

## DECISION

No.: 0004/2023/P-PP  
File ref.: 1443-2023-BA

In Bratislava, dated 28. 03. 2023

The Regulatory Office for Network Industries, Department for Regulation of Gas Industry and Trade in Electricity and Gas, as the competent authority for proceedings pursuant to Section 9(1)(b) second point and Section 9(1)(c) first point in conjunction with Section 15(4) of Act No. 250/2012 Coll. on Regulation in Network Industries, as amended, in the matter of approval of the draft operating rules

### **has decided**

pursuant to Section 13(2)(a) in conjunction with § 17(2)(g) of Act No. 250/2012 Coll. on regulation in network industries, as amended by later regulations, that for the distribution system operator **SPP - distribúcia, a. s.**, Mlynské nivy 44/b, 825 11 Bratislava, corporate ID No. 35 910 739 hereby **approves** the operating rules, the full text of which forms annexes to this Decision and thus form an integral part of this Decision.

This Decision annuls Decision No 0004/2017/P-P-PP of 25. 04. 2017 as amended by Decision no. 0005/2020/P-PP dated 07. 08. 2020, approving the previously valid operating rules for the distribution network operator.

The Operating Rules shall enter into force on the date of the legal validity of this Decision.

### **Reasoning:**

The Regulatory Office for Network Industries, Department for Regulation of Gas and Electricity and Gas Trade (hereinafter referred to as the “Office”) on 21. 02. 2023 received by letter no. D/04/2023 dated 20. 02. 2023 registered under reference number 7659/2023/BA a proposal to amend the operating rules, which was approved by Decision No.0004/2017/P-PP dated 25. 04. 2017 as later amended by the Authority’s Decision No 0005/2020/P-PP of 07. 08. 2020 (hereinafter referred to as the “Amendment to the Operating Rules”) together with a record from the Public Consultation on the prepared Amendment to the Operating Rules of the distribution system operator SPP - distribúcia, a. s., Mlynské nivy 44/b, 825 11 Bratislava, ID No 35 910 739 (hereinafter referred to as the “Party to the Proceeding”).

On 21.02.2023, pursuant to Section 18 of Act no. 71/1967 Coll. on administrative proceedings (the administrative procedure code), as amended (hereinafter referred to as the “Administrative Procedure Code”), the administrative procedure for the approval of the

Amendment to the Operating Rules commenced.

The Party to the Proceeding submitted the Amendment to the Operating Rules pursuant to Section 15(2) and (6) in conjunction with Section 13(2)(a) of Act no. 250/2012 Coll. on regulation in network industries, as amended (hereinafter referred to as the “Regulation Act”).

Pursuant to Section 19a(1) in conjunction with Section 19a(2) of Act no. 251/2012 Coll. on energy and on the amendment of certain acts as amended (hereinafter the “Energy Act”) the Party to the Proceeding is obliged to publish proposed changes to its operating rules on its website and to allow affected market participants to comment and make representations within a reasonable period of time (hereinafter referred to as the “Public Consultation”).

On 25.01.2023, by letter no. DE/2023/76 dated 25.01.2023, the Party to the Proceeding notified the Office that on 25.01.2023, pursuant to Section 19a of the Energy Act, a Public Consultation on the proposal for an Amendment to the Operating Rules had been opened with a deadline for completion being 08.02.2023 (hereinafter referred to as the “Notification”). The Notification is registered under the Authority’s file ref 3219/2023/BA.

The Notification together with the proposed changes to the operating rules have been published on the website to the Party to the Proceeding: <https://www.spp-distribucia.sk/dodavatelja/legislativa-a-cenniky/prevadzkovy-poriadok/>.

The Office under Section 19a(2) of the Energy Act received the notification from the Party to the Proceeding, and which concurrently published it on its own website: <https://www.urso.gov.sk/verejny-konzultacny-proces/>.

The proposal for Amendment to the Operating Rules consists of two parts. The first part incorporates the changes in the previously valid operating rules of the Party to the Proceeding (hereinafter referred to as the “Amendment to the Operating Rules – Part I”), and the second part proposes new Operating Rules of the Renewable Gas Registry (hereinafter referred to as the “Amendment to the Operating Rules – Part II”). Both these parts of the proposed Amendment to the Operating Rules have been subject to public consultation in accordance with Section 15(6) and (7) of the Regulatory Act as well as Section 19a of the Energy Act.

The Party to the Proceeding, by letter no. D/04/2023 dated 20.02.2023, concurrently informed the Office that in the course of the Public Consultation it received comments from market participants on the Amendment to the Operating Rules – Part II, i.e. to the Operating Rules of the Renewable Gas Registry, which are attached to this letter.

During the public consultation process, the Office did not receive any comments from market participants regarding the proposed Amendment to the Operating Rules of the Party to the Proceeding.

The Authority has examined the submitted proposal for an Amendment to the Operating Rules – Parts I and II and has found that the submitted proposal for the Amendment to the Operating Rules – Parts I and II has deficiencies and is not a sufficient basis for issuing a decision on the approval of the Amendment to the Operating Rules.

In view of the fact that the submitted proposal for an Amendment to the Operating Rules did not form a sufficient basis for issuing a decision under the Regulatory Act and the Energy Act, as well as due to a more detailed examination of the documents for the proposed

Amendments to the Operating Regulations, the Office, by letter No 10942/2023/BA dated 14 March 2023, invited the Party to the Proceeding to complete its submission within 10 days from the date of receipt of the invitation.

On 21.03.2023, an online meeting was held with representatives of the Party to the Proceeding and the Office to discuss the Office's comments regarding the proposed changes to the Operating Rules of the Party to the Proceeding pursuant to the Office's letter no. 10942/2023/BA dated 14.03.2023.

The Office negotiated with the Party to the Proceeding "Regarding the proposed Amendment to the Operating Rules – Part I" in particular as follows:

- From the formal aspect, it was necessary to check the proposed wording of the Operating Rules and the references in accordance with the applicable legislation.
- The Office requested deletion of the added proposed text in point 12.3.3 *"The means of security shall also be maintained for a further 12 months following the expiry of the period referred to in the preceding sentence, and this at the rate of 20% of the provided means of security applicable as at the date of contract termination"*.

The Office negotiated with the Party to the Proceeding "Regarding the proposed Amendment to the Operating Rules Part II" in particular as follows:

- Regarding point 3.1, the Office requested the submission of the G-REX Account Holder's User Guide.
- Regarding point 3.2, the Office requested specification of the web link to the publication of the G-REX model contract on the website of the Party to the Proceeding.
- Regarding point 4.6, the Office requested that information be added as to when the Party to the Proceeding will set up an account in the G-REX Registry free of charge with the possibility of passive browsing of the register also for other account holders or the Office.

On 23.03.2023, by letter No D/05/2023 of 23.03.2023, registered under the Authority's file No 11957/2023/BA, the Party to the Proceeding supplemented its submission in accordance with the Office's invitation by letter No 10942/2023/BA dated 14.03.2023 as well as in accordance with the Office's comments from the online meeting on the subject of the case on 21.03.2023.

The Party to the Proceeding in letter no. D/05/2023 dated 23.3.2023 added the following:

"Regarding the proposal for an Amendment to the Operating Rules – Part I":

- In accordance with the Office's request, the text from point 12.3.3 has been deleted.
- in connection with the text deleted from point 12.3.3, the proposed supplemented text from point 12.3.8. has simultaneously been deleted.

"Regarding the proposal for an Amendment to the Operating Rules – Part II:

- Rules of the G-REX Account Holder's User Guide dated 28.09.2021.
- In point 3.2, the Office requested specification of the web link to the publication of the G-REX model contract on the website of the Party to the Proceeding.
- regarding point 4.6, the Party to the Proceeding informed the Office that it would contact the entities concerned only following approval of the Operating Rules by the Office with a request to supply the necessary data for the creation of an account in the G-REX

Registry.

The Office carried out the procedural acts required under the Administrative Procedure Code, examined the proposed Amendment to the Operating Rules and its compliance with the Energy Act.

Under Section 17(2)(g) of the Regulatory Act, the Office shall also amend or revoke a decision at the request of the Party to the Proceeding, or at its own initiative, if the conditions on the basis of which the decision was issued under section 13 of the Regulation Act have changed, or facts have arisen justifying such a change.

Under Section 17(4) of the Regulation Act, the provision of Section 15 of the Regulation Act shall apply accordingly to proceedings for an amendment or revocation of a decision.

Under Section 41 of the Regulation Act, Section 33(2) of the Administrative Procedure Code does not apply to this proceeding, as the Office has based its decision solely on the documents submitted by the party to the proceeding, which was also granted in its entirety.

For the sake of certainty, clarity and transparency of the decision, the current operating rules are replaced by their full text, wherein the proposed changes are incorporated directly into the text of the operating rules.

The Office, having examined the submitted proposal for an Amendment to the Operating Rules, its compliance with the Energy Act, as well as the Regulation Act, and the Decree of the Regulatory Office for Network Industries no. 24/2013 Coll., establishing rules for the functioning of the internal electricity market and rules for the functioning of the internal gas market, as amended, has concluded that the proposed Amendment to the Operating Rules meets the requirements under applicable legislation and therefore decides as set out in the operative part of this decision.

**Instruction:**

Appeal against this decision is admissible. Any appeal must be lodged with the Regulatory Office for Network Industries within 15 days from the date of notification of the decision. That decision shall be reviewable by a court following the exhaustion of ordinary remedies.

**Attachments to the operative part of the decision:**

– approved wording of the document part I “Operating Rules of the distribution system operator SPP - distribúcia, a. s. .” (90 A4 pages)

and

– approved wording of the document part II “Operating Rules of the Renewable Gas Registry.” (16 A4 pages).

Richard Ružička  
Director of Department for  
Regulation of the Gas Industry  
and of Electricity & Gas Trading

**Decision to be delivered to:**

SPP - distribúcia, a.s., Mlynské nivy 44/b, 825 11 Bratislava