff are empowered to impose measures to remedy the deficiencies identified. The staff of the Authority shall draw up a report of the surveillance carried out, in which they shall record the deficiencies found and the measures imposed. They shall hand over or deliver the report on the result of the surveillance to the holder of the permit or to another person at whose premises the surveillance has been carried out.

(6) A person subject to supervision under this Act is obliged to provide the necessary assistance to the employees of the Authority and invited persons, to allow them access to the land, buildings and facilities,

provide them with the necessary materials, documentation and give the required explanations.

This is without prejudice to the provisions of specific regulations. )<sup>94a</sup>

(7) Supervision pursuant to § 9, 11, 12, § 20 to 24, § 32 ods. 4 písm. d) a e), § 42, 44, § 65 ods. 3 písm. b) a písm. d) až g), § 65 ods. 5, § 72, § 77 to 79 and § 82 to 87 and according to special regulations<sup>91</sup> ) in energy facilities serving to ensure the security of the State and in selected objects and facilities within the competence of the Ministry of Defence of the Slovak Republic, the Armed Forces of the Slovak Republic, the Ministry of the Interior of the Slovak Republic, the Prison and Judicial Guard of the Slovak Republic, the Railways of the Slovak Republic, the Slovak Information Service and the National Security Office shall be performed by the employees of the Office, who shall be appointed and dismissed by the heads of these bodies, within the competence of which they fall.

(8) The Authority may, in the course of its activities, request data and explanations from public authorities that are necessary for its control activities. The public authorities are obliged to provide the Authority with the requested data and explanations, unless the disclosure of the requested data is excluded by a specific regulation. )<sup>94a</sup>

## § 90

### Office

- a) exercise control over compliance with the obligations under § 4, § 6(1), (2)(a) to (c), § 6(6), (9) to (15), § 9, § 10(1), (8) to (13), § 11(16)(e), § 11a(8), § 15(7), (8), (10), 11, 13 and 14, §§ 16 to 17a, § 17b(6) and (7), § 17e, § 17f, § 18, § 19(5), (7), (9), (11) and (12), § 19a, § 26, § 27 ods. 2 písm. a) až c), j) až m), r), t) až v), § 27 ods. 3 a 4, § 27a ods. 2 písm. a) až c) a i) až l), § 28 ods. 2 písm. až q), x) až z), ac), § 28 ods. 3 písm. a), b), e) až g), i), p) až u), w), x), y), aa) až ad), af) až ah), § 28 ods. 4, 5 a 7, § 28a ods. 1, 2 and 5, § 29, § 30, § 31(2)(f) to (i), (o), (t) to (v), (x), (y), (aa) to (ag), § 31(3)(d) to (i), (l) to (n), (p), (r) to (ab), § 31(4) to (6), (8) to (14), § 32, § 32(1) and (6), § 32(1), § 32(1), § 32(6) and (6), § 32(c)(6) and (7), § 33(10), § 34(2)(a) (d) to (d), (f) to (m), (o), (s) to (x), section 34(3), (5), (7), (8), (10) to (11), section 34a(2), section 35, section 35a(2) and (10), § 37, § 37a(3) and (5), § 40(2), (8) to (11), § 41(7), § 47, § 48(2)(a), (d), (h), (i), § 49(3) to (5), § 49(6)(c) to (h), (j), (k), (m), § 49(7)(a), (c) and (d), (g), (i) to (n), § 49(7)(a), (c) and (d), (g), (i) to (n), Art. 8, § 49(12) and (13), § 50 to 63, § 64(3), (4), § 64(6)(e) to (i), (m), (n), § 64(7)(b), (d), (h), (i), (k), (o) to (s), § 64(8) to (13), § 65, § 67(3) to (5), § 67(6)(c) to (f), (h), (i), (l), (p) to (r), § 67(7), (9), (10), § 67a, § 68, § 69(2)(a), (b), (d), (e) to (l), (p) to (s), (v) to (z), § 69(4), (7) to (10), § 70(3)(a) and (c), § 74, § 75, § 76(1), (2), (4) to (8), § 94, § 96n paragraphs 2 and 3,
- b) imposes measures to eliminate and remedy deficiencies identified during the inspection,
- c) impose fines pursuant to § 91(2) within the scope of the control competence defined in point (a), d) issues and publishes on its website
  - 1. the model operating rules of the local distribution system operator,
  - 2. the model operating rules of the operator of a distribution network to which fewer than 100 000 final gas customers are connected,
  - 3. model terms and conditions for the provision of universal service.

## § 91

### Administrative offences and fines

(1) The Authority shall impose a fine on the permit holder or other person in the amount of

- a) from EUR 50 000 to EUR 10 000 000 for infringement
  - 1. imposed in the general economic interest,
  - 2. ensuring the safety and reliability of the operation of systems, networks, pipelines and pressure vessel filling equipment,

3. imposed to prevent a crisis situation and in the prevention of a crisis situation and emergency,
  4. imposed in connection with the adoption of measures pursuant to § 88,
  5. comply with the security of gas supply standard,
  6. imposed in § 25(1),
  7. imposed by measures of the Ministry pursuant to § 20, paragraph 14 or § 21, paragraph 13,
- b) from EUR 300 to EUR 150 000 per infringement
1. resulting from the decision on the consent for the construction of a direct line or from the decision for the construction of a direct pipeline,
  2. in the protection zones of the system, in the protection zones and safety zones of gas installations and in the protection zones of pipelines for the transport of fuel or oil,
  3. imposed in § 6(2)(d) to (h), § 10, § 11, § 12, § 13(4), § 19(1) to (4), § 28(2)(a) to (h), (r) to (w), § 28(3)(b) to (d), (h), (j) to (o), (v), (z), (ak) to (am), § 31  
(2)(a) to (e), (j) to (n), (p) to (s), (w), (z), Section 31(3)(a) to (c), (j), (k), (o), (q), (ac) to (ae), § 33(1) to (6), (8), (9), § 49(6)(a), (b), (i), (l), (n)(o), § 49(7)(b), (d), (e) to (h), (m), § 64(6)(a) to (d), (j) to (l), (o), § 64(7)(a), (c), (e) to (g), (j), (l) to (n), § 66, § 67  
6(a), (b), (g), (j), (k), (m) to (o), § 67(8), § 84(3), § 85(2) and § 85(4),
- c) from EUR 500 to EUR 300 000 for breach of the obligations imposed in § 9, § 22, § 27(2)(d) to (i), (l) to (q) and (s), § 27a(2)(d) to (h), (m) and (n), § 34(2)(c) to (e), (n), (p) to (r), (v), (w), (y), (z), § 40(1), (3) to (5), (7) and (12), § 41, § 48(2)(b), (c), (e) to (g), (j), § 69(2)(c), (i), (j), (m) to (o), (t) and (u), § 73, § 76(3), (9) to (11), for non-compliance with the measures imposed pursuant to § 89(2)(b) and (3)(b), and for breaches of the obligations pursuant to special regulations, )<sup>96</sup>
- d) from EUR 100 to EUR 30 000 per infringement
1. provide cooperation or assistance to the authorities of the Authority or the Ministry in the exercise of supervision under this Act,
  2. allow access to land, buildings and facilities to the authorities in the exercise of supervision under this Act,
  3. submitÉ statements, documents, written explanations or provideÉ information to the Ministry or the Authority to the extent, in the manner and within the time limits under this Act,
  4. declareÉ the commencement, change or cessation of an activity for which a permit is not required under Section 6(6) for activities referred to in Section 6(5)(d) to (h),
  5. pursuant to § 35(3)(b) to (h) and (k), § 39, § 42, § 46, § 70(3)(b), (d), (e), § 72, § 77 paragraphs 1, 3, § 82 and § 89(1)(e),
- e) from EUR 100 to EUR 10 000 for infringement of the obligations of the electricity producer, the operator of an electricity storage facility or the electricity supplier imposed in § 27(2)(d), (f), (o) to (q) and (s), § 27a(2)(d) to (f), (m) and (n) and § 34(2)(c), (d) and (y) on active customers,
- f) from EUR 100 to EUR 10 000 for breach of the obligations of an electricity producer, an operator of an electricity storage facility, an electricity supplier or an electricity end-user imposed in § 27(2)(d), (f), (o) to (q) and (s), § 27a(2)(d) to (f), (m) and (n),  
§ 34(2)(c) to (e), (n), (p) to (r), (v), (w), (y), (z) and § 35(3)(b) to (h) and (l) by the energy community or a breach of the obligations of the gas supplier and the final gas customer  
imposed in points (e), (i), (j), (m) to (o), (t) and (u) of Section 69(2) and points (b), (d) and (e) of Section 70(3) by the renewable energy community,
- g) from EUR 500 to EUR 3 000 for breach of the obligations imposed in Article 43(14) and (15),
- h) from EUR 5 000 to EUR 1 000 000 or up to three times the value of the goods, if the value of the goods exceeds EUR 1 000 000, for breach of the obligations imposed in Article 87a(1) to (4); the value of the goods shall be determined according to the value indicated in the accompanying documentation of the goods in respect of which the breach has occurred.

- (2) The Authority shall impose a fine on the permit holder or other person in the amount of
- a) do 10 % celkového obratu prevádzkovateľa prenosovej sústavy alebo prevádzkovateľa prepravnej siete, alebo vlastníka siete za rok predchádzajúci roku, v ktorom došlo k porušeniu povinností, za porušenie povinností prevádzkovateľa prenosovej sústavy, prevádzkovateľa prepravnej siete alebo vlastníka siete uložených v § 15 ods. 10, § 16, § 19 ods. 5, 9 až 11, § 28 ods. 2 písm. (i) to (q), (x) to (z), (ac), § 28(3)(a), (b), (e) to (g), (i), (p) to (u), (w), (x), (y), (aa) to (ad), (af) to (ah), § 28(4), § 28a(1), (2) and (5), § 29, § 30, § 32a(1) and (6), § 32b(1) and (6), § 32b(1), (2) and (5), § 28a(1), (2) and (5). 1, § 32c(6) and (7), § 49(3) to (5), § 49(6)(c) to (h), (j), (k), (m), § 49(7)(a), (b), (c), (e), (g) to (k), § 49(8), § 49(12) and (13), § 50 to 63, § 96(14), (16), (22),
  - b) up to 10 % of the vertically integrated undertaking's total turnover in the year preceding the year in which the infringement occurred, for breaches of the vertically integrated undertaking's obligations imposed in § 15 par. 10, 13, § 16, § 19(5), (9) to (11), § 28(2)(i) to (q), (x) to (z), § 28(3)(a), (b), (e) to (g), (i), (p) to (u), (w), (x), (y), (aa) to (ad), (af) to (ah), § 28(4), (5) and (7), § 29, § 30, § 32, § 49(3) to (5), § 49(6)(c) to (h), (j), (k), (m), § 49(7)(a), (c) (a), (d), (g), (i) to (n), § 49(8), § 49(12) and (13), § 50 to 63, § 65, § 67a, § 96(14), (16), (22),
  - c) from EUR 1 000 to EUR 1 000 000 for infringement of the obligations under §§ 10(8) to (13), 18(3), 14 and 15, § 19(7) and (12), § 19a, § 37a(3) and (5), § 96n(2) and (3) or for breach of the obligations of the settlement entity imposed in § 15(11) of the short-term electricity market organiser imposed in § 37 or of the operator of the combined network imposed in § 68,
  - d) from EUR 500 to EUR 500 000 for breach of the obligations of the distribution system or network operator or the operator of a new gas installation imposed in § 15 (10), (13), (14), § 16, § 18(3), § 19(5), (7), (9) to (11), § 31(2)(f) to (i), (o), (t) to (v), (x), (y), (aa) to (ag), § 31(3)(d) to (i), (l) to (n), (p), (r) to (ab), § 31(4) to (6), (8) to (14), § 32a(1) and (6), § 32b(1), § 32c(6) and (7), § 35a(10), § 64(3), (4), § 64(6)(e) to (i), (m) and (n), § 64(6)(e) to (i), (m) and (n) 7(b), (d), (h), (i), (k), (o) to (s), § 64(8) to (13), § 75(10), § 96(21) or the combined network operator imposed in § 68,
  - e) from EUR 300 to EUR 300 000 for carrying out activities without a permit or without notification, for activities for which a permit is required pursuant to Article 6(2)(a) to (c) or notification pursuant to Article 6(6), or for failure to comply with the obligations imposed in Article 4, Article 6(9) to (15), Article 9, Article 10  
(1), § 11(16)(e), § 17-17(b), § 17e, § 33(9) and (10), § 34(11), § 40(2), (8) to 11, § 76(1), (2), (4) to (8), § 94, § 96(7),
  - f) from EUR 500 to EUR 100 000 for breach of the obligations of an electricity supplier, aggregator or gas supplier imposed in § 15(10), (14), § 16, § 17b(6) and (7), § 17f, § 18, § 34(2) písm. a) až d), f) až m), o), s) až x), § 34 ods. 3, 5, 7, 8, 10 a 11, § 34a ods. 2, § 69 ods. 2 písm. a)(a), (b), (d), (e) to (l), (p) to (s), (v) to (z), § 69(4), (7) to (10), § 76(4) to (7), § 96(11),
  - g) from EUR 500 to EUR 50 000 for breach of the obligations imposed on the electricity producer, gas producer or the operator of an electricity storage facility in § 15 (10), (14), § 16, § 27(2)(a) to (c), (j) to (m), (r), (t) and (u), § 27(4), § 27a(2)(a) to (c) and (i) to (l), § 41(7), § 48(2)(a), (d), (h), (i) or for breach of the obligations of the gas storage operator imposed in § 16, § 67(3) to (5), § 67(6)(c) to (f), (h), (i), (l), (p) to (r), § 67 (7), (9), (10) or the operator of the combined network imposed in § 68,
  - h) from EUR 500 to EUR 10 000 for failure to comply with measures to remedy and correct deficiencies identified,
  - i) from EUR 100 to EUR 5 000 for violation of the obligations of the electricity or gas customer imposed in § 15 (10), (14), § 18 (8), § 35 (3) (a), § 70 (3) (a), (c),
  - j) from EUR 100 to EUR 10 000 for a breach of the obligations of an electricity producer, an operator of an electricity storage facility or an electricity supplier imposed in Article 27(2)(a)(2)(b).  
a) to (c), (j), (k), (t) to (v), § 27a(2)(a) to (c), (i) to (l), § 34(2)(a) to (d), (g) to (j), (m), (s) to (u) and § 34(3) to active customers,
  - k) from EUR 100 to EUR 10 000 for violation of the obligations of an electricity producer, an operator of an electricity storage facility, an electricity supplier, an aggregator or an electricity end-user imposed in § 27 par. 2 písm. a) až c), j), k), t) a u), § 27a ods. 2 písm. a) až c), i) až l), § 34 ods. 2 písm. a) až d), g) až j), m), s) až u), § 34 ods. 3, 5, 7, 8 a 10, § 34a ods. 2 a § 35 ods. 3 písm. (a) by the energy community, breaches of the obligations of the gas supplier and the

final gas customer imposed in § 69(2)(a), (b), (d), (e) to (l), (p) to (s), § 69(4) and § 70(3)(a), (b), (d), (e) to (l), (p) to (s), § 69(4) and § 70(3)(a), (b), (c) and (d). (a) and (c) by a renewable energy community, a breach of the obligations of an energy community imposed in sections 15(10), (14) and 35a(2), or a breach of the obligation of an energy community or renewable energy community imposed in section 11a(8).

(3) In the event of repeated infringements within three years from the date of the final decision on the imposition of the fine, the fine under paragraphs 1 and 2 shall be increased up to twofold.

(4) The Authority shall impose a regulatory fine of up to EUR 1 660 on the permit holder or any other person who obstructs, interferes with or otherwise impedes the exercise of supervision, including repeatedly.

(5) In determining the amount of the fine, account shall be taken in particular of the gravity, manner, duration and possible consequences of the infringement.

(6) Proceedings for the imposition of a fine may be initiated within one year from the date on which the Authority became aware of the breach of obligations, but no later than five years from the date on which the breach of obligations occurred.

(7) The proceeds from fines are revenue of the state budget.

## **PART SEVEN COMMON, ENABLING, TRANSITIONAL AND FINAL PROVISIONS**

### **§ 92**

#### **Relationship to the general administrative procedure regulation**

(1) The General Administrative Procedure Act<sup>93</sup>) shall apply to proceedings in matters governed by this Act, except for section 61 in proceedings conducted by the Authority, unless otherwise provided for in this Act.

(2) The General Administrative Procedure Act does not apply to proceedings for the reimbursement of the net costs of a service imposed in the general economic interest pursuant to Section 24c, to confirmation pursuant to Section 24d, to proceedings pursuant to Sections 45, 81 and 88(2)(n).

### **§ 93**

#### **Relationship to the general rule on services in the internal market**

The provisions of the General Regulation on Services in the Internal Market,<sup>96</sup>) shall apply to the energy business, to the procedure for applying for a permit, to the decision on the issue of a permit and to the exercise of supervision over persons to whom a permit has been issued under this Act, unless otherwise provided for in this Act.

### **§ 94**

#### **Confidentiality of information**

(1) The transmission system operator, distribution system operator, electricity purchaser, transmission network operator, transmission network owner, distribution network operator, storage system operator and short-term electricity market organiser shall be obliged to maintain confidentiality with regard to commercial information which is subject to commercial secrecy,<sup>99</sup>) and other commercial information of a confidential nature obtained in the course of their activities; this shall not apply to the provision of information pursuant to § 16. A transmission system operator, distribution system operator, electricity purchaser, transmission system operator, transmission system owner, distribution system operator and storage system operator shall not disclose information relating to its activities in a discriminatory manner.

(2) The transmission system operator, distribution system operator, electricity purchaser, transmission network operator, transmission network owner, distribution network operator, storage system operator and short-term electricity market organiser shall be entitled to provide information pursuant to paragraph 1 if it is obliged to provide information pursuant to this Act or a special regulation.<sup>3</sup>)

(3) Transmission system operator, distribution system operator, electricity purchaser, transmission system operator, transmission system owner, distribution system operator and storage system operator that is part of a vertically integrated undertaking,

a) may not disclose business information which is the subject of a business secret or other business information of a confidential nature acquired in the course of its activities to another person which is part of the same vertically integrated undertaking, except where the disclosure of such information is necessary for the conclusion or performance of a contract with such other person,

b) shall not misuse commercial information which is the subject of a business secret or other commercial information of a confidential nature obtained from another person in connection with the provision or negotiation of access to the system or network in connection with the sale or purchase of electricity or gas by another person which is part of the same vertically integrated undertaking.

(4) The transmission system operator, the distribution system operator, the transmission system operator, the transmission network operator, the transmission network owner, the distribution network operator, the storage system operator and the short-term electricity market organiser shall be obliged to disclose the information necessary for genuine economic competition and the efficient functioning of the electricity or gas market in a transparent and non-discriminatory manner; this obligation shall not apply to information which is subject to commercial confidentiality and other commercial information of a confidential nature.

(5) The distribution system operator shall make available from its information system to the authority referred to in paragraph 9, for the purpose referred to in paragraph 9, data on

- a) the name, surname, date of birth, address of residence and birth number of the electricity consumer in the household, to the extent to which it processes these data in its information system,
- b) the number of the household electricity customer's point of subscription,
- c) the electricity consumption at the off-take point for the specified period; and
- d) the distribution tariff of the off-take point.

(6) The distribution system operator shall make available from its information system to the authority referred to in paragraph 9, for the purpose referred to in paragraph 9, data on

- a) the name, surname, date of birth, residence address and birth number of the gas customer in the household, to the extent that it processes these data in its information system,
- b) the number of the household gas customer's off-take point,
- c) the gas consumption at the off-take point for the specified period; and
- d) the distribution tariff of the off-take point.

(7) The electricity supplier shall provide from its information system to the authority referred to in paragraph 9, for the purpose referred to in paragraph 9, data on

- a) the name, surname, date of birth, address of residence and birth number of the electricity consumer in the household, to the extent to which it processes these data in its information system,
- b) the number of the household electricity customer's point of subscription,
- c) the electricity consumption at the point of consumption for a specified period,
- d) the rate for the supply of electricity to a household electricity customer for individual consumption points,
- e) the total amount, including value added tax, invoiced for a specified period to a household electricity customer under a pooled electricity supply contract or an electricity supply contract.

(8) The gas supplier shall provide from its information system pursuant to paragraph 9, for the purpose referred to in paragraph 9, data on

- a) the name, surname, date of birth, address of residence and birth number of the household gas customer, to the extent that it processes these data in its information system,



- b) the number of the household gas customer's off-take point,
- c) the gas consumption at the off-take point for a specified period,
- d) the tariff for gas consumption of a household gas consumer for individual points of consumption,
- e) the total amount, including value added tax, invoiced for a specified period to a household gas customer under a pooled gas supply contract or a gas supply contract.

(9) The data referred to in paragraphs 5 to 8 shall be provided

- a) the Ministry, the Ministry of Labour, Social Affairs and Family of the Slovak Republic and the Ministry of Finance of the Slovak Republic for statistical purposes beyond the tasks of state statistics and for analytical purposes,
- b) the managing authority and the intermediate body under a specific regulation<sup>96a</sup>) for the purpose under a specific regulation.)<sup>96a</sup>

(10) The distribution system operator, the distribution network operator, the electricity supplier and the gas supplier shall, upon request of the authority referred to in paragraph 9, provide the data referred to in paragraphs 5 to 8 free of charge in the scope, structure, timeframe and in the manner specified by the authority referred to in paragraph 9. The distribution system operator, the distribution network operator, the electricity supplier and the gas supplier shall provide the data referred to in the first sentence in a form which allows the unambiguous assignment of those data to the number of the point of consumption of the household electricity customer and the number of the point of consumption of the household gas customer.

## § 95 Enabling provisions

(1) The Ministry shall issue a generally binding legal regulation laying down

- a) the extent to which and the conditions under which the gas customer is a protected customer pursuant to § 3(c)(15.9),
- b) the extent of training and knowledge required for the examination of professional competence, details of the establishment and operation of examination boards and the content of the certificate of professional competence pursuant to Section 5,
- c) details of the scope and procedure for the provision of information necessary for the exercise of state administration pursuant to Section 11,
- d) the types, method of determination and implementation of restrictive measures in the electricity sector and measures aimed at eliminating the state of emergency in the electricity sector, details on the procedure for declaring a state of emergency in the electricity sector, details on declaring and notifying restrictive measures in the electricity sector and on their revocation, and the categories of persons to whom the supply of electricity cannot be interrupted or restricted,
- e) details on the procedure for declaring a crisis situation and its level according to a special regulation,<sup>44</sup>) on the declaration of restrictive measures in the gas industry for individual categories of gas consumers, on measures aimed at eliminating the crisis situation and on the method of determining restrictive measures in the gas industry and measures aimed at eliminating the crisis situation according to § 21,
- f) the manner and extent of information to be submitted to the Ministry on the provision of the gas security of supply standard, the manner of evaluating the provision of the gas security of supply standard, the procedure for imposing and evaluating measures in the event of inadequate provision of the gas security of supply standard, and the details of the gas security of supply standard pursuant to Section 22,
- g) details of the scope of the technical conditions referred to in § 19(2) and (3),
- h) in the field of deployment and operation of smart metering systems according to § 42
  - 1. criteria and conditions for the introduction of smart metering systems for individual categories of electricity end-users,
  - 2. deadlines for the introduction of smart metering systems for individual categories of final electricity customers for which the introduction of smart metering systems is feasible within ten years,

- 3. requirements for the cooperation of individual electricity market participants in the installation and operation of smart metering systems,
- 4. the required technical parameters of smart metering systems,
- 5. requirements at Data transmissions, interoperability of intelligent metering systems and the cooperation of individual systems,
- 6. the manner and conditions of access to the measured data by individual electricity market participants,
- 7. the method and conditions of access to the measured data by a third party as requested by the end customer,
- 8. details on smart metering security, data communications, end-user privacy and data protection,
- i) the method of calculating the damage caused by the unauthorised withdrawal of electricity pursuant to Section 46(2),
- j) details of the principles for the conversion of volumetric units of quantity into energy pursuant to section 64(6)(h) and the conditions under which the determination of the volume of gas and the heat of combustion by volume pursuant to section 76(6) is carried out,
- k) in the field of deployment and operation of smart metering systems according to § 77
  - 1. criteria and conditions for the introduction of smart metering systems for individual categories of end-users of gas,
  - 2. time limits for the introduction of smart metering systems for each category of end-users of gas for which the introduction of smart metering systems is expedient,
  - 3. requirements for the cooperation of individual gas market participants in the installation and operation of smart metering systems,
  - 4. the required technical parameters of smart metering systems,
  - 5. the data transfer and collaboration requirements of individual systems,
  - 6. the manner of access to metered data by individual gas market participants,
  - 7. the method of access to the measured data by a third party as requested by the end customer,
  - 8. Details about security Smart Metering system, data communication and end-user privacy,
- l) the method of calculating the damage caused by the unauthorised withdrawal of gas pursuant to Section 82(3),
- m) the content and details of the economic and technical evaluation pursuant to Article 12(4)(b)(13),
- n) details of the procedure for gas market participants to provide and receive gas supply solidarity,
- o) measures ordered by government decision in an emergency in the electricity sector according to § 20(14) or in the gas industry pursuant to § 21(13),
- p) the scope of data to be reported relating to petroleum and petroleum products subject to sanctions under a special regulation,<sup>44b</sup>) and the manner of their reporting, details on the labelling of petroleum and petroleum products and details on the maintenance of the mass balance.

(2) The Authority shall issue a generally binding legal regulation laying down

- a) the manner of keeping records of the facts which are the subject of accounting, the manner of keeping records of costs, revenues, assets and liabilities, the form and dates of submission of the outputs from the records for the purposes of this Act pursuant to Section 16,
- b) the manner, scope and structure of the provision of metering or electricity consumption data at the off-take point of the final electricity customer depending on the type of metering at the offtake point and the metering structure, the data necessary for the change of electricity supplier or aggregator, the data necessary for the provision of flexibility and the data necessary for the provision of energy services, and the storage of metering or electricity consumption data by the transmission system operator pursuant to § 28 par. 3(x), the distribution system operator pursuant to § 31(3)(m) and the electricity supplier pursuant to § 34(2)(z),
- c) the particulars of the application for prior consent to the appointment or appointment and dismissal of the person obliged to ensure the compliance of the distribution system operator, transmission system operator, transmission

system owner, distribution system operator and the documents to be attached to the application pursuant to § 32(6), § 58(5), § 62(7) and (8) and § 65(6),

- d) the procedures and arrangements for the retention of data and the form and content of the data to be retained pursuant to Article 34(2)(v) and Article 69(2)(i),
- e) the manner, extent and structure of the provision of metered and evaluated consumption data at the off-taker's point of consumption, depending on the type of metering at the off-taker's point of consumption and the structure of metering and storage of consumption data by the transmission system operator and the distribution system operator pursuant to § 49(7)(j) and § 64(7)(i),
- f) the particulars of the application for prior consent to the appointment or election and removal of the statutory body or a member of the statutory body of the transmission system operator and the documents to be attached to the application pursuant to Section 52,
- g) the particulars of the application for prior consent to the election and removal of a member of the supervisory committee of the transmission system operator and the documents to be attached to the application pursuant to Section 54,
- h) the particulars of the application for an exemption and the documents to be attached to the application pursuant to Section 75(5),
- i) the manner, scope and structure of data provision to electricity producers, operators of electricity storage facilities, active customers, energy communities, transmission system operators, distribution system operators and short-term electricity market operators,
- j) the conditions of the tendering procedure for the provision of electricity storage facility services pursuant to § 32b,
- k) the content of the operating rules of the system operator, the short-term electricity market organiser, the network operator and the storage tank operator, the scope of the commercial terms and conditions which are part of the operating rules of the system operator or the network operator and the content of the distribution system development plan,
- l) in the field of reactive power flows and their compensation according to §§ 28 and 31
  - 1. thresholds for reactive power flows from part of the defined territory to the transmission system and in the opposite direction based on a joint cost-benefit analysis according to a specific regulation, )<sup>46</sup>
  - 2. the volume of compensation means or non-frequency support services for each system operator and the reactive power flow reference values related to the time of the defined territory, based on a joint technical analysis of the transmission system operator and all regional distribution system operators,
  - 3. the requirements for the cooperation of system operators for the whole regulatory period, the method and deadlines for the transmission of information on reactive electricity flows and their evaluation,
- m) the method of determining the appropriate compensation for the provision of solidarity in gas supply or measures related to the provision of solidarity in the event of involuntary release of gas,
- n) details, conditions of connection, the procedure of the system operator in connecting electricity installations and electricity consumption facilities to the system and other details of connecting electricity installations and electricity consumption facilities to the system, which are in particular the time limits for the performance of individual acts on the part of the system operator, the conditions for reservation of the required capacity specified in the application for connection, the system operator's procedure for publishing information on available capacities and allocated capacities, including the scope of information published on the system operator's website, the technical and non-technical details of the connection contract and the procedure for its conclusion, modification and termination,
- o) the method for calculating the net cost of the SGEI pursuant to § 24d, including the annexes necessary for calculating the net cost of the SGEI,
- p) model application for a certificate of the net cost of an obligation of general economic interest pursuant to § 24d,
- q) the details of the application of the requirements for electricity generation installations in the area of frequency settings of electricity generation installations and the deadline for the submission of the monitoring report on the implementation of the requirements for the previous year.

(3) The Ministry of Finance of the Slovak Republic shall issue a generally binding legal regulation laying down details of special requirements for separate bookkeeping pursuant to § 24e.

## § 96

### Transitional provisions

1. Energy business permits, certificates of compliance with the notification obligation, certificates of professional competence in the energy sector and certificates for the construction of energy equipment issued under the previous regulations shall remain valid in accordance with the conditions laid down under the previous regulations. A permit to organise the short-term electricity market issued under the previous regulations shall be deemed to be a permit to operate as a shortterm electricity market organiser under this Act.

2. Proceedings commenced before the entry into force of this Act shall be completed in accordance with the previous provisions. Proceedings shall be completed by the authority competent at the time the proceedings were initiated.

3. The exercise of supervision commenced before the entry into force of this Act shall be completed in accordance with the previous provisions. The supervision shall be completed by the authority competent for the exercise of supervision at the time when the exercise of supervision was initiated.

4. Entitlements to foreign immovable property, as well as restrictions on their use, which arose prior to the entry into force of this Act, shall remain unaffected, unless otherwise provided for in this Act.

5. The protection zones and safety zones established under the previous regulations and the exemptions therefrom shall remain in force after the entry into force of this Act.

6. A claim for an appropriate lump sum compensation for the compulsory restriction of the use of immovable property may not be granted if the time limit for claiming an appropriate lump sum compensation for the compulsory restriction of the use of immovable property under the previous regulations has expired. The time limit for claiming the appropriate one-off compensation for statutory easements corresponding to the entitlements under § 11(1)(f) and (g) shall start to run from the date of registration of the easement in the Land Register only for statutory easements which have come into existence after the entry into force of this Act. The previous regulations shall apply to the calculation of the time limits for claiming the appropriate one-off compensation which began to run under the previous regulations. Proceedings in respect of a claim for an appropriate lump-sum compensation for the forced restriction of the use of immovable property, a claim for an appropriate lump-sum compensation for the forced restriction of the use of land in a protection zone and a security zone and a claim for an appropriate lump-sum compensation for the establishment of an easement commenced before the entry into force of this Act shall be completed in accordance with the previous regulations.

7. Contracts concluded under the previous rules remain in force. Provisions of contracts concluded under the previous regulations which are contrary to this Act shall be brought into conformity with this Act by the parties to the contracts by 31 December 2012. Long-term contracts for the provision of ancillary services concluded between the transmission system operator and ancillary service providers under the previous regulations, for which the agreed period of validity has not yet expired, shall remain in force until the period of validity agreed between the parties to the contract; this period of validity may not be extended by the parties to the contract after the entry into force of this Act. Provisions

§ Sections 15(16) and 17(4) to (6) shall also apply to contracts concluded before the date of entry into force of this Act. Long-term gas transport contracts in which the transport capacity is expressed in the form of a contractual route shall be brought into compliance with this Act by the parties to the contracts. The transmission system operator shall be obliged to submit to the network user for whom it provides gas transport on the basis of a long-term gas transport contract in which the transport capacity is expressed in the form of a contractual route, a proposal for the amendment of such a contract no later than six months after the date of entry into force of this Act. A proposal to amend such a contract shall be admissible only to the extent strictly necessary to determine the entry and exit points of the transmission network and to determine the relevant amount of transmission capacity separately at each entry and exit point

the transmission network, the amount of transmission capacity at each entry and exit point being equal to the transmission capacity agreed under the contractual route. If the transmission system operator complies with its obligation to submit a proposal to amend the contract within the time limit referred to above, such contract shall remain in force in its original wording until such proposal is accepted by the transmission system user or until the originally agreed period of validity of such contract.

(8) Contracts concluded between electricity suppliers and electricity consumers under the previous regulations, the subject of which was the provision of electricity supply as well as electricity transmission or distribution and the assumption of liability for deviation by the electricity supplier, shall be considered as contracts for the combined supply of electricity under this Act. Contracts concluded between gas suppliers and gas customers under the previous regulations, the subject matter of which was the provision by the gas supplier of the supply of gas as well as the transport of gas and the distribution of gas and the assumption of responsibility for a deviation, shall be deemed to be contracts for the pooling of gas supply pursuant to this Act.

(9) Contracts concluded between the transmission system operator and another participant in the electricity market pursuant to the previous regulations, the subject of which was the provision of access to the transmission system and transmission of electricity by the transmission system operator, shall be deemed to be contracts for access to the transmission system and transmission of electricity pursuant to this Act. Contracts concluded between a distribution system operator and another participant in the electricity market under the previous regulations, the subject matter of which was the provision by the distribution system operator of access to the distribution system and the distribution of electricity, shall be deemed to be contracts for access to the distribution system and the distribution of electricity under this Act. Contracts concluded between a transmission system operator and another participant in the gas market under the previous regulations, the subject matter of which was the provision by the transmission system operator of access to the transmission network and the transportation of gas, shall be deemed to be contracts for access to the transmission network and the transportation of gas under this Act. Contracts concluded between a distribution network operator and another participant in the gas market under the previous regulations, the subject matter of which was the provision by the distribution network operator of access to the distribution network and the distribution of gas, shall be deemed to be contracts for access to the distribution network and the distribution of gas under this Act. Contracts concluded between a storage system operator and another participant in the gas market under the previous regulations, the subject matter of which was the provision by the storage system operator of access to the storage system and storage of gas, shall be deemed to be contracts for access to the storage system and storage of gas under this Act.

(10) Users of the distribution system who are physically connected to the distribution system and do not have a connection contract on the date of entry into force of this Act shall be deemed to be connected on the basis of a connection contract and shall be subject to the rights and obligations arising from the connection contract pursuant to this Act, as appropriate. The maximum reserved capacity of the connection shall be deemed to be the highest measured value of the input power over the last two years. The maximum reserved connection capacity of already connected electricity generation installations shall be deemed to be the installed active capacity of the electricity generation installation.

(11) An electricity supplier and a gas supplier which provides universal service on the date of entry into force of this Act shall submit to the Authority the commercial terms and conditions for the provision of universal service pursuant to the third point of Section 34(2)(f) and the third point of Section 69(2)(a) within 30 days of the date of entry into force of this Act.

(12) The supplier of last resort designated under the previous regulations shall be the supplier of last resort under this Act.

(13) Decisions on the method of ensuring the standard of security of gas supply for the following period from 1 November to 31 March issued by the Ministry under the previous regulations shall be **251/2012 Coll.** Collection of Laws of the Slovak Republic

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Republic deemed to be decisions on the method of ensuring the standard of gas supply under this Act.

(14) The transmission system operator shall ensure compliance with the conditions for unbundling of the transmission system operator pursuant to Section 30 within six months from the date of entry into force of this Act. The provision of Section 91(2)(a) for breach of the obligations of the transmission system operator provided for in Section 30 shall not apply until the expiry of six months from the date of entry into force of this Act and the fine for an administrative offence for breach of the obligations of the transmission system operator provided for in Section 30 may not be imposed retrospectively for that period. The provisions of the previous regulations on the unbundling of the transmission system operator shall apply until the expiry of six months from the date of entry into force of this Act.

(15) The distribution system operator shall ensure compliance with the conditions under Section 32(3)(e) within four months from the date of entry into force of this Act. Provisions

§ 91(2)(a) and § 91(4) shall not apply until four months have elapsed from the date of entry into force of this Act and the fine for an administrative offence for breach of the obligations of the distribution system operator laid down in § 32(3)(e) may not be imposed retrospectively for that period. The provisions of the previous regulations on the unbundling of the distribution system operator shall apply until the expiry of four months from the date of entry into force of this Act.

(16) A transmission system operator which is part of a vertically integrated natural gas undertaking and persons who are part of the same vertically integrated natural gas undertaking as the transmission system operator or who exercise control, directly or indirectly, over a person who is part of the same vertically integrated natural gas undertaking as the operator of the natural gas network, shall ensure compliance with the conditions for unbundling of the transmission system operator pursuant to Section 50 or Sections 51 to 60 within six months of the date of entry into force of this Act; This shall be without prejudice to the powers of the Authority pursuant to § 52(1)(a), 3 and 6, § 53(6), § 54(5) and (6), § 57(2)(c), § 58(3), § 58(4) and § 58(9), or the powers of the Authority under a special regulation.<sup>2</sup>) The provision of Section 91(2)(a) for a breach of the obligations of a transmission system operator laid down in Section 50 or Sections 51 to 60 shall not apply until six months have elapsed from the date of entry into force of this Act, and the fine for an administrative offence for a breach of the obligations of a transmission system operator laid down in Section 50 or Sections 51 to 60 shall not apply until

60 cannot be levied retrospectively for that period. The provisions of the previous regulations on the unbundling of the transmission system operator shall apply until the expiry of six months from the date of entry into force of this Act.

(17) The distribution system operator shall ensure compliance with the conditions under Section 65(3)(e) within four months of the date of entry into force of this Act. Provisions

§ 91(2)(a) and § 91(4) shall not apply until four months have elapsed from the date of entry into force of this Act and the fine for an administrative offence for breach of the obligations of the distribution system operator laid down in § 65(3)(e) may not be imposed retroactively for that period. The provisions of the previous provisions on the unbundling of the distribution system operator shall apply until the expiry of four months from the date of entry into force of this Act.

(18) The provisions of section 53(1) shall not apply to a person whose exercise of the functions of a statutory body, member of a statutory body or employee under section 51(3)(c) commenced before the expiration of four months from the date of entry into force of this Act; this shall not apply on the re-election, appointment or conclusion of an employment contract for the exercise of the functions of such a person after the expiration of four months from the date of entry into force of this Act. Section 53(5) shall not apply to a person whose performance of the functions of a statutory body, member of a statutory body or employee under section 51(3)(c) has ended before the expiry of four months from the date of entry into force of this Act.

(19) If the transmission system operator or transmission system operator submits a proposal for a certification decision pursuant to a special regulation<sup>36</sup>) within six months of the date of

the entry into force of this Act, the provision of the first sentence of Section 28(5) or the first sentence of Section 49(10) shall not apply until the date of entry into force of the decision concerning the certification pursuant to a special regulation. If a transmission system operator or a transmission system operator over which a person or persons from a third country exercise control directly or indirectly, submits an application for a certificate of certification pursuant to a special regulation?" ) by

3 March 2013; the provision of the second sentence of Section 28(5) or the second sentence of Section 49(10) shall not apply until the date of entry into force of the decision concerning the certification pursuant to a special regulation.

(20) If an activity is separated pursuant to Section 30 or Sections 50 to 63 and as a consequence a new legal entity is established, the latter shall apply for a permit to engage in the energy business within three months of the separation of the activity, with the proviso that such entity shall be entitled to engage in the energy business until the registration of the permitted activity in the commercial register; the proviso of Section 7(3) shall not apply in such a case within six months of the date of entry into force of this Act.

(21) A distribution system operator which is part of a vertically integrated undertaking shall submit to the Authority contracts pursuant to Section 31(10) which are in force and in force on the date of entry into force of this Act within 30 days of the date of entry into force of this Act.

(22) A transmission system operator which is part of a vertically integrated undertaking shall submit to the Authority contracts concluded with another person which is part of the same vertically integrated undertaking as the transmission system operator, which are valid and effective on the date of entry into force of this Act, within 30 days of the date of entry into force of this Act. A distribution system operator which is part of a vertically integrated undertaking shall submit to the Authority the contracts referred to in Section 64(11) which are valid and effective on the date of entry into force of this Act within 30 days of the date of entry into force of this Act.

(23) The State Energy Inspectorate under the previous regulations is the State Energy Inspectorate under this Act. The rights and obligations of the State Energy Inspectorate arising from labour relations as of 31 August 2012 shall be exercised by the State Energy Inspectorate under this Act as of 1 September 2012. The property and other property rights of the Slovak Republic, as well as the obligations related to the property and other property rights, which are in the administration of the State Energy Inspectorate as of 31 August 2012, shall be transferred to the State Energy Inspectorate as of 1 September 2012 pursuant to this Act.

(24) If the Ministry imposes on the system operator the obligation to implement smart metering systems pursuant to Section 42(2) in at least 80 per cent of the off-take points of specified categories of final electricity customers, the system operator shall be obliged to implement them by 31 December 2020.

(25) The transmission system development plan, including the interconnector development plan, and the transmission network development plan, including the interconnector development plan, shall be submitted by the transmission system operator and the transmission system operator to the Ministry for a period of five years in accordance with the regulations in force until 31 August 2012. The ten-year system development plan and the ten-year network development plan shall be submitted by the transmission system operator and the transmission system operator to the Ministry and the Authority for the first time by 30 November 2013.

(26) The transmission system operator, distribution system operator, transmission network operator, distribution network operator or storage tank operator shall be obliged to bring the technical conditions for access and connection to the system and the network and the rules for the operation of the system and the network issued by 31 August 2012 into compliance with this Act within 30 days from the date of entry into force of this Act.

(27) An electricity producer shall, for electricity production installations put into operation before the entry into force of this Act, ensure that the electricity produced is measured in accordance with § 251/2012 Coll. Collection of Laws of the Slovak

(28) They shall remain in force and effect until the entry into force of generally binding legislation issued pursuant to this Act:

1. Decree of the Office for Regulation of Network Industries No 208/2008 Coll., which establishes the details of the application and the list of documents for granting an exemption from the obligation to ensure third party access to the network and storage for a new major gas installation or a reconstructed gas installation,
2. Decree of the Office for Regulation of Network Industries No 415/2008 Coll. on the manner of keeping separate records of facts that are the subject of accounting, on the manner of keeping separate records of costs, revenues, assets and liabilities and submission of outputs from the separate records,
3. Decree of the Ministry of Economy of the Slovak Republic No. 459/2008 Coll., laying down details on the procedure for declaring a state of emergency, on declaring restrictive measures during a state of emergency and on measures aimed at eliminating the state of emergency, as amended by Decree of the Ministry of Economy of the Slovak Republic No. 447/2009 Coll.

(29) The Ministry shall issue generally binding legal regulations pursuant to § 95(1)(d) and (e) by 31 December 2012.

(30) The Authority shall issue general binding legal provisions pursuant to Section 95(2)(a) and (h) by 31 December 2012.

#### **§ 96a**

##### **Transitional provisions effective from 1 May 2014**

(1) The competence of the State Energy Inspectorate under the legislation in force until 30 April 2014 shall be transferred to the Slovak Trade Inspectorate on 1 May.

(2) If the term "State Energy Inspectorate" is used in all forms in the generally binding legislation, except for transitional provisions, it shall be understood to mean "Slovak Trade Inspectorate" in the relevant form.

(3) If the term "regional inspectorate" is used in all forms in the generally binding legislation, except for transitional provisions, it shall be understood to mean the "inspectorate of the Slovak Trade Inspection" in the appropriate form.

(4) The rights and obligations arising from state-employee relations, labour relations, property relations and other legal relations are transferred from the State Energy Inspectorate to the Slovak Trade Inspectorate as of 1 May 2014.

(5) In connection with the transition of competences in the energy sector, the Slovak Trade Inspection performs state supervision and control over business in the energy sector pursuant to a special regulation. <sup>97</sup>

(6) Proceedings in which the rights, legally protected interests or obligations of natural persons and legal entities within the competence of the State Energy Inspectorate initiated by 30 April 2014 are decided, shall be completed by the competent inspectorate of the Slovak Trade Inspectorate.

#### **§ 96b**

##### **Transitional provisions effective from 1 December 2014**

(1) The assessment of the compliance of the investment plan with the comprehensive assessment of the potential for the use of district heating systems pursuant to Section 12(4)(b)(15) need not include an application for a certificate for the construction of an energy installation delivered to the Ministry by 31 December 2015.

(2) The assessment of the energy efficiency potential of the transmission system pursuant to § 28(4)(b), the assessment of the energy efficiency potential of the distribution system pursuant to § 31(4)(b), the assessment of the energy efficiency potential of the transmission network pursuant to § 49(11)(a), the assessment of the energy efficiency potential of the distribution network pursuant to § 64(14) and the assessment of the energy efficiency potential of the storage system pursuant to § 67(11) shall be carried out for the first time by 30 June 2015.

#### **§ 96c**

##### **Transitional provision to the regulation effective from 1 July 2016**

Proceedings commenced before 1 July 2016 which have not been finally concluded shall be governed by the rules in force until 30 June 2016.

#### **§ 96d**

##### **Transitional provision to the amendment effective from 1 February 2017**

A person who carries out an activity pursuant to § 6(2) shall be obliged to enter the register of public sector partners by 31 July 2017 at the latest.

#### **§ 96e**

##### **Transitional provision to the modifications effective from 1 July 2018**

An electricity consumer who has a charging station with a total installed capacity of more than 100 kW connected to the distribution system at an existing off-take point is obliged to notify the relevant distribution system operator of this fact, together with information on the total installed capacity of the charging station and the location of the charging station, by 1 August 2018.

#### **§ 96f**

##### **Transitional provisions to the modifications effective from 1 January 2019**

(1) Contracts concluded between a transmission system operator or distribution system operator and an electricity producer until 31 December 2018, the subject of which is to enable access of the electricity producer to the transmission system or distribution system, shall be considered as contracts pursuant to § 26(4) or (5), even if they do not contain an obligation of the transmission system operator or distribution system operator to transport the relevant amount of electricity. The parties to the contracts shall be obliged to bring the concluded contracts into compliance with this Act by 31 March 2019.

(2) For electricity producers who use access to the transmission system or distribution system and do not have a written contract in the subject of which the electricity producer has access to the transmission system or distribution system as of 1 January 2019, it shall apply that they have access to the transmission system on the basis of a contract for access to the transmission system and for the transmission of electricity pursuant to § 26 para. 4 or access to the distribution system on the basis of a contract for access to the distribution system and distribution of electricity pursuant to § 26(5) and shall be subject to the rights and obligations arising from these contracts accordingly. For the purposes of determining the extent of the reserved capacity of electricity generators in such a case, they shall be deemed to have access to the transmission system or distribution system in the amount of the maximum reserved capacity of the electricity generating installation. The parties to the contracts shall be obliged to bring the concluded contracts into compliance with this Act by 31 March 2019.

#### **§ 96g**

##### **Transitional provisions to the arrangements effective from 1 April 2022**

(1) Electricity pooling contracts and gas pooling contracts at prices

regulated by the Authority pursuant to a special regulation<sup>98</sup> concluded for an indefinite period or for a fixed period exceeding 31 December 2022 with vulnerable customers shall be deemed to be pooled electricity supply contracts at prices regulated by the Authority and pooled gas supply contracts at prices regulated by the Authority concluded for a fixed period until 31 December 2022. If the vulnerable customer does not make a declaration of intent to terminate the pooled electricity

supply contract at a price regulated by the Authority or the pooled gas supply contract at a price regulated by the Authority by 30 April 2022, the contract shall be renewed for the calendar year 2023. This shall be without prejudice to the right of the vulnerable customer pursuant to Article 17(9).

(2) Contracts for pooled electricity supply and contracts for pooled gas supply at prices not subject to price regulation concluded for a period exceeding 31 December 2022 with vulnerable customers pursuant to Section 3(a)(10.3) to (10.7) shall remain unaffected. If a vulnerable customer pursuant to § 3(a)(10.3) to (10.7) has not concluded a pooled electricity supply contract or a pooled gas supply contract for a period exceeding 31 December 2022, he may exercise his right to electricity supply or gas supply at a price regulated by the Authority pursuant to a special regulation<sup>2</sup>) for the calendar year 2023 until 30 April 2022. This shall be without prejudice to the provisions of § 17(9) to (11).

#### § 96h

##### Transitional provisions to the arrangements effective from 1 October 2022

(1) If, under the existing regulations, an electricity production permit authorising an electricity producer to operate a pumped storage hydroelectric power plant is issued, the pumped storage hydroelectric power plant shall be deemed to be an electricity production facility until the date of application for a permit to store electricity in the pumped storage hydroelectric power plant. If an electricity producer applies pursuant to the first sentence, the pumped storage hydropower plant shall be considered as an electricity storage facility from the date of application. Pending the outcome of the application procedure pursuant to the first sentence, the operator of the electricity storage facility shall be entitled to carry out electricity storage activities on the basis of the issued electricity production permit. The operator of the electricity storage facility shall notify the operator of the system to which the pumped storage hydroelectric power plant is connected within ten working days of the submission of the application under the first sentence. The provisions of the first sentence and the second sentence shall apply equally if the authorisation for the production of electricity has been granted on the basis of the fulfilment of the notification obligation and the electricity producer notifies the Authority of the commencement of the electricity storage activity.

(2) The opinion of the distribution system operator pursuant to Section 12(5)(a) and the opinion of the transmission system operator pursuant to Section 12(5)(b) issued by 30 September 2022 shall cease to be valid on 1 January 2023 if the applicant has not applied by 31 December 2022 for the issue of a certificate for the construction of the energy installation for which the distribution system operator or the transmission system operator issued the opinion. Where an applicant to whom an opinion has been issued pursuant to the first sentence has applied for a certificate for the construction of an energy installation by 31 December 2022 and the proceedings on that application have been discontinued or rejected, the opinion shall cease to be valid on the date of the discontinuation of the proceedings on that application or the rejection of that application.

(3) The obligation of a transmission system operator or distribution system operator to cease an activity for which it has been granted consent pursuant to § 32a(4) in accordance with the procedure referred to in § 32c(6) shall not apply to electricity storage installations for which an investment decision is taken by the transmission system operator by 31 December 2024 or by the distribution system operator by 4 July 2019, if such electricity storage installation

- a) is connected to the transmission system or distribution system at the latest two years after the investment decision is taken,
- b) is integrated into the transmission system or distribution system,
- c) is used solely for the immediate restoration of security on the transmission system or distribution system in the event of a contingency, provided that such restoration measure is initiated immediately and terminated when redispatching can address the problem; and
- d) it is not used even partially for the purchase, sale or storage of electricity by or for third parties, the provision of support services to other system operators or the provision of flexibility in the electricity market to third parties.

(4) For electricity generation installations which produce electricity from renewable sources or by high-efficiency combined generation and which were put into operation before 4 July 2019, the installed capacity limits for limiting production pursuant to § 33(3) and (7) shall not apply.

(5) The Ministry, in cooperation with the Authority, shall prepare a reassessment of the analysis of the economic benefits resulting from the introduction of different forms of smart metering systems and the costs of their procurement, installation and operation for individual categories of final electricity consumers prepared pursuant to this Act as in force until 30 September 2022 pursuant to Section 88(12) by 1 October 2023.

(6) Smart metering systems installed by 4 July 2019 or smart metering systems for which installation has commenced by 4 July 2019 and which do not meet the technical parameters or other functional requirements laid down by a generally binding legal regulation issued pursuant to § 95(1)(h) may be operated by the distribution system operator until 5 July 2031.

(7) The operator of the regional distribution system shall submit<sup>É</sup> to the Authority a proposal for the volume of compensation means or non-frequency support services pursuant to § 31(3)(a)(i).

(aa) by 1 December 2022. The transmission system operator shall submit<sup>É</sup> a proposal for reactive power flow limits pursuant to § 28(2)(ab) by 31 December 2023. If the joint analysis does not result in a consensus between the market participants, the transmission system operator shall submit<sup>É</sup> to the Authority within the time limit referred to in the second sentence an analysis containing the transmission system operator's proposals, including an indication of the inconsistent proposals of other market participants.

(8) The transmission system operator shall have the right to apply the levy pursuant to § 28(1)(q) at the earliest from 1 January 2026.

(9) An assessment of alternative solutions and the potential for resource and cost efficiency of the holder of a heat production and heat distribution permit for the provision of ancillary services and the use of the flexibility to off-take and store surplus electricity generated from renewable energy sources pursuant to Section 31(2)(ae) shall be carried out for the first time and submitted to the Ministry by 30 November 2026.

(10) Proceedings commenced and not finally terminated by September 30, 2022, shall be completed under this Act as in effect on September 30, 2022.

(11) Pending the entry into force of generally binding legislation issued pursuant to this Act, as in effect from 1 October 2022, they shall remain in force and effect:

- a) Decree of the Office for Regulation of Network Industries No. 3/2013 Coll., which establishes the manner, scope and structure of providing and storing metered consumption data at the electricity consumer's point of consumption,
- b) Decree of the Office for Regulation of Network Industries No. 4/2013 Coll., which establishes the manner, scope and structure of providing and storing metered consumption data at the customer's gas off-take point,
- c) Decree of the Ministry of Economy of the Slovak Republic No. 358/2013 Coll., which establishes the procedure and conditions for the introduction and operation of smart metering systems in the electricity sector, as amended.

(12) The Authority shall issue a general binding legal regulation pursuant to

- a) § 95(2)(j), (k) and (m) until 31 December 2022,
- b) § 95(2)(l) second and third subparagraphs until 1 March 2023,
- c) § 95(2)(l), first subparagraph, until 1 July 2024,
- d) § 95(2)(n) until 1 October 2023.

#### § 96i

##### Transitional provisions to the modifications effective on the date of promulgation

(1) The Ministry shall, at the request of a party to the proceedings or on its own initiative, amend the decision issued pursuant to Section 22(6) or (8) for the period from 1 November 2022 to 31 March 2023 to the extent that it regulates the manner in which the standard of security of gas supply is ensured.

(2) Certificates pursuant to § 24d(1) shall be issued and data pursuant to § 24d(5) shall be published by the Authority for the first time for the calendar year 2023.

**§ 96j****Transitional provision effective from the date of promulgation**

Contracts for pooled electricity supply and contracts for pooled gas supply at prices not subject to price regulation concluded for a period not exceeding 31 December 2022 with vulnerable customers pursuant to § 3(a)(10.3) to (10.7) shall remain unaffected. If a vulnerable customer pursuant to § 3(a)(10.3) to (10.7) has concluded a pooled electricity supply contract or a pooled gas supply contract for a period exceeding 31 December 2022, he may exercise his right to electricity supply or gas supply at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) for the calendar year 2023 until 30 November 2022. This shall be without prejudice to the provisions of § 17(9) to (11).

**§ 96k****Transitional provisions to the modifications effective on the date of promulgation**

(1) The first levy period shall begin on the day following the effective date of the Government regulation setting the market income ceiling pursuant to section 25f(1); the provision of section 25g(1) on the commencement of the levy period shall not apply in that case.

(2) Contracts for pooled electricity supply and contracts for pooled gas supply at prices not subject to price regulation concluded for a period not exceeding 31 December 2022 with vulnerable customers pursuant to § 3(a)(10.3) to (10.8) shall remain unaffected. If a vulnerable customer pursuant to § 3(a)(10.3) to (10.8) has concluded a pooled electricity supply contract or a pooled gas supply contract for a period exceeding 31 December 2022, he may, until 31 December 2022, exercise his right to electricity supply or gas supply at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) for the calendar year 2023. This shall be without prejudice to the provisions of § 17(9) to (11).

**§ 96l****Transitional provision to the modifications effective from 5 February 2023**

A legal person or natural person importing into the territory of the Slovak Republic crude oil subject to sanctions pursuant to a special regulation,<sup>446</sup> ) and a legal person or natural person transporting petroleum products designated pursuant to § 87(1) to the Czech Republic shall be obliged to notify the data pursuant to § 87a(2) for the first time by 8 March 2023.

**§ 96la****Transitional provision to the arrangements effective from 1 July 2024**

Claims procedures not completed before 1 July 2024 shall be completed in accordance with the rules in force until 30 June 2024. The legal effects of acts occurring in the exercise of claims prior to 1 July 2024 shall remain unaffected.

**§ 96lb****Transitional provisions to the arrangements effective from 1 August 2024**

(1) Proceedings on administrative offences initiated and not legally terminated by the Slovak Trade Inspection by 31 July 2024 shall be completed by the Slovak Trade Inspection in accordance with the regulations in force until 31 July 2024.

(2) The competence of the Slovak Trade Inspection Authority in the area of supervision pursuant to this Act, except for the competence pursuant to a special regulation<sup>8</sup> ), shall be transferred to the Office for Regulation of Network Industries.

(3) In connection with the transfer of competence pursuant to paragraph 2, the rights and obligations arising from the civil servant, employment and other legal relationships of employees ensuring the exercise of these competences, as well as the rights and obligations from other legal relationships, shall be transferred from 1 August 2024 from the Slovak Trade Inspection Authority to the Office for Regulation of Network Industries.

(4) Employees' claims arising from the transfer of rights and obligations under paragraph 3 shall be satisfied by the Slovak Trade Inspection Authority; the collective agreement of the Slovak Trade Inspection Authority in force for the year 2024 shall apply to these employees.

(5) The state property, which on 31 July 2024 was in the administration of the Slovak Trade Inspection and which serves to ensure the exercise of competences in the area of supervision pursuant to paragraph 2, shall be transferred to the administration of the Office for Regulation of Network Industries on 1 August 2024. The details of the transfer of these rights and obligations and of the transfer of the management of the State's assets shall be regulated by an agreement between the Slovak Trade Inspection and the Office for Regulation of Network Industries, which shall define in particular the type and scope of the assets, rights and obligations to be taken over.

(6) The financing of the obligations imposed in the general economic interest pursuant to Section 24(1)(a) in January 2024 shall be carried out in the manner and to the extent provided for in paragraphs 7 to 10 by means of reimbursement from the State budget.

(7) If a disproportionate financial burden is incurred by the provider of an SGEI in 2024, the provider of the SGEI shall be entitled to compensation. The provisions of Sections 24c(2) to (4), 24d and 24e shall apply mutatis mutandis.

(8) The claim for compensation for disproportionate financial compensation for the discharge of an obligation of general economic interest shall be assessed by the Authority.

(9) The Authority shall calculate the estimated net cost of the SGEI for the provider of the obligation in 2024. In determining the estimated net cost of the SGEI, the Authority shall take into account the reduction in the revenue of the provider of the SGEI.

(10) Contracts for the pooled supply of electricity at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) or contracts for the pooled supply of gas at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) pursuant to the previous regulations shall be deemed to be contracts at a price regulated by the Authority concluded for an indefinite period pursuant to § 17b(2) as in force from 1 August 2024.

(11) Termination of a contract for the pooled supply of electricity at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) or of a contract for the pooled supply of gas at a price regulated by the Authority pursuant to a special regulation<sup>2</sup> ) submitted by 31 July 2024 shall be assessed in accordance with the legislation in force at the time the termination is submitted.

(12) The holder of the permit shall ensure that by 30 September 2024 the conditions under § 9(3) as effective from 1 August 2024.

**§ 96n****Transitional provisions to the modifications effective on the date of promulgation**

(1) Proceedings commenced and not legally terminated before the date of entry into force of this Act shall be completed in accordance with the previous provisions.

(2) The holder of the permit shall, when submitting the first written application for a change in the permit after the entry into force of this Act, also include in the application information on the owner of the electricity installation, the installation for the production, transport, distribution and storage of gas, the installation for the transport of fuel or oil, the installation for the filling of pressure vessels or the installation for the distribution of liquefied gaseous hydrocarbons.

(3) By 30 June 2025, the holder of the permit is obliged to request in writing to the Authority to include the details of the owner of the electricity installation, gas production, transport, distribution and storage installation, fuel or oil transport installation, pressure vessel filling installation or liquefied gaseous hydrocarbon distribution installation in the permit.

**§ 97****Final provision**

This Act transposes the legally binding acts of the European Union listed in Annex 2.