



Emergency Plan for Gas for the Federal Republic of Germany

**under Article 8 (2) b of Regulation (EU) 2017/1938
of the European Parliament and of the Council of 25 October 2017
concerning measures to safeguard the security of gas supply
and repealing Regulation (EU) No 994/2010**

**and under Article 7 (2) of Regulation (EU) 2022/1369 of the Council of
5 August 2022 on coordinated demand-reduction measures for gas**

2023

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Preliminary remarks

Germany's natural gas supply is very secure and reliable.

The Federal Republic of Germany produces the Emergency Plan for Gas in accordance with the requirements of Article 8, Article 10 and Annex VII of Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 and in the context of good crisis preparedness. Regulation (EU) 2017/1938 strengthens the internal gas market of the European Union and ensures in the event of a supply crisis that the EU Member States take a uniform approach.

Further to this, this Emergency Plan contains the voluntary measures implemented by Germany to reduce supply in accordance with Article 8 (2) of Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, which expires on 31 March 2024.

The comments by the European Commission of 18 February 2020 regarding the Emergency Plan for Gas notified on 17 October 2019 have been taken into account.

The Federal Ministry for Economic Affairs and Climate Action (BMWK) is the responsible authority for the production of this Emergency Plan for Gas in accordance with section 54a (1) Energy Industry Act (EnWG). The Emergency Plan for Gas has been produced with the active participation of the Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen (Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway/BNNetzA).

The updating of the Emergency Plan for Gas takes place regularly every four years in accordance with Article 10 (2) Regulation (EU) 1938/2017. Regarding this update of the Emergency Plan, in accordance with Article 8 (6) Regulation (EU) 2017/1938, the competent authorities of all nine directly connected, or connected via Switzerland, EU Member States, i.e. Austria, Belgium, Czechia, Denmark, France, Italy, Luxembourg, the Netherlands and Poland, were consulted, as were also the other 15 members of the eight risk groups of which Germany is part, i.e. Bulgaria, Croatia, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Portugal, Romania, Sweden, Slovakia, Slovenia and Spain, as well as Switzerland and the United Kingdom. The consultation took place with the English-language version up to Friday, 25 August 2023.

In Germany, the Emergency Plan was consulted with the

- ministries of the Federal Government until 28 July 2023,
- competent authorities of the 16 Länder (Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia) until 14 July 2023,
- specialist and sectoral associations until 14 July 2023
 - o German Association of Energy and Water Industries (BDEW),
 - o Association of German Chambers of Commerce and Industry (DIHK)
 - o European Energy Exchange AG (EEX),
 - o European Federation of Energy Traders - Germany (EFET Germany),
 - o Association of natural gas storage operators (INES),
 - o Association of Local Utilities (VKU),
 - o Federation of German Consumer Organisations (vzbv),
 - o Association of gas transmission system operators (FNB Gas), and

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Trading Hub Europe GmbH (THE).

- Further to this, the BMWK received comments from
 - o German Association of Gas, Oil and Geoenergy (BVEG)
 - o Equinor Deutschland GmbH,
 - o Evonik Operations GmbH,
 - o German Chemical Industry Association (VCI).

The results of the consultation with the aforementioned interested parties and corresponding responses can be found in Chapter V.

When the Russian Federation launched an illegal war of aggression against Ukraine, a contracting party of the Energy Community, on 24 February 2022, the preconditions for the assessment of security of supply in Germany and the EU changed. In the course of 2022, Russia initially made it more difficult to purchase gas by introducing rules on payment in roubles and sanctioning previously Russian state-owned enterprises in Germany and Europe. Also, Germany's direct supply via the Nord Stream 1 pipeline was gradually reduced; transits via the Yamal pipeline through Poland were stopped, and transits via Ukraine were reduced, further diminishing the supply of gas to western and eastern Europe. The destruction of the Nord Stream 1 pipeline at the end of September 2022 and the cessation of maintenance of the Belarus-Polish Yamal border crossing has meant that, even in the long term, the supply of Germany with Russian pipeline gas is virtually impossible through infrastructure in the vicinity. The worsening purchase conditions and the abrupt cession of the sale of gas from Russia meant that Germany and the EU had to reorient and tighten their perspective on the security of supply of gas in 2022.

In Germany, the tense supply situation was responded to at political level via the first ever declaration of the early warning level on 30 March 2022 and the declaration of the alert level on 23 June 2022 by the BMWK in line with the Emergency Plan for Gas. Even before the declaration of the early warning level, the interdisciplinary federal gas crisis team was set up; it is tasked with advising the BMWK in the course of the supply crisis and in the run-up to a deterioration in the gas supply situation. The federal crisis team provided in particular a consultative mechanism between the stakeholders involved in tackling the crisis and ensured that the necessary information was shared.

The German Government took several measures to specifically prevent a gas shortage situation. These include the Ordinance on Securing the Energy Supply through Rapid Impact Measures (EnSikuMaV), limited until April 2023, and the Ordinance on Securing the Energy Supply through Medium-term Impact Measures (EnSimiMaV), limited until autumn 2024, to cut gas consumption by industry and households to a crisis-appropriate level. This was linked to the public energy conservation campaign entitled "*80 Millionen gemeinsam für Energiewechsel*" ("*80 million together for an energy shift*"). The amendments to the Energy Industry Act (EnWG), e.g. to introduce filling level requirements for German gas reservoirs, changes to the Energy Security of Supply Act (EnSiG) to improve the monitoring and potential take-over of companies providing critical energy infrastructure, the introduction of the Act to Accelerate the Use of Liquefied Natural Gas (LNG Acceleration Act, LGG), the ensuing construction of LNG infrastructure, and the direct import of first volumes of LNG on the German North Sea and Baltic coast in December 2022 / January 2023 stabilised Germany's gas supply. Further to this, the import of gas from Belgium, the Netherlands and Norway was increased in order to stabilise the German gas supply, and the need to deodorise gas from France before it can be fed into the German gas grid was lifted. As a result, it has so far (as of 16 May 2025) been possible

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to adequately avert a severe gas shortage situation. The measures taken and the planning for crisis preparations, as described in this updated Emergency Plan for Gas, will also adequately avert a severe gas shortage situation for the foreseeable future.

Lest the supply situation in 2022 and beyond should worsen, the BNetzA, in coordination with the market players and the Länder, developed a significant number of crisis management processes and measures (see also <https://www.bundesnetzagentur.de/DE/Gasversorgung/Krisenvorbereitung/start.html>). These processes and measures take effect prior to and during a gas shortage situation. They ensure that the repercussions of a shortage situation for industry and households will be as small as possible and the shortage situation resolved as efficiently as possible. In order to support an effective distribution of gas volumes in a shortage situation, the BNetzA and the German market area manager Trading Hub Europe GmbH launched the gas security platform (SiPla) in autumn 2022. This digital platform for data sharing and communications supports the federal load distributor firstly with the national steering of volumes that are still available and secondly with the handling of Germany's solidarity obligations regarding the EU Member States whose infrastructure is linked to Germany in accordance with Article 13 Regulation (EU) 2017/1938.

In order to tackle the critical supply situation in 2022 and with a view to the winters of 2022/23 and 2023/24, which were deemed critical, the measures taken in Germany were complemented at European level by the adoption of several emergency gas regulations by the Member States and the European Commission. The main instruments here were the Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, limited until 31 March 2024, Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders, limited until 18 December 2023, and the revision of Regulation (EU) 2017/1938 with regard to obligatory filling level targets for gas reservoirs.

Regulation (EU) 2017/1938 is the fundamental document for the security of the German and European gas supply, and it provides for a comprehensive range of instruments to strengthen the EU internal market for gas and to attain an adequate preparedness level for the event of a supply crisis. Building on this, the course of the energy and primarily the gas crisis in 2022 showed the acute ability of the government of the Federal Republic of Germany to act in response to a crisis, firstly via the adaptation of relevant crisis-mitigating German and European rules. Secondly, the cooperation between the federal authorities, Länder, BNetzA and market players such as gas transmission system operators and the German market area manager for gas, Trading Hub Europe GmbH (THE), significantly boosted the resilience of the German gas supply. The efforts to cope with this supply crisis showed in a very practical way that the secure supply of gas in the EU is the joint responsibility of the Member States, their competent authorities and gas undertakings and the European Commission, that the German gas market can only be understood in terms of the overall infrastructure of itself and the neighbouring EU countries and beyond, and that a supply crisis can only be resolved by acting together.

Regulation (EU) 2017/1938 provides for three crisis levels for the categorisation of the severity of a supply crisis: early warning level, alert level and emergency level. In the early warning and alert levels, market-based measures by the gas undertakings are envisaged. Once the emergency level has been declared by the Federal Government in an ordinance, "non-market-based measures" may be taken as sovereign intervention by the competent authority. Further to this, Regulation (EU) 2017/1938 supplements the crisis

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levels with obligations for companies and the responsibilities of national authorities and the European Commission. According to Article 8 (2) Regulation (EU) 2017/1938, the Member States must stipulate the envisaged crisis management and preventive measures in the context of Preventive Action and Emergency Plans. The BMWK is responsible for the drafting of the Preventive Action and Emergency Plan; the BNetzA undertakes the national and if necessary regional risk assessment in the context of one of the eight regional groups which include Germany.

The events and the ultimately averted a gas supply shortage in 2022 and early 2023 provided impressive proof of the need for a coordinated and coherent approach at EU and national levels, as described in the Emergency Plan for Gas. The overarching need for and relevance of the measures and approaches described in this Emergency Plan was demonstrated in the context of the management of the gas crisis in 2022/23 by all the participating stakeholders. Previously unthinkable events quickly led to a danger to the overall system, which ultimately was tackled successfully by all the stakeholders. In preparation for a potential worsening of the supply situation, adequate crisis foresight and preparedness are of considerable relevance and must continue to be given political backing and support.

1. Overview of the statutory rules governing crisis and emergency management in the gas sector in Germany

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The following national rules in particular form the legal basis of the implementation of the crisis and emergency planning in Germany, implementing Regulation (EU) 2017/1938 and EU regulations issued in the context of crisis management:

- Energy Industry Act (Act on the supply of electricity and gas - EnWG)
- Energy Security of Supply Act (EnSiG)
- Ordinance to Ensure the Supply of Gas in a Supply Crisis (GasSV)

Correspondingly, depending on the relevant EU legislation in place at the time of a crisis situation, the following parameters apply to crisis and emergency management in the gas sector in Germany:

The purpose of the Energy Industry Act is, according to its section 1 (1) *“to ensure a public supply of [...] gas in a manner that is as secure, inexpensive, consumer-friendly, efficient and greenhouse gas neutral as possible on the basis of a growing share of renewable energies.”* Here, special priority is attached to the supply of protected customers in Regulation (EU) 2017/1938 (cf. Annex I of this Emergency Plan). The gas undertakings must in particular supply this category of customers with gas, even in the case of a partial interruption to the gas supply or in the case of unusually high demand for gas. This obligation is mapped in Germany in section 53a of the Energy Industry Act. The gas undertakings can have recourse to market-based (grid or market-related, not sovereign) instruments (cf. Chapter 4).

A supply of the protected customers is only possible if the gas grid is secure and reliable. For this reason, as part of their responsibility for the system, the transmission and distribution system operators play a key role in ensuring the gas supply on the basis of sections 15, 16 and 16a of the Energy Industry Act. Where the grid operators cannot remove, or cannot remove in time, a disruption or danger to the security and reliability of the gas supply system by grid-related or market-based measures (section 16 (1) Energy Industry Act), this must be done by the grid operators using the measures under section 16 (2) Energy Industry Act. In the case of measures under section 16 of the Energy Industry Act, they must take account of the need to ensure the supply to protected customers where the security or reliability of the gas supply system is endangered or disrupted in the respective grid.

In particular in the case of a danger of bottlenecks in the gas supply, the operation of the system and the granting and planning of capacities including transit capacities must be undertaken in a manner which maintains the security of supply to the protected customers and the solidarity protected customers in other Member States. The gas undertakings carry out these tasks on their own responsibility.

The operators of the gas supply systems located in Germany have arranged their cooperation in the form of a cooperation agreement (KoV) between the operators of the gas supply grids located in Germany; it was last amended on 12 August 2022. The KoV contains guidelines entitled “Contingency Planning for Gas”. These guidelines take account of the content of this Emergency Plan and mainly describe procedures in bottleneck situations in the gas supply systems, related information obligations and communication channels between system operators for a coordinated implementation of the measures under section 16 and section 16a of the Energy Industry Act. Where necessary, the gas and electricity system operators also cooperate on measures to secure the supply of gas and electricity within the meaning of Article 10

1. Overview of the statutory rules governing crisis and emergency management in the gas sector in Germany

(1) e) of Regulation (EU) 2017/1938. Gas and electricity TSOs have drawn up a communication concept for this.

In contrast, in a gas shortage situation following the declaration of the emergency level, the federal load distributor is tasked with ensuring that the vital demand for gas is covered (cf. section 1 Energy Security of Supply Act and section 1 Ordinance to Ensure the Supply of Gas in a Supply Crisis (GasSV)). This means that it must obtain the necessary volumes of gas in under-supplied regions and/or steer the consumption of gas in order to tackle “shortage zones”. Here, a shortage zone may be specific regions, a certain type of gas, or the entire market area.

2. Determination of the crisis levels

2. Determination of the crisis levels

In line with Article 11 (1) Regulation (EU) 2017/1938, three crisis or escalation levels are stipulated and are described in the following three tables. The entry into force of the crisis levels described in the following tables basically depends on

- the severity of the disruption,
- the expected economic and technical repercussions and
- the urgency of the removal of the disruption at national level.

The degree of severity of a (potential) disruption in the context of the overall supply situation is operationalised by the indicators described in

Table 4. On the basis of these indicators, it is possible to examine whether the overall supply situation is likely to worsen and to decide whether a certain crisis level should be declared.

The three levels do not need to be declared in succession. The alert or emergency level can be moved on to immediately depending on the severity of the disruption, the degree of the repercussions, and the urgency and the types of measures needed to rectify the situation or remove the risk.

In the event of a significant deterioration of the supply situation, it must be ensured that the competent authorities have all the relevant information to assess the situation and decide on the course of action to be taken. Corresponding reporting requirements can also be found (in excerpts) in the following tables.

In addition to the three crisis levels described in the following tables, Chapter 3 contains

- a description of the measures to be taken and the main players involved,
- the likely contribution of the measures to coping with the effects of an event or to preparing for an event before it happens, and
- a description of the information flows between the players.

Table 1: Stipulation and procedures for the declaration and termination of the early warning level (early warning)

I. Early warning level (early warning)	
Competent authority responsible for declaration	Federal Ministry for Economic Affairs and Climate Action (BMWK)
Description in line with Regulation (EU) 2017/1938	There is concrete, serious and reliable information that an event may occur which is likely to result in significant deterioration of the gas supply situation and is likely to lead to the alert or the emergency level being triggered.
Declaration procedure	In the case of the early warning level, this is primarily a political decision taking the form of a declaratory measure. It is declared by a press release.
Indicators for the declaration of the early warning level	Taking place separately or together: <ul style="list-style-type: none">- absence, lack or reduction of gas flow at key physical entry points,- long-lasting low gas reservoir storage levels,- shutdown of important sources of supply,- technical failure of major infrastructure, e.g. pipelines and/or compressor stations, whereby this failure can be compensated by redundancies,- extreme weather conditions coupled with high demand,- risk of long-term shortage,- declaration of a crisis level in a neighbouring country.

2. Determination of the crisis levels

I. Early warning level (early warning)	
Termination procedure	When the indicators no longer apply, the BMWK ends the early warning level via a statement published on its website and informs the European Commission about this. The lifting of the early warning level signifies a return to normal operations.
Reporting obligations	<ul style="list-style-type: none"> - At national level <ul style="list-style-type: none"> o Participation of the players in the meetings of the federal crisis team, cf. Chapter 9. o Information in line with section 15 (2) Energy Industry Act <ul style="list-style-type: none"> • Necessary information to ensure that the transport and storage of gas can take place in a manner which can be aligned with the secure and efficient operation of the interconnected system provided by operators of transmission systems, storage or LNG installations to every other operator of a gas supply system with which their own transmission systems or installations are technically connected. • Information on the secure and reliable operation of transmission systems by electricity transmission system operators to gas transmission system operators. o Information in line with section 10 (1) Energy Security of Supply Act on the enactment and preparation of the statutory instruments in line with section 3 Energy Security of Supply Act. o Information in line with section 2b (2) Energy Security of Supply Act and in line with section 1a Ordinance to Ensure the Supply of Gas in a Supply Crisis on the operation of the Gas Security Platform (SiPla). - At European level <ul style="list-style-type: none"> o Information especially about planned measures in accordance with Article 11 (2) and (4) and Article 14 Regulation (EU) 2017/1938 to <ul style="list-style-type: none"> • the European Commission (possibly via a data platform set up by the Commission), • the competent authorities of the risk groups, • the EU Member States with which Germany is connected by infrastructure, • Switzerland.

Table 2: Stipulation and procedures for the declaration and termination of the alert level (alert)

II. Alert level (alert)	
Competent authority responsible for declaration	Federal Ministry for Economic Affairs and Climate Action (BMWK)
Description in line with	A disruption to the gas supply or exceptionally high gas demand exists which results in a significant deterioration of the

2. Determination of the crisis levels

II. Alert level (alert)	
Regulation (EU) 2017/1938	gas supply situation. However, the market is still able to manage that disruption or demand for gas on its own without the need to resort to non-market-based measures.
Declaration procedure	In the case of the alert level, this is primarily a political decision taking the form of a declaratory measure. It is declared by a press release.
Indicators for the declaration of the alert level	<p>Taking place separately or together:</p> <ul style="list-style-type: none"> - absence, lack or severe reduction of gas flows at key physical entry points, - long-lasting very low gas reservoir storage levels, - shutdown of important sources of supply, - long technical failure of major infrastructure, e.g. pipelines and/or compressor stations, whereby this failure can be compensated by redundancies, - extreme weather conditions coupled with very high demand, - high risk of long-term undersupply, - one or several Member States directly connected to Germany request solidarity gas deliveries from Germany under Article 13 (1) Regulation (EU) 2017/1938 or under Article 26 (1) Regulation (EU) 2022/2576 (temporarily until 18 December 2023), cf. Chapter 12.
Termination	When the indicators no longer apply, the BMWK ends the alert level via a statement published on its website and informs the European Commission about this. The statement also contains an assessment of the situation or decision on the scaling down to the early warning level or the return to normal operations.
Reporting obligations	<ul style="list-style-type: none"> - At national level <ul style="list-style-type: none"> o Participation of the players in the meetings of the federal crisis team, cf. Chapter 9. o Information in line with section 15 (2) Energy Industry Act <ul style="list-style-type: none"> • Necessary information to ensure that the transport and storage of gas can take place in a manner which can be aligned with the secure and efficient operation of the interconnected system provided by operators of transmission systems, storage or LNG installations to every other operator of a gas supply system with which their own transmission systems or installations are technically connected. • Information on the secure and reliable operation of transmission systems by electricity transmission system operators to gas transmission system operators. o Information in line with section 10 (1) Energy Security of Supply Act on the enactment and preparation of the statutory instruments in line with section 3 Energy Security of Supply Act.

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II. Alert level (alert)	
	<ul style="list-style-type: none"> ○ Information in line with section 2b (2) Energy Security of Supply Act and in line with section 1a Ordinance to Ensure the Supply of Gas in a Supply Crisis on the operation of the Gas Security Platform (SiPla). - At European level <ul style="list-style-type: none"> ○ Information especially about planned measures in accordance with Article 11 (2) and (4) and Article 14 Regulation (EU) 2017/1938 to <ul style="list-style-type: none"> • the European Commission (possibly via a data platform set up by the Commission), • the competent authorities of the risk groups, • the EU Member States with which Germany is connected by infrastructure, • Switzerland.

Table 3: Stipulation and procedures for the declaration and termination of the emergency level (emergency level (emergency))

III. Emergency level (emergency)	
Competent authority responsible for declaration	Government of the Federal Republic of Germany
Description in line with Regulation (EU) 2017/1938	<p>There is</p> <ul style="list-style-type: none"> - an unusually high demand for gas, - substantial disruption to the gas supply and/or - another considerable deterioration in the supply situation. <p>Relevant market-based measures have been already implemented, but the gas supply still is insufficient to cover the remaining gas demand.</p> <p>Only the implementation of non-market-based measures can in particular ensure the gas supply of protected customers under Article 6 (1) Regulation (EU) 2017/1938.</p> <p>An estimate of the gas volumes that could be consumed by solidarity protected customers can be found in Annex I.</p>
Declaration procedure	<p>The emergency level is established pursuant to section 3 of the Act to Ensure the Supply of Energy by an ordinance issued by the Federal Government and is made public in the Federal Law Gazette. The BMWK prepares the declaration of the emergency level and the publication of the ordinance. The emergency level is declared as a last resort, where a situation under section 1 (1) Energy Security of Supply Act is foreseeable or is already happening.</p> <p>Also, the BMWK issues a press release informing about the declaration of the emergency level.</p>
Indicators for the declaration of the emergency level	The BMWK examines whether the afore-mentioned preconditions for the declaration of the emergency level exist in line with Regulation (EU) 2017/1938.

2. Determination of the crisis levels

III. Emergency level (emergency)	
	<p>In parallel, the BMWK examines whether the preconditions exist under section 1 (1) sentence 1 Energy Security of Supply Act, i.e.</p> <ul style="list-style-type: none"> - the energy supply is directly endangered or disrupted and - the danger or the disruption cannot be tackled using market-based measures, or cannot be tackled in time, or there would be a need for disproportionate measures in order to ensure the vital need for energy. <p>According to section 1 (1) sentence 2 Energy Security of Supply Act, “vital need” is also understood to mean the need to fulfil public tasks and European and international obligations.</p> <p>The examinations are particularly undertaken on the basis of the following indicators (occurring individually or jointly):</p> <ul style="list-style-type: none"> - additional, large-scale supply disruptions can be expected over the long term and there is no adequate alternative supply option, - the federal crisis team finds that there is risk that all market-based measures will be fully used, - deterioration of the supply situation to an extent that supply to protected customers and to cover vital needs is at risk, - failure of major pipelines and/or compressor stations, whereby this failure cannot be compensated by redundancies.
Termination	<p>The Federal Government limits the duration of the emergency level in the declaration and the publication of the corresponding ordinance.</p> <p>The emergency level must be revoked if there is no danger to or disruption of the energy supply within the meaning of section 1 (1) and section 2 (3) Energy Security of Supply Act or if the Bundestag and Bundesrat demand the revocation.</p> <p>The BMWK informs the European Commission about the termination of the emergency level without delay.</p> <p>The statement on the termination of the emergency level also contains an assessment of the situation or decision on the scaling down to the alert or early warning level or the return to normal operations.</p>
Reporting obligations	<ul style="list-style-type: none"> - At national level <ul style="list-style-type: none"> o Participation of the players in the meetings of the federal crisis team, cf. Chapter 9. o Information in line with section 15 (2) Energy Industry Act <ul style="list-style-type: none"> • Necessary information to ensure that the transport and storage of gas can take place in a manner which can be aligned with the secure and efficient operation of the interconnected sys-

2. Determination of the crisis levels

III. Emergency level (emergency)	
	<p>tem provided by operators of transmission systems, storage or LNG installations to every other operator of a gas supply system with which their own transmission systems or installations are technically connected.</p> <ul style="list-style-type: none"> • Information on the secure and reliable operation of transmission systems by electricity transmission system operators to gas transmission system operators. ○ Information in line with section 10 (1) Energy Security of Supply Act on the enactment and preparation of the statutory instruments in line with section 3 Energy Security of Supply Act. ○ Information in line with section 2b (2) Energy Security of Supply Act and in line with section 1a Ordinance to Ensure the Supply of Gas in a Supply Crisis on the operation of the Gas Security Platform (SiPla). ○ Information in line with section 2 Ordinance to Ensure the Supply of Gas in a Supply Crisis. <p>- At European level</p> <ul style="list-style-type: none"> ○ Information especially about planned measures in accordance with Article 11 (2) and (4) and Article 14 Regulation (EU) 2017/1938 to <ul style="list-style-type: none"> • the European Commission (possibly via a data platform set up by the Commission), • the competent authorities of the risk groups, • the EU Member States with which Germany is connected by infrastructure, • Switzerland.

2.1. System of indicators for the assessment of the situation by the BNetzA

In addition to the above-mentioned indicators for each crisis level, the BNetzA has developed a system of indicators which provides information about the daily gas supply situation. The regularly updated situation report was posted on the BNetzA's website. The indicators assessed the gas supply in Germany, describing it in detail in a potentially daily situation report. They provided an assessment and forecast of the current situation and generated transparency about the extent to which there is an acute threat of a gas shortage situation. They can serve the Federal Government as a basis for the assessment of the situation in the context of this Emergency Plan for Gas. The indicators and their assessment variables are described in detail in the following Table 4.

Table 4: Indicators and assessment variables to assess the current gas supply situation developed in 2022 to assess the situation

	Indicator	Assessment
A.	Temperature forecast for the coming seven	Stable: The situation is deemed stable if the forecast average temperature for the coming seven days is higher than the average for the preceding four years. That

2. Determination of the crisis levels

	Indicator	Assessment
	days in degrees Celsius.	<p>means that the week will be warmer on average than in the reference period.</p> <p>Tense: The situation is deemed tense if the forecast average temperature for the coming seven days is zero to two degrees Celsius lower than the average for the preceding four years.</p> <p>Critical: The situation is deemed critical if the forecast average temperature for the coming seven days is at least two degrees Celsius lower than the average for the preceding four years. Such a temperature would signify increased demand of two terawatt-hours in that week. Across the entire winter, this would signify increased gas consumption or around 44 TWh (around 18% of maximum storage capacity), and would have to be offset by higher savings or higher imports.</p>
B.	Gas consumption , temperature-adjusted	<p>Stable: The situation is deemed stable if, in temperature-adjusted terms, more than 25% of gas is saved (compared with the average consumption in the same calendar week in the preceding five years).</p> <p>Tense: The situation is deemed tense if, in temperature-adjusted terms, between 15% and 25% of gas is saved.</p> <p>Critical: The situation is deemed critical if, in temperature-adjusted terms, less than 15% of gas is saved.</p>
C.	Filling levels of the gas reservoirs	<p>Stable: The situation is deemed stable if the filling level is above the storage curve which leads to the level of 55% on 1 February of the relevant year.</p> <p>Tense: The situation is deemed tense if the filling level is between the storage curves which lead to the level of 40% or 55% on 1 February of the relevant year.</p> <p>Critical: The situation is deemed critical if the filling level is below the storage curve which leads to the level of 40% on 1 February of the relevant year. In this case, the filling level is such that countermeasures should be taken. Given colder temperatures in the spring, a gas shortage situation can no longer be fully excluded, and filling for the next winter will presumably be challenging. The sufficient filling of the German gas reservoirs for the following winter is a precondition for a stable supply situation.</p>
D.	Situation in Germany's EU neighbours , incl. Italy	<p>Stable: The situation is deemed stable if no neighbouring country has declared the emergency level and no solidarity gas deliveries have been requested by a neighbouring country under Article 13 (1) Regulation (EU) 2017/1938 or under Article 26 (1) Regulation (EU) 2022/2576 (temporarily until 18 December 2023).</p> <p>Tense: The situation is deemed tense if a neighbouring country to which Germany currently (predominantly) exports gas (Austria, Switzerland/Italy, Czechia, Denmark, Luxembourg, Poland) has declared the emergency level.</p>

2. Determination of the crisis levels

	Indicator	Assessment
		Critical: The situation is deemed critical if a neighbouring country from which Germany currently (predominantly) imports gas (Belgium, France, Netherlands) has declared the emergency level or has requested solidarity measures from one of these neighbouring countries.
E.	Procurement situation for balancing energy	<p>Stable: The situation is deemed stable if sufficient balancing energy can be purchased on a public exchange.</p> <p>Tense: The situation is deemed tense if, whilst the volumes which can be procured on the exchange are insufficient, the need for balancing energy can still be covered via auctioned balancing energy products.</p> <p>Critical: The situation is critical if the required balancing energy cannot be covered via an energy exchange or via auctions.</p> <p>Description Balancing energy serves to maintain the necessary gas pressure in the gas pipelines and thus to ensure the gas supply. It is deployed by the gas market area manager, Trading Hub Europe GmbH (THE), when the relationship between volumes of gas taken off and fed into the grid is not balanced. Balancing energy is the key mechanism for balancing supply and consumption even during a gas shortage.</p>

The system of indicators set up in 2022 is not binding under law or in any other way, and serves situation-related or event-related communications. Further adjustments can be quickly made as needed depending on the situation or events.

2.2. Decision-making basis for the declaration of the crisis levels by the BMWK / the Federal Government

The existence of one or several tense and/or critical indicators for the assessment of a specific shortage situation as described here does not necessarily and automatically lead to the assumption that there is a supply crisis or to the declaration of a crisis level. When declaring the respective crisis level, the BMWK / the Federal Government takes account of the overall supply situation, the potentially foreseeable development, possible interactions between the retention or declaration of crisis levels with measures to mitigate the crisis that have already been taken or are yet to be taken, and corresponding situation/event-adequate decision-making parameters. Working from this, the BMWK / the Federal Government takes a corresponding decision.

3. Measures to be taken in the respective crisis levels

3. Measures to be taken in the respective crisis levels

The BNetzA is responsible for supervising the implementation by the relevant players of the measures / obligations described in this Chapter or in statutory instruments under the Energy Industry Act. The BNetzA can impose measures to comply with obligations (supervisory measures) in line with section 65 of the Energy Industry Act. A more detailed description of the players can be found in Chapter 10.

Table 5: Overview of measures by crisis level

	Market based measures under the Energy Industry Act	Sovereign / non-market based measures under EnSiG and GasSV
Early warning level	✓	
Alert level	✓	
Emergency level	✓	✓

Sovereign measures by the federal load distributor under the Energy Security of Supply Act (EnSiG) and the Ordinance to Ensure the Supply of Gas in a Supply Crisis (GasSV) are only possible in the emergency level.

3.1. Early warning level: Measures and the tackling of the shortage situation

3.1.1. Measures, their main players and corresponding information flows between the players following the declaration of the early warning level by the BMWK

- The BMWK convenes the federal crisis team in line with the explanations in Chapter 9.2. The *federal crisis team* meets regularly, in line with the development of the situation, and steps up its monitoring of the supply situation until none of the three crisis levels is in place;
- European internal market rules continue to apply in full;
- *Gas undertakings* continue to guarantee the supply of natural gas under section 53a of the Energy Industry Act. For this purpose gas undertakings can deploy market-based measures in line with Chapter 4 of this Emergency Plan;
- Within their respective system responsibilities, *transmission system and distribution system operators* implement measures as defined in sections 16 and 16a of the Energy Industry Act;
- The *gas transmission system operators* provide their situation assessments to the BMWK at regular federal crisis team meetings or team meetings held in view of the overall situation and also on request (reporting obligations);
- The *electricity transmission system operators* exchange important information and coordinate their measures as much as possible with the view to maintaining the stability of their individual networks for as long as possible;
- The *gas undertakings* and the *gas market area manager* Trading Hub Europe GmbH (THE) are obliged to support the BMWK with the situation assessment and to take part in the federal crisis team (reporting obligations). Details on reporting obligations of the players in the federal crisis team can be found in the explanations in Chapter 9.2; where necessary, these reporting obligations can be extended by the BMWK;
- The BNetzA passes on to the European Commission information about the German gas supply situation under Article 14 (1) a of Regulation (EU) 2017/1938.

3. Measures to be taken in the respective crisis levels

In the course of 2022, the European Commission provided an online form for the passing on of information;

- The *BMWK* passes on all the necessary information, particularly about the measures it is planning, to the European Commission and the competent authorities of the Member States to which Germany is directly connected, under Article 11 (2) sentence 1 of Regulation (EU) 2017/1938.

Measures taken by the main players, procedures and likely contributions to the measures to tackle the situation and the information flows between the relevant players in the context of the early warning level to prevent a potential national gas shortage situation are not fundamentally different from the measures of the main players of the early warning level to prevent a potential gas shortage situation of regional dimensions (across EU borders). Here, in the case of a gas shortage situation both of national and of regional dimensions, there is an enhanced cross-border dialogue between the gas transmission system operators to offset the bottlenecks (e.g. via the ReCo regional coordination system for gas) established by the European Network of Transmission System Operators for Gas (ENTSOG) in accordance with Article 3 (6) Regulation (EU) 2017/1938. At Member State level, this dialogue takes place in the context of the Gas Coordination Group (GCG) in accordance with Article 4 Regulation (EU) 2017/1938.

3.1.2. Likely contributions of the measures to coping with the effects of the event or to preparing for an event before it happens which have led to the declaration of the early warning level

The *BMWK*, the federal crisis team players and others are informed about the current situation and can take corresponding further steps as necessary in order to counteract a deterioration of the situation.

The measures mean that the supply situation stabilises or that the effects of the indicators described in Table 1 or Table 4 on which the declaration of the early warning level is based are mitigated. Further to this, the measures mean that the risk of a worsening of the situation, e.g. the occurrence of a gas shortage situation which could lead to the declaration of the emergency level, is reduced. In the ideal case, the measures mean that the early warning level can be terminated.

3.2. Alert level: Measures and the tackling of the shortage situation

3.2.1. Measures, their main players and corresponding information flows between the players following the declaration of the alert level by the *BMWK*

- Where the early warning level has not already been declared and the federal crisis team convened, the *federal crisis team* is convened at the latest when the alert level is declared in line with explanations in Chapter 9.2. The federal crisis team meets regularly, in line with the development of the situation, and steps up its monitoring of the supply situation until none of the three crisis levels is in place;
- European internal market rules continue to apply in full;
- The *gas undertakings* continue to guarantee the supply of natural gas under section 53a of the Energy Industry Act. For this purpose gas undertakings can deploy market-based measures in line with Chapter 4 of this Emergency Plan;

3. Measures to be taken in the respective crisis levels

- Within their respective system responsibilities, *transmission system and distribution system operators* implement measures as defined in sections 16 and 16a of the Energy Industry Act;
- The *gas transmission system operators* provide their situation assessments to the BMWK at regular federal crisis team meetings or team meetings held in view of the overall situation and also on request;
- The *electricity transmission system operators* exchange important information and coordinate their measures as much as possible with the view to maintaining the stability of their individual networks for as long as possible;
- The *gas undertakings* and the *gas market area manager* Trading Hub Europe GmbH (THE) are obliged to support the BMWK with the situation assessment and to take part in the federal crisis team (reporting obligations). Details on reporting obligations of the players in the federal crisis team can be found in the explanations in Chapter 9.2; where necessary, these reporting obligations can be extended by the BMWK;
- The *BNetzA* passes on to the European Commission information about the German gas supply situation under Article 14 (1) a of Regulation (EU) 2017/1938. Where necessary, the gas undertakings affected by the shortage situation provide the BNetzA with daily forecasts and load flow data.
In the course of 2022, the European Commission provided an online form for the passing on of information;
- The *BMWK* passes on all the necessary information, particularly about the measures it is planning, to the European Commission and the competent authorities of the Member States to which Germany is directly connected, under Article 11 (2) sentence 1 of Regulation (EU) 2017/1938.

Measures taken by and reporting obligations of the main players, procedures and likely contributions to the measures to tackle the situation and the information flows between the relevant players in the context of the alert level to prevent a potential national gas shortage situation are not fundamentally different from the measures of the main players of the early warning or alert level to prevent a potential gas shortage situation of regional dimensions (across EU borders). Here, in the case of a gas shortage situation both of national and of regional dimensions, there is an enhanced cross-border dialogue between the gas transmission system operators to offset the bottlenecks (e.g. via the ReCo regional coordination system for gas) established by the European Network of Transmission System Operators for Gas (ENTSOG) in accordance with Article 3 (6) Regulation (EU) 2017/1938. At Member State level, this dialogue takes place in the context of the Gas Coordination Group (GCG) in accordance with Article 4 Regulation (EU) 2017/1938.

3.2.2. Likely contributions of the measures to coping with the effects of the event or to preparing for an event before it happens which have led to the declaration of the alert level

The BMWK, the federal crisis team players and others are informed about the current situation and can take corresponding further steps as necessary in order to counteract a deterioration of the situation.

The measures mean that the supply situation stabilises or that the effects of the indicators described in Table 2 or Table 4 on which the declaration of the alert level is based are mitigated. Further to this, the measures mean that the risk of a worsening of the situation, e.g. the occurrence of a gas shortage situation which could

3. Measures to be taken in the respective crisis levels

lead to the declaration of the emergency level, is reduced. In the ideal case, the measures mean that the alert level can be terminated.

3.3. Measures in the context of the early warning and alert levels in 2022 and 2023

In the course of 2022, several measures were taken to cope with the tense supply situation which continue to apply in 2023 in order to cope with the ongoing tense supply situation. A list of these measures can be found in Annex II of this Emergency Plan in accordance with Article 8 (2) of Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, which expires on 31 March 2024.

3.4. Emergency level: Sovereign / non-market-based measures and tackling the shortage situation

The Federal Government declares by means of a statutory instrument a substantial danger to or disruption of the energy supply / the emergency level. For the emergency level to be declared, it is necessary that the supply situation can probably no longer be maintained by market-based measures, or no longer be maintained in time, or only maintained by disproportionate means. The declaration of the emergency level by the Federal Government in accordance with section 3 (4) sentence 1 Energy Security of Supply Act by a statutory instrument is the precondition for the implementation of measures of the Energy Security of Supply Act and the Ordinance to Ensure the Supply of Gas in a Supply Crisis and for the ensuring of the vital need for gas. The approval of the Bundesrat is not required for this.

The emergency level differs significantly from the early warning / alert level in terms of the instruments available. Whilst at the early warning / alert level, the responsible market players tackle the potential supply bottlenecks on their own responsibility using their instruments, especially under the Energy Industry Act, the supply situation at the emergency level requires that, in addition to market-based measures that are still possible, use can be made of sovereign / non-market-based measures to cover the vital need for gas. Such intervention is only permitted in German law if the emergency is declared in line with the rules of procedure of the Act to Ensure the Supply of Energy and the Ordinance to Ensure the Supply of Gas in a Supply Crisis.

The application of non-market-based / sovereign measures is subsidiary to the application of market-based measures by the market players. Where the (local/EU regional or cross-border) situation permits, preference must be given to measures by the market players, as listed in Chapter 3.1.1 for the early warning level and Chapter 3.2.1 for the alert level. The system operators are responsible in particular for maintaining system stability. They must ensure that the systems are able to transport gas, and so both the transmission system operators and the distribution system operators can where necessary implement network-specific and market-specific measures in the area of their responsibility (in accordance with sections 16 and 16a of the Energy Industry Act).

At the emergency level, the federal crisis team meets daily and, further to that, in line with events; the obligations to take part in the meetings of the federal crisis team exist as described in Chapters 3.1.1 and 3.2.1.

3. Measures to be taken in the respective crisis levels

Market-based measures taken by and reporting obligations of the main players, procedures and likely contributions to the measures to tackle the situation and the information flows between the relevant players in the context of the emergency level to prevent a potential national gas shortage situation are not fundamentally different from the measures of the main players of the emergency level to prevent a potential gas shortage situation of regional dimensions (across EU borders). Here, in the case of a gas shortage situation both of national and of regional dimensions, there is a very intensive cross-border dialogue between the gas transmission system operators to offset the bottlenecks (e.g. via the ReCo regional co-ordination system for gas) established by the European Network of Transmission System Operators for Gas (ENTSOG) in accordance with Article 3 (6) Regulation (EU) 2017/1938. At Member State level, this dialogue takes place in the context of the Gas Coordination Group (GCG) in accordance with Article 4 Regulation (EU) 2017/1938.

The non-market based measures planned or to be implemented at the emergency level to prevent a potential national gas shortage situation are not fundamentally different from the non-market-based measures of the main players of the emergency level to prevent a potential gas shortage situation of regional dimensions (across EU borders).

3.4.1. Measures stipulated in advance which must be taken on the supply and demand side to that gas is available in an emergency

A. Market-based measures at the emergency level

Where the supply situation permits, at the emergency level the market players are required to implement all possible market-based measures under Chapter 4; not least also those that are already listed in the early warning and alert level. In principle, it is the case that at the emergency level market-based measures can also continue to be used in parallel alongside the sovereign / non-market-based measures.

B. Sovereign / non-market-based measures at the emergency level under Regulation (EU) 2017/1938

Sovereign / non-market-based measures within the meaning of this Emergency Plan correspond to sovereign powers of intervention. A (non-exhaustive) list of the non-market-based measures can be found in Annex VIII of Regulation (EU) 2017/1938 and is also set out in this form in the Energy Security of Supply Act and the Ordinance to Ensure the Supply of Gas in a Supply Crisis. They comprise, not exhaustively,

a. Supply-side measures

- Recourse to strategic gas storage (not available in Germany),
- Instruction to use stocks of alternative fuels (e.g. in line with Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ 2009, L 265, p. 9),
- Instruction to use electricity not generated by gas,
- Instruction to increase the production level of gas (if the maximum production capacity has not already been reached),
- Instruction to withdraw gas from storage.

3. Measures to be taken in the respective crisis levels

b. Demand-side measures

Various stages of a binding reduction in demand, including:

- Instruction to switch fuel,
- Instruction to use interruptible contracts where these are not fully used as part of the market-based measures,
- Instruction to reduce consumption or switch off customers.

Further measures are described in Chapter 5.2.2.

c. Measures under the Energy Security of Supply Act

The Energy Security of Supply Act offers a comprehensive range of instruments for sovereign / non-market-based measures to tackle a gas shortage situation. In the course of tackling the energy crisis in 2022, the toolbox of the Energy Security of Supply Act was expanded in line with events at short notice, e.g. with operational measures for private undertakings to cope with the crisis such as *Special Measures for Fiduciary Management and Expropriation*, *price adjustment rights* and *stabilisation measures*, and the implementation of a *digital platform for gas* (cf. Chapter 6) for the operative handling of a gas shortage situation.

The following section lists excerpts from the following provisions under section 1 (1) Energy Security of Supply Act for sovereign / non-market-based measures which can in principle be enacted by statutory instrument on the supply and demand side for a maximum period of six months; an extension is subject to the approval of the Bundesrat. Specific options for action by the BNetzA in its role as federal load distributor can be found in Chapter 5. The Energy Security of Supply Act permits in principle statutory instruments on

- (1) *“the production, transport, storage, distribution, sale, purchase, use, conservation, reduction of consumption and maximum prices for (...) gaseous fuels, (...),*
- (2) *accounting, recording and reporting requirements on the commercial transactions cited (...) above, regarding quantities and prices and other market situations affecting these goods,*
- (3) *the manufacture, maintenance, sale, linking and use of means of production of trade and industry to the extent that these means of production serve the supply of (...) natural gas, as well as on work performed by companies in trade and industry to maintain, repair, manufacture and alter building structures and technical installations which serve the supply of (...) natural gas,*
- (4) *the construction, deployment and operation of digital platforms by the administrative authority or by third parties to prepare and implement measures under numbers 1 to 3; to the extent that third parties are required to construct, deploy or operate a digital platform due to their function, rules must particularly be envisaged on the rights and obligations of the operator, on the obligations of participants in the platform to register and cooperate, and on the design of the costs and fees of operation and participation,*
- (5) *temporary derogations or exceptions for the operation of installations to the extent that these are urgently necessary to secure coverage of the vital need for energy, or for the operation of other installations particularly in order to enable these to switch the input fuel so that this fuel can be made available to ensure the energy supply (...),*
- (6) *temporary derogations or exceptions for the construction, operation and alteration of installations to the extent that derogations or exceptions are urgently necessary to secure coverage of the vital need for energy, or for the operation*

3. Measures to be taken in the respective crisis levels

of other installations particularly in order to enable these to switch the input fuel so that this fuel can be made available to ensure the energy supply (...)."

The statutory instrument can in accordance with section 1 (3) Energy Security of Supply Act particularly provide that *"the sale, purchase or use of goods [gaseous fuels] can be restricted in terms of time, place or quantity, or only undertaken for certain priority supply purposes."* Here, in accordance with section 1 (4), these statutory instruments *"must be restricted to the degree absolutely necessary to overcome the danger or disruption to energy supplies"*.

d. Measures under the Ordinance to Ensure the Supply of Gas in a Supply Crisis

The Ordinance to Ensure the Supply of Gas in a Supply Crisis was adopted on the basis of the Energy Security of Supply Act. It regulates the transfer of the responsibility for load distribution / sovereign measures to the competent state agencies in an emergency. Competent state agencies are the BNetzA in the case of a supra-regional / cross-Länder supply bottleneck, and the Länder in the case of a regional/ Land-specific supply bottleneck. In order to cover the "vital need" for gas giving particular consideration to the protected customers and the minimisation of consequent damage, these competent agencies can issue instructions under section 1 Ordinance to Ensure the Supply of Gas in a Supply Crisis in their function as load distributors.

The BNetzA assumes its role as federal load distributor as the competent state agency if intervention is in the supra-regional interest, if a balance needs to be struck between the interests of the electricity and gas industries, or the use of gas storage facilities and other gas supply facilities of supra-regional significance needs to be regulated. The Land that is regionally affected takes responsibility for load distribution if intervention does not have any supra-regional impact. Since in most cases it can be assumed that a gas shortage situation has supra-regional effects, the BNetzA has the central role as load distributor at the emergency level.

The load distributors can, e.g. under section 1 (1) Ordinance to Ensure the Supply of Gas in a Supply Crisis, issue instructions to cover the vital need

1. *"to undertakings and companies which produce, procure, transport or supply gas or operate the gas storage facilities, via*
 - a) *the extraction, production, purchase, processing, conversion, storage, forwarding, allocation, selling, use, import and export of gas,*
 - b) *the storage, selling and use of primary materials to produce gas;*
2. *to consumers about the allocation, receipt and use of gas and the exclusion from the receipt of gas."*

Further to this, under section 1 (2) Ordinance to Ensure the Supply of Gas in a Supply Crisis load distributors can issue instructions to *"oblige, for example, the gas undertakings and companies which generate, purchase or supply gas as well as the consumers to alter existing contracts within a certain deadline or to conclude new contracts with this content, to the extent that the desired behaviour cannot be achieved, or not achieved in time, via the application of existing contracts. The instruction must stipulate the customary fee or, should this not exist, an appropriate fee for a service."* The same applies accordingly to the other provisions of the contracts.

According to section 1 (3) Ordinance to Ensure the Supply of Gas in a Supply Crisis, the load distributors may *"only issue instructions to the extent that these are*

3. Measures to be taken in the respective crisis levels

absolutely necessary in order to remove or alleviate a danger or disruption to the vital supply of gas.”

e. Specific approach by the BNetzA in its role as federal load distributor

The specific options for action by the BNetzA in its role as federal load distributor deriving from the Energy Security of Supply Act and the Ordinance to Ensure the Supply of Gas in a Supply Crisis are described in Chapter 5. The Gas Security Platform (SiPla), which is used as a central instrument to manage gas consumption at the emergency level, is described in a separate Chapter 6.

3.4.2. Restrictive condition on the implementation of measures

According to Article 11 (6) of Regulation (EU) 2017/1938, the gas undertakings and the competent authorities must, when implementing above-mentioned measures, ensure that

- no measures are introduced which unduly restrict the flow of gas within the internal market;
- no measures are introduced that are likely to endanger seriously the gas supply situation in another Member State;
- cross-border access to infrastructure (...) is maintained as far as technically and safely possible.

The actions of the load distributor at the emergency level must not exert inappropriate influence on the operation of the virtual trading point (VHP) and the transactions made.

3.4.3. Involvement of disaster management services

If there is specific evidence to suggest the possible need to deploy civil defence and emergency services as a result of a large-scale gas supply crisis, the BMWK notifies the competent authority at the Federal Ministry of the Interior and Community (BMI), depending on the specific situation.

3.4.4. Likely contributions of the measures to coping with the effects of the event or to preparing for an event before it happens which have led to the declaration of the emergency level

The described measures mean in their totality that the supply situation stabilises or that the effects of the indicators described in Table 3 or Table 4 on which the declaration of the emergency level is based are mitigated. Further to this, the measures mean that the risk of a long-lasting gas shortage situation is mitigated. In the ideal case, the measures mean that the crisis level can be scaled back from the emergency level to the alert level.

3.4.5. Compensation arrangement in the case of expropriation of gas

Compensatory and equalisation mechanisms in accordance with sections 11, 11a and 12 Energy Security of Supply Act apply in the case that the securing of the coverage of the vital need for gas or the fulfilment of solidarity measures in accordance with Article 13 Regulation (EU) 2017/1938 necessitate the deployment of statutory instruments in line with the Energy Security of Supply Act, i.e. sovereign / non-market-based measures.

3. Measures to be taken in the respective crisis levels

In accordance with section 11 Energy Security of Supply Act, monetary compensation must be paid for an expropriation of the ownership of oil, oil products, other solid, liquid and gaseous fuels, electrical energy and other energy (assets) or of means of production of industry and commerce, to the extent that these means of production serve the supply of electrical energy, in order to cover the vital need for gas within Germany or in a neighbouring country whose infrastructure is connected with Germany. The compensation is made for the economic losses entailed by the expropriation.

The compensation is mainly assessed in line with the acquisition or production costs of the party entitled to compensation at the time of the acquisition or production of the expropriated asset. To the extent that means of production of industry and commerce have been expropriated, their market value determines the level of compensation.

The obligation to pay the compensation lies with the person who benefits from the applied sovereign / non-market-based measure. If there is no beneficiary, the Federation or the Land must pay the compensation if the expropriation was due to an ordinance enacted on the basis of the Energy Security of Supply Act or due to a measure taken by a federal authority, or the Land which imposed the measure must pay the compensation. The compensation is set by the authority which enacted the relevant statutory instrument or measure.

If, as a result of a statutory instrument or measure the affected party suffers damage to their assets which does not fall within the scope of section 11 Energy Security of Supply Act, in accordance with section 12 Energy Security of Supply Act monetary compensation must be paid by the Federation or the Land to the extent that affected party's economic existence is jeopardised or destroyed by unavoidable damage or compensation is appropriate in order to prevent or offset similar unfair hardships (hardship compensation). This is generally appropriate in the case of measures based on a statutory instrument to fulfil the obligation for solidarity measures under Article 13 Regulation (EU) 2017/1938.

If volumes of gas which are stored in gas reservoirs are expropriated by statutory instruments or measures in accordance with the Energy Security of Supply Act, monetary compensation must also be paid by the Federation in accordance with section 11a Energy Security of Supply Act to the relevant user of the gas reservoir.

4. Market-based measures of the market players before and during shortage situations

4. Market-based measures of the market players before and during shortage situations

Germany has a large toolbox of market-based instruments that can help reduce industrial gas consumption. These include market-based instruments and measures by the gas undertakings which are anchored in law in the Energy Industry Act. Market-based measures are measures which can be taken by the gas undertakings active on the market without state intervention. These can be both market-related and system-related measures.

Market-related measures are measures which involve the market, e.g. the purchase of balancing energy or the curtailment of gas supplies. In contrast, system-related measures, e.g. system switching, are not noticed by the market. Measures which the system operators take in accordance with section 16 (1) and section 16a of the Energy Industry Act are market-based within the meaning of Regulation (EU) 2017/1938 and this Emergency Plan.

Further to this, there are measures under section 16 (2) of the Energy Industry Act (where necessary in conjunction with section 16a Energy Industry Act) which are taken by the TSOs if they are unable individually to tackle the danger or disruption in their own system as part of their own responsibility for the system.

To safeguard the supply of natural gas in the event of (potential) supply bottlenecks, gas undertakings have recourse to particular operational measures at short notice, and can introduce such measures in line with their individual, the legal and the regulatory framework and the requirements of Regulation (EU) 2017/1938. This package of measures is fleshed out in greater detail when necessary in a crisis by the gas undertakings, possibly in coordination with and taking account of the risk assessment by the BNetzA. The following list is merely indicative, does not imply any ranking, and does not claim to be exhaustive.

4.1. Market-based measures of the gas traders and suppliers

A. Procurement-side flexibility

Gas traders and suppliers, especially producers and importers, use existing flexibility on the procurement side to safeguard the supply of their customers in (potential) shortage situations. In the event of disruptions to supply, the affected gas traders and suppliers will rapidly endeavour to obtain substitute quantities. In particular, this includes the use of flexibility in the import sector and the deployment of quantities of stored gas booked by them in the interest of the system. In the same way, use will be made of flexibility on the national and international sales side.

B. Trading on the virtual trading point of the gas market area manager (THE)

The operation in principle of the virtual trading point and the trading based on it including supply and nomination on the trading point is also envisaged and ensured at the emergency level.

The European Energy Exchange (EEX) operates the spot market in the gas shortage situation as long as the virtual trading point is made available by the market area manager and operations are not prohibited by law. As a result, the following can basically be ensured:

- Important price signals also arise on the market during the emergency level, meaning that existing supply obligations and the balancing of balancing groups can be organised on a market basis. The EEX trading platform thus offers market

4. Market-based measures of the market players before and during shortage situations

participants the possibility to do business even during the emergency level. This creates further incentives to import the largest possible volumes of gas to Germany.

- System-relevant trade in balancing energy, congestion management to maintain the Germany-wide market area, and the setting of balancing energy prices by THE are made possible in line with the statutory requirements on the EEX.

C. Responsibility for balancing group management

The responsibilities for balancing group management remain in place during the emergency level.

4.2. Market-based measures by the transmission and distribution system operators and their implementation

Acting on their own responsibility, the gas undertakings decide which measure is required and appropriate to ensure the functioning of the market, the maintenance of system stability, and the supply of gas to protected customers for as long as possible, with due regard to the specific grid hydraulics, emergency and supply situation. Within the meaning of Regulation (EU) 2017/1938, and within the framework of their legal and technical options, the gas undertakings give preference to those measures which have a comparable effect but the least impact on the environment and the economy. In principle, the gas system operators are obliged as part of their responsibility for the system under the Energy Industry Act to ensure the operation of secure and reliable grids. Here, the transmission and distribution system operators play a key role in ensuring the gas supply on the basis of sections 15, 16 and 16a of the Energy Industry Act.

Where the grid operators cannot remove, or cannot remove in time, a disruption or danger to the security and reliability of the gas supply system by grid-related or market-based measures (section 16 (1) Energy Industry Act), this must be done by the grid operators using the measures under section 16 (2) Energy Industry Act. The supply to solidarity protected customers in neighbouring countries should not be affected by corresponding measures.

In interaction with the requirement of section 53a Energy Industry Act, they must play a major role in ensuring that the supply of protected customers within the meaning of the European Regulation concerning measures to safeguard the security of gas supply 2017/1938 (Gas SoS Regulation) is upheld, even when there is a partial interruption to the gas supply, as long as this is reasonable in economic terms in accordance with section 53a sentence 2 Energy Industry Act. The protected customers are household or standard load profile (SLP) customers, basic welfare services and, in certain circumstances, district heating facilities.

A. Use of internal balancing energy

The potentially available line pack is used in the gas grids to manage short-term fluctuations in the balance of the system. This approach is applied both within market areas and universally.

B. Optimisation of load flow

Optimisations are made within the gas networks and with other system operators in the market area to make maximum use of transmission capacities available.

4. Market-based measures of the market players before and during shortage situations

C. Request for external balancing energy

Balancing energy is deployed by the gas market area manager, Trading Hub Europe GmbH (THE), whenever the relationship between volumes of gas taken off and fed into the grid is not balanced. Balancing energy is the key mechanism for balancing supply and consumption even during a gas shortage. To offset deficits in the market area balance arising from insufficient input, THE purchases volumes on the wholesale markets.

D. Use of external local balancing energy / balancing energy at specific network points

Where the deployment of external balancing energy has not achieved the desired effect, THE purchases gas at short notice. Also, THE purchases the following balancing energy products which are effective locally or at specific network points in order to offset deficiencies in the various parts of the system. The exchange-based balancing products currently used by THE and the balancing products on THE's platform are established instruments that are tendered in market-based procedures. In principle, gas consumers can already participate on both platforms today. The existing products of Long Term Options (LTOs) and Short Term Balancing Services (STBs) are of interest for industrial consumers in particular.

- **Long Term Options (LTOs)**

The quantity of LTOs to be tendered is agreed in advance of each winter between THE, the BMWK and the BNetzA. Short-term special auctions may also take place during the winter as a supplementary means of ensuring demand for balancing energy is met.

LTOs oblige the provider to maintain the contracted capacity for the duration of the contracting period in case it should be required. Bids to maintain capacity within a balancing energy zone or subzone can be made for the LTOs. When they are called on, the volumes must be delivered at all entry and exit points which can be nominated and at exit points with registered performance measurement in the respective balancing energy zone or subzone. In order to increase the readiness and operative possibility for industrial end users to participate in the balancing energy market, the number of possible days on which the capacity can be called up within a commissioning period has been restricted, and the possibility opened up for the pooling of different flexibility sources.

An independent long-term balancing energy product to realise demand side management potential (DSM product) was merged with the LTO product on 1 January 2018.

- **Short-Term Balancing Services (STBs)**

STBs cover short-term and locally restricted supply bottlenecks. THE can use STBs at short notice in case of need to achieve balancing energy potential which suppliers cannot offer via the standardised trading products (e.g. industrial customers can offer reductions in consumption in return for payment of a contracted price). STB tenders are only issued at short notice if there is a specific need for these.

- **Load Reduction (LRD) balancing energy product**

As of 1 October 2022, the gas market area manager, Trading Hub Europe GmbH (THE) was commissioned by the BMWK and the BNetzA to develop an additional Load Reduction (LRD) balancing energy product. The LRD places a special focus on the activation of potential switch-offs by industrial consumers.

4. Market-based measures of the market players before and during shortage situations

The implementation of this balancing energy product takes place within MOL (Merit Order List) range 4.

Similar to balancing energy products are the **load flow commitments** used in Baden-Württemberg, where companies commit to reducing gas consumption to help prevent grid congestion.

E. Storage Act and bidding for strategic options to hold gas in reserve (Strategic Storage-Based Options, SSBOs)

In accordance with the Storage Act, which came into force on 30 April 2022, THE has to invite bids for Strategic Storage Based Options (SSBOs) to ensure security of supply.

SSBOs consist of two contract components. Firstly, SSBO contracting parties undertake to physically store a certain amount of gas in storage facilities by certain cut-off dates. Secondly, THE is granted access to a share of these quantities.

The instrument of SSBOs also addresses those gas traders who – due to savings by their "normal" customers – will use the purchase volumes released from their supply contracts to offer SSBOs. In principle, such SSBOs can be offered in cooperation between an industrial customer and its supplier.

F. Redistribution of volumes of natural gas in collaboration with system operators

Agreements are reached with directly connected domestic and foreign system operators on possible ways to temporarily redistribute input volumes to other entry points in order to avoid acute transmission bottlenecks and thereby improve the distribution of the volumes available.

G. Load flow commitments

Contractually binding commitments between gas undertakings are used to distribute volumes, in order to shift or provide gas flows at certain entry and exit points.

H. Interruptions on a contractual basis (interruptible contracts)

System operators use their contractual rights to interrupt outtake at relevant points in order to reduce the load. In particular relevant points can include border-crossing points, market area boundaries, grid connection points and storage connection points. The interruptible outtake contracts contain commercial arrangements for this purpose. The non-firmly agreed share of the internal order can also be interrupted.

If network operators and final consumers agree in a contract on the interruptibility of the use of gas connections on the basis of section 14b of the Energy Industry Act, the DSOs calculate a reduced network fee in return.

It might be necessary to waive obligations in interruptible input contracts in order to incentivise the balance responsible parties to redistribute input capacity to underserved areas of the network.

The operator of a gas-fired power station which is designated as systematically important for the electricity supply system and its DSO take account of firm capacities for access to the gas supply system.

4. Market-based measures of the market players before and during shortage situations

I. Further powers and obligations of the transmission and distribution system operators

If the individual system operators prove unable to remove the danger or disruption in their system in the context of their own responsibility for the system using the afore-mentioned measures, they are *“entitled and obliged to adapt all gas input, gas transport and gas offtake in their systems to the needs of a secure and reliable operation of the systems or to require this adaptation”* in the context of cooperation under section 16 (2) in conjunction with section 15 (1) of the Energy Industry Act. As far as possible, *“the relevant operators of other transmission and distribution systems and gas traders (...) are informed in advance”*.

The same applies pursuant to Section 16a of the Energy Industry Act to the DSOs.

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

The options open to the BNetzA as the federal load distributor during a gas shortage situation should be described as transparently as possible. The comments in this chapter are subject to a constant further development in a dialogue between the BNetzA and policy-makers, ministries, business associations and civil society.

In a gas shortage situation, the federal load distributor is tasked with ensuring that the vital demand for gas is covered in accordance with section 1 Energy Security of Supply Act and section 1 Ordinance to Ensure the Supply of Gas in a Supply Crisis. In practical terms, the task of the federal load distributor is to procure volumes of gas and to reduce gas consumption. The aim is to resolve “shortage zones” which are expected or which are reported by the transmission system operators. Such shortage zones arise when the gas market area manager (THE) cannot procure sufficient volumes of gas on the market as balancing energy for an under-supplied grid area. A shortage zone can be limited to a region or specific to a Land, stretch across Länder, or affect the whole of Germany; hydraulic grid restrictions within a shortage zone are disregarded. This chapter is based on the assumption that every measure within a shortage zone can be equally effective.

In the emergency situation, the federal load distributor will make a forecast for the following nine days on the basis of the shortfalls cited by the transmission system operators and further data points. The decisions weighed up by the federal load distributor are taken using the criteria sketched out below, generally for a period reaching beyond this time-line.

The decisions to be taken in a shortage situation are always case-by-case decisions because the circumstances depend on so many parameters (e.g. gas storage levels, weather conditions, European needs, savings made, etc.) that they cannot be predicted. For this reason, the BNetzA does not prepare any abstract switch-off or consumption-reduction sequence. An abstract sequence would not be adequate, given the complexity of the decision-making process, and would not be suitable for the finding of viable solutions in advance. Rather, the decisions have to be taken with a view to the interests and importance of the affected players, but also with a view to the technical grid situation and the existing gas flows, weighing up all the factors.

The aim of the federal load distributor is to impose the reduction of volumes of gas in such a way that the provision of vital goods and services is safeguarded. Ultimately, the different factors have to be weighed up. These decisions are based on a number of building blocks which the BNetzA uses in its role as federal load distributor to resolve gas shortage situations. These building blocks consist of information obtained via the Gas Security Platform (SiPla) and via the dialogue between the federal load distributor and the transmission system operators, the market area managers and the ministries and authorities of the Länder, and also possibly via further analysis.

In order to obtain the data needed for a differentiated approach by the federal load distributor – particularly in terms of economic, ecological and social repercussions – the BNetzA has set up the Gas Security Platform described in Chapter 6. The Platform is to render the volume of data manageable and, in particular, up-to-date. This means that, in a first step, the approx. 2,500 large-scale gas consumers, balance responsible parties and transmission system operators can register and keep updating their data.

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

In addition to core data, information about current and planned gas consumption is requested and analysed. This information helps the federal load distributor in the event of a gas shortage situation to take well-founded decisions on necessary reductions in supply in a crisis. In a second step, the Platform is also being extended to include gas distribution system operators, gas reservoir operators and gas reservoir users.

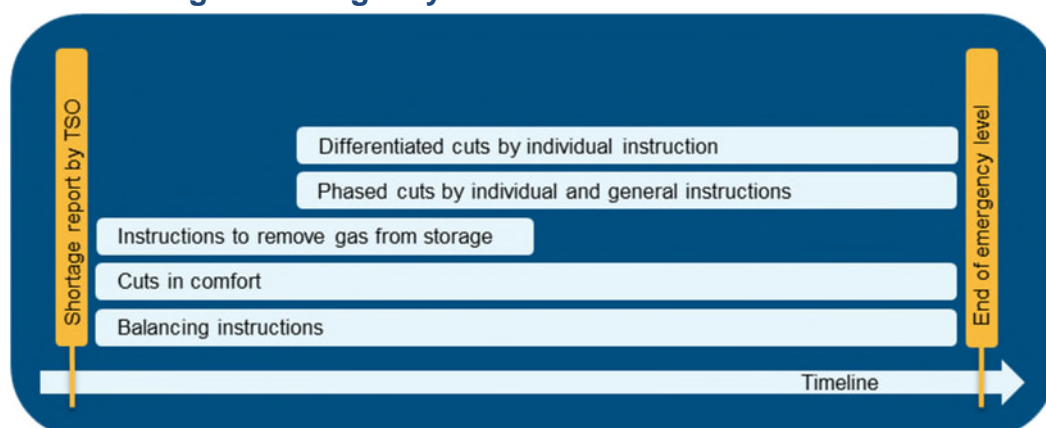
In the summer of 2022, the BNetzA commissioned Prognos AG to study “gas consumption of manufacturing sectors – analysis of value chains”; the study was published on 16 March 2023 and can be found at <https://www.Bundesnetzagentur.de/DE/Gasversorgung/Krisenvorbereitung/Download/StudiePrognos.html>. The content of the study is the presentation and analysis of value chains for fundamental preparations for a potentially necessary reduction in gas purchase volumes (gas shortage situation). The study provides abstract pointers to production sectors in which the negative consequences of a gas purchase reduction would likely be smaller than in others. But it does not provide for a specific “switch-off sequence”; rather, it provides the federal load distributor with an additional basis for the decisions it weighs up and takes during the emergency level.

In methodological terms, the study collates gas consumption data, information about value chains and the list of critical infrastructure (KRITIS) of the Federal Office of Civil Protection and Disaster Assistance (BBK) and takes account of the statutory requirements regarding protected customers. “KRITIS” means organisations or facilities which are of significance for society in general and whose failure or impairment would cause lasting bottlenecks in supply, substantial disruptions to public security or other dramatic consequences. As a result, the study delivers figures for 78 aggregated manufacturing sectors, regarding their protected status, significance in value chains, and degree of complexity.

5.1. Options for the federal load distributor to tackle shortage zones: instructions regarding offtake, cuts for final consumers by general and individual instructions

The federal load distributor takes decisions which weigh up the information available to it. These decisions impose measures by the federal load distributor which can resolve a shortage zone. The following options for action are basically possible. However, these are not necessarily available in every case, or do not always promise effective outcomes:

Figure 1: Options for the federal load distributor over time to tackle shortage zones during the emergency level



5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

5.1.1. Offtake instruction concept

Instructions regarding offtake should be issued in stages:

Table 6: Offtake instructions in three stages

Stage	Description
1st stage	Removal from storage of strategic options to store gas in reserve (SSBOs) held by THE, the gas market area manager; if necessary also possible before the emergency level in line with section 35d Energy Industry Act and in consensus with BMWK and BNetzA
2nd stage	Removal from storage of volumes of gas purchased by THE, the gas market area manager
3rd stage	Removal of other gas volumes by the storage users

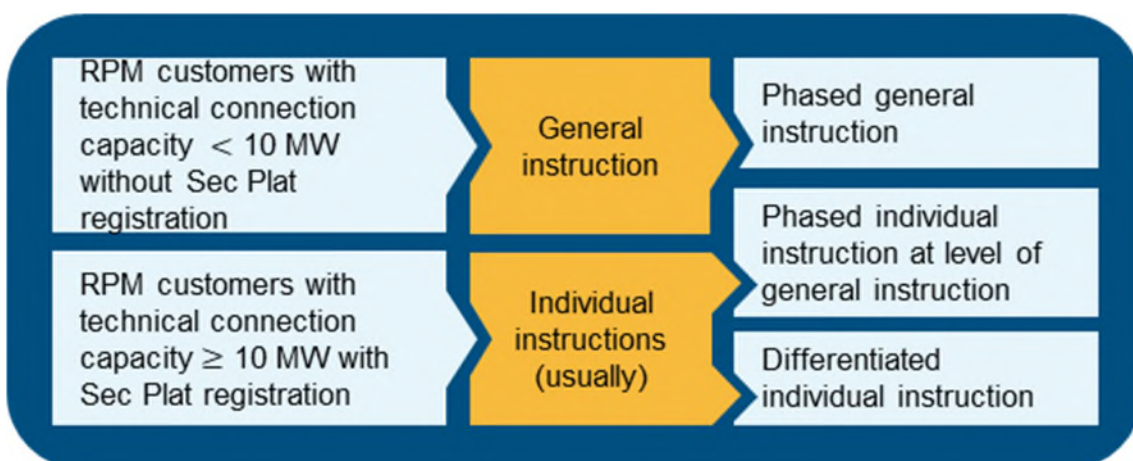
The instructions on removal of gas from storage and the release of volumes under section 35d Energy Industry Act serve not only to tackle a shortage but also to gain time in a gas shortage situation by boosting supply (in the optimal case – depending on the situation – 72 hours and more) so that the final consumers have more time to adapt to a potential need to scale back their gas consumption. Corresponding measures are initially addressed to the gas market area manager which has stored gas, and then to the other storage users.

5.1.2. Cuts for final consumers concept

At the same time as the instructions to remove gas from storage are issued, instructions for gas consumption cuts should be issued, some time before they take effect, to customers with registered performance measurement in order to reduce demand and thus to remedy the shortage as the gas shortage situation develops. Phased cuts in gas consumption could be imposed on these customers by the federal load distributor – both via general instructions and via individual instructions.

Whilst the general instructions would be announced on the BNetzA website and by press releases, the individual instructions would be announced by email via the Gas Security Platform.

Figure 2: Possible system of individual and general instructions



5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

A. Design of the general instructions

The general instructions are issued for all customers with registered performance measurement but which are not registered on the Gas Security Platform. Here, there are exceptions for protected customers in line with section 53a Energy Industry Act and manufacturing sectors which particularly merit protection.

General instructions

- impose a percentage in comparison with the preceding week's gas consumption,
- take account of voluntary gas savings that have already been made,
- make pooling possible,
- make exceptions in the case of danger e.g. to life or limb, or impending damage to facilities, animals or the environment.

Notes on the BNetzA website provide further details for the design of the general instruction, such as voluntary gas savings and pooling.

The specific design and the exceptions could be adapted in line with the specific situation. The scope of vital needs must be determined in the specific situation – particularly in relation to the available gas volumes, the likely duration of the gas shortage situation and the ambient temperature. The needs of the electricity market are also considered in an arrangement for gas-fired power stations.

B. Design of individual instructions

A distinction must be made between the following two types of individual instructions in the case of reduction obligations imposed by the federal load distributor via email to the final consumers registered on the Gas Security Platform.

Table 7: Phased and differentiated individual instruction

Phased individual instruction	Differentiated individual instruction
<ul style="list-style-type: none"> - based on the benchmarks of the general instruction - addressed to the final consumers registered on the Gas Security Platform - provides for exceptions from the instruction on the basis of specific data from the companies - makes pooling possible 	<ul style="list-style-type: none"> - takes account of further criteria obtained via the Gas Security Platform - takes account of potential differentiation criteria depending on products, gas intensity, value creation, economic impact, substitutability, position in supply chains and relevance of individual goods, - may impose substantial cuts on gas consumption, even a total prohibition
<p>The individual phased cut is the equivalent of the phased general instruction; it is issued to the customers with registered performance measurement which are not registered on the Gas Security Platform. Here, instead of a percentage reduction requirement – as in the general instruction – an absolute performance value in</p>	<p>The individual differentiated cut will likely be imposed on the basis of an individualised weighing-up process. In this instruction, reduction obligations are imposed on end users where an overall consideration, particularly in terms of welfare economy aspects, shows that the procurement of corresponding volumes of gas by the respective end user is both efficient and proportionate.</p>

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

Phased individual instruction	Differentiated individual instruction
MWh/hour is stipulated, which the addressee must achieve at least as a daily average.	

For the phased and the differentiated individual instructions to be issued, the addressee must be registered on the Gas Security Platform. Customers using a connection with a technical capacity of more than 10 MWh/hour are required to register on the Gas Security Platform.

In its role as federal load distributor, the BNetzA intends to take account of gas savings already made when imposing phased cuts in gas consumption. Voluntary reductions therefore do not place companies at a disadvantage. In this way, companies also have no incentive to consume more gas than necessary in advance. Two time periods exist for the consideration of gas savings already made: a current reference period and a historical reference period; these can be adjusted by the BNetzA if, for example, efforts by industry to save gas decline substantially; the aim is to keep the incentive to make savings as high as possible.

A full prohibition of gas savings is imposed by a “substitute performance”. The substitute performance is a means of enforcement used when companies fail to comply with the imposed gas consumption cut. The federal load distributor can also draw on the expertise of third parties for the technical implementation of the cessation of gas purchases. Generally, these expert third parties will be the local system operators. In a specific case, a contract commissioning a substitute performance is concluded with the system operators.

5.2. Further options for the federal load distributor to tackle shortage zones

There are the following further options for the federal load distributor to tackle shortage zones beyond those described in Chapter 5.1.

5.2.1. Increase in supply

- Order to increase gas production in production installations via the issuance of a general or individual instruction (if the maximum production capacity has not already been reached),
- Order on the import of gas via the issuance of an individual instruction.

5.2.2. Reduction in demand

- Order of the substitution of gas in bivalent power stations, if not yet undertaken, via the issuance of an individual instruction,
- Order of a substitution of gas by non-protected end users with ≥ 10 MWh/hour via the issuance of an individual instruction,
- Order of an export reduction by transmission system operators at border crossing points via an individual instruction,
- Order of a gas consumption reduction in the case of protected final consumers via the issuance of a general instruction (reduction in comfort).
- Order of a switch-off of grids or sections of grids by system operators (transmission system operator and / or distribution system operators) by the issuance

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

of individual instructions as a last resort. The switch off of a grid affects all parties and all types of customers. Furthermore, considerable effort is required to bring the facilities back into service. This measure is therefore likely to be one of the last measures taken in the decision weighing up the interests.

5.3. Balancing by the federal load distributor

The BNetzA basically intends to maintain the current market rules for balancing of gas volumes during the emergency level. The existing fundamental balancing system for gas volumes is essentially based on balance responsible parties keeping input and offtakes in balance. This obligation is supported by the system via a volume-maintaining and fee-based balancing mechanism. However, changes to the balancing system are needed in order to meet the specific goals during the emergency level, and particularly to ensure the physical effect of imposed consumption reductions. Here, a distinction must be made between the following two cases:

A. Simultaneous imposition of general instructions for phased cuts by end users and for feed-in by balance responsible parties

At the emergency level, the federal load distributor can, alongside a general instruction imposing a phased reduction by final consumers with registered performance measurement, at the same time impose an additional general instruction on all the balance responsible parties in the market area. This prohibits the balance responsible parties from reducing feed-in into their balancing groups to the extent of the imposed consumption cut. This prevents the balance responsible parties (in line with the general principles of the balancing system) from reducing the feed-in into their balancing groups by the amount of the prescribed phased cut. If they did so, the feed-in into the market area would decline by the same amount as the offtake. The instruction ensures that the additional volumes of gas needed for the supply are made available in principle either by the traders via the virtual trading point or, in line with the existing balancing group system, via the market area manager in order to offset missing volumes. Since it is not possible to break down the allocation of gas volumes to balancing groups in this situation, however, the possibility cannot be excluded that, when these volumes are sold on the virtual trading point, these volumes flow out into adjacent markets and thus might reduce the proportion of the volume available for supply to the German market area.

B. Expropriation and transfer of gas to the balancing group of the federal load distributor

In the case of individual instructions and instructions to remove gas from storage by the federal load distributor, in which volumes can in contrast be specifically allocated to balancing groups, there is therefore an expropriation of the volumes of the balance responsible party for which instructions have been issued to larger end users and storage users via an explicit transfer of the reduced volumes into a balancing group of the federal load distributor. The transferred volumes are actually securely available to the market area manager through the balancing energy system in order to cover vital needs. This ensures that these volumes remain exclusively within the grid of the German market area.

5. Instruction concept of the BNetzA in its role as federal supply distributor during the emergency level

5.4. Decisions by the federal load distributor weighing up interests

5.4.1. Application and determination of the criteria for the weighing-up

In order to weigh up the measures to be applied, the federal load distributor will consider, amongst others, the following criteria. Clear and permanently valid force of these criteria cannot be derived from individual rules, from the principle of proportionality, or from de facto circumstances. Further to this, the BNetzA continuously examines whether the possible consideration of gross value added may lead to further optimisation of the weighing-up process.

- Urgency of the measure, particularly in light of the degree of the gas shortage situation,
- Size of the installation and its gas consumption, and thus the impact of a reduction in gas supply,
- Run-up time needed to cut gas consumption or an orderly switch-off of the production facilities or necessary run-up time to adapt the production chains to reduced consumption,
- Expected damage to the economy/the company,
- Cost and duration of bringing the facility back into service following a gas supply reduction, where possible,
- Impact on the supply to the population with critical goods and services.

In the long term, the BNetzA intends to also make a distinction as to whether the goods missing due to a loss in production caused by a gas shortage can be imported, and whether and to what extent companies are part of supply chains. This consideration is in line with the present state of preparations and results from the discussions with the energy industry and the associations of the end users. It will require comprehensive economic policy information and comprehensive information about internal situations within companies, as these never manufacture just a single product. It is not possible at present to implement these further-reaching assessments.

5.4.2. Situation-based action

There is no specific sequence in which gas consumption is reduced by consumers. The order to reduce consumption is the result of decisions weighing up interests in the light of the actual and foreseeable situation at the time. For example, a longer run-up period permits not least a more detailed weighing up – also in coordination with companies that may be affected and with the crisis units of the Länder. The selection and scope of the measures taken depend on the specific nature of a gas shortage situation. In principle, the mildest action should always be taken in the light of the situation. Simply for this reason, there cannot be an approach which is completely fixed in advance for specific consumers or sectors.

If the run-up time is too short, it will not be possible to exhaustively examine and weigh up all the criteria. But a longer run-up time also means that there has to be an assumption that there will be a deterioration or at least a continuation of a bad situation. The available volumes in storage will also have a particular influence on the length of the run-up period which can be granted to final consumers before orders to cut gas consumption take effect. Here, it is necessary to weigh up how sensible it is to use storage facilities at a very early stage and to the greatest possible extent to provide gas. The deployment therefore also greatly depends on the medium- and long-term forecasts of the supply situation.

6. Gas Security Platform (SiPla)

6. Gas Security Platform (SiPla)

As a digital platform for data-sharing and communications, the Security Platform permits the handling of a variety of prices to cope with crisis situations at the emergency level and with solidarity requests from EU Member States connected to Germany. In addition to the measures in Chapter 3.4, a separate chapter is devoted to a description of the Gas Security Platform. The Gas Security Platform was developed by the BNetzA and the gas market area manager, Trading Hub Europe GmbH (THE) on the basis of section 1 (1) figure 4 Energy Security of Supply Act in conjunction with section 1a Ordinance to Ensure the Supply of Gas in a Supply Crisis. It has been provided by the market area manager since October 2022.

The Gas Security Platform is a data portal on which, for example, all gas end users which have connections at market locations with technical capacity of more than 10 MWh/hour must register themselves. The aim is to provide the BNetzA with current data online in a database in a gas shortage situation. The companies' data are not public.

The Gas Security Platform is intended to provide important information for decisions by the federal load distributor in an emergency situation. The data provided help the federal load distributor particularly in its decision on necessary supply reductions during the emergency level. Here, the Gas Security Platform can

- provide data for the decision on a possible gas supply reduction,
- deliver up-to-date information about the consumption situation and recommendations by the system operators as to which regions need load reductions,
- serve as a communication and data-management tool between the federal load distributor, transmission system operators, distribution system operators, end users, balance responsible parties and in future also storage operators and users,
- pass on instructions by the federal load distributor to gas consumers to reduce gas purchases,
- undertake single-sided nominations in balancing groups to transfer gas volumes to the balancing group of the federal load distributor,
- optimise processes in a gas shortage situation via the central provision of data. Here, the federal load distributor can also take account of short-term data changes in order to be able to respond as quickly as possible to current developments.

The allocation of the switch-offs by the gas consumers to the grids and the balancing groups e.g. of gas suppliers or gas traders takes place via a unique identification number (market location ID). The system operators provide this Gas Security Platform allocation and keep it updated.

In its role as federal load distributor, the BNetzA can issue instructions in accordance with section 1 Ordinance to Ensure the Supply of Gas in a Supply Crisis via the Gas Security Platform to

- a) undertakings and companies which produce, procure, transport or supply gas or operate the gas storage facilities, and
- b) consumers about the allocation, receipt and use of gas and the exclusion from the receipt of gas.

Such instructions represent sovereign / non-market-based measures which have been stipulated in advance within the meaning of Regulation (EU) 2017/1938. Under section 1 Ordinance to Ensure the Supply of Gas in a Supply Crisis, orders can be made e.g. to

- increase the removal of gas from storage,
- substitute gas by oil or other fuels,
- use electricity not generated from gas,

6. Gas Security Platform (SiPla)

- restrict the electricity production in gas-fired power stations,
- increase the production level of gas (if the maximum production capacity has not already been reached),
- heat public buildings,
- reduce the consumption of gas by large-scale or other end users,
- curtail industrial customers,
- use the storage reserves of alternative fuels,
- restrict cross-border gas flows (bearing in mind the requirements of Article 10 (4) and Article 11 (6) Regulation (EU) 2017/1938.

With the aid of the Gas Security Platform, and on the basis of the Act to Ensure the Supply of Energy and the Ordinance to Ensure the Supply of Gas in a Supply Crisis, it is also possible at the emergency level within the meaning of Article 10 (1) sentence 1 I and Article 10 (1) sentence 2 of Regulation (EU) 2017/1938 to prevent as far as possible undue gas consumption of customers who are connected to a gas distribution or transmission network, without jeopardising the reliable operation of the gas grid or bringing about insecure situations. In this way, it is possible to prevent gas that is determined in an emergency for the essential consumption by protected customers from being consumed by non-protected customers.

7. Information flows between the relevant players in the crisis levels

7. Information flows between the relevant players in the crisis levels

7.1. Description of the information flows between the players in the early warning and alert levels

The information flows between the players in the early warning and alert levels derive from the descriptions in Chapters 2 and 9.

7.2. Description of the information flows between the players in the emergency level

The first information that the emergency level of the Emergency Plan for Gas is to be declared by the Federal Government is provided by the BMWK via the federal crisis team.

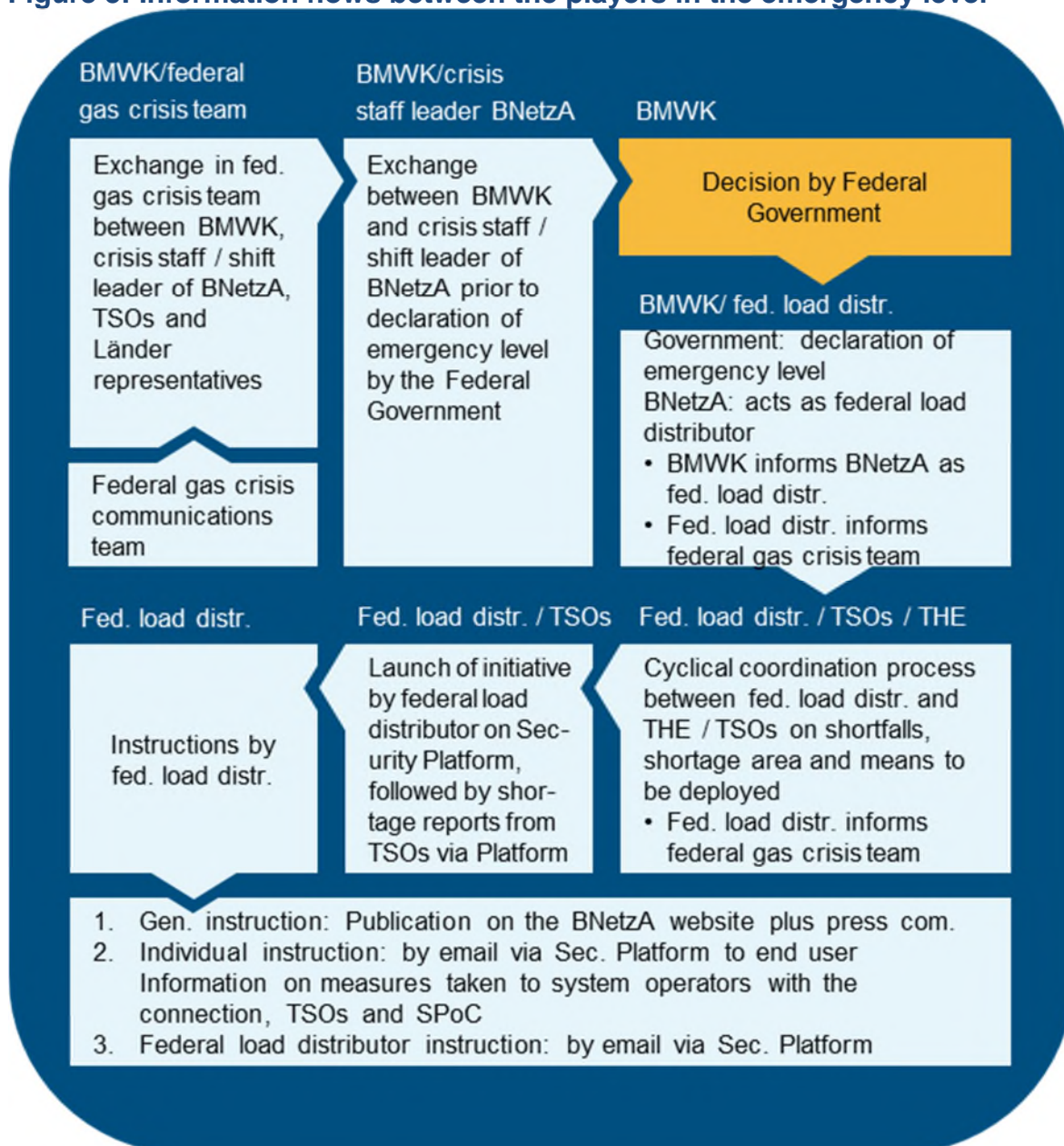
Even before the emergency level is declared by the Federal Government, a corresponding dialogue is envisaged in the federal crisis team between the BMWK, the head of the BNetzA crisis staff, gas transmission system operators, the gas market area manager Trading Hub Europe GmbH (THE), representatives of the ministries of the Länder responsible for gas crisis management, and other players involved in the federal crisis team. In particular, there is a detailed dialogue between the BMWK and the head of the BNetzA crisis staff so that the federal load distributor is informed in good time and can make the corresponding preparations. The relevant ministries in the other Länder are also involved in the information flow via the multiplier role of those Länder whose ministries responsible for gas crisis management are represented in the federal crisis team. The flow of information amongst the Länder, i.e. for example between the Länder authorities responsible for energy and those responsible for interior policy, is regulated by the 16 Länder themselves on their own responsibility.

Once the emergency level has been declared by the Federal Government, the BNetzA starts acting as the federal gas load distributor. In turn, the federal crisis team is informed by the federal load distributor about the commencement of work as the federal load distributor.

Following information from the TSOs to the federal load distributor that there is a gas shortage situation, the federal load distributor launches an initiative on the Gas Security Platform (SiPla). The TSOs then provide data on the corresponding shortage volume in their grid areas. On the basis of the shortage volume reports, the federal load distributor determines the necessary reductions and draws up the instructions. The general instruction is published on the website of the BNetzA and via the media. The individual instruction is sent by email to the end user via the Gas Security Platform. The system operators which have the connection, and the Single Points of Contact (SPoCs) of the relevant Länder and electricity TSOs also receive information about the reductions in gas supply that have been imposed by an individual instruction where this information is of relevance to the respective player. The balance responsible party also receives its instruction about the maintenance of entry by email via the Platform.

7. Information flows between the relevant players in the crisis levels

Figure 3: Information flows between the players in the emergency level



The communications with the Länder take place between the gas crisis staff of the BNetzA and the SPoC nominated by the Länder to the BNetzA. The gas crisis staff of the BNetzA informs the Länder about an enforcement by substitute performance and that this necessitates support from the Länder. In turn, the SPoC of the Länder provides the federal load distributor where necessary about individual region-specific / Land-specific, particularly critical information.

The monitoring of compliance with the individual instructions by the end users takes place via the Gas Security Platform; compliance with the general instructions is monitored via the system operator which has the connection and reports to the federal load distributor. In the case of non-compliance with the issued instructions, the federal load distributor can impose administrative enforcement. Further to this, violations can be punished by a fine, or in the case of repeated or serious violations, by imprisonment of up to two years or a fine, cf. section 15 Energy Security of Supply Act.

8. Special measures for the electricity sector and the district heating sector

8. Special measures for the electricity sector and the district heating sector

8.1. District heating sector

Unlike the electricity and gas market, the district heating market is not regulated in Germany, so there are basically very few data available about the district heating market. District heating networks are operated in Germany at municipal level or the regional level of the Länder. Due to the lack of a comprehensive data basis at federal level, it is not possible to answer the question of the extent to which a disruption to the gas supply will impact the district heating sector or to compile a list of measures and actions which can help mitigate potential repercussions on the district heating sector of a disruption to the gas supply. It is not possible to make a list of measures and actions since there is a lack of knowledge of the specific municipal and regional heating networks and their vulnerabilities.

The potential repercussions of a disruption to the gas supply on the district heating sector always depend on the specific case and the size of the heating network. It is therefore not possible to undertake an abstract harmonisation. The same goes for specific measures. In the case of a supply failure, each individual provider at municipal or regional level is responsible for restoring the heat supply. Here, it is necessary to bear in mind that the share of district heating used to supply protected customers with heat is counted as a protected customer.

8.2. Supply of electricity generated from gas

In order to reduce potential repercussions of a disruption to the gas supply for the electricity sector, various reserve installations are maintained by the electricity TSOs.

- Under section 13d (1) of the Energy Industry Act, the TSOs are to maintain installations – as what is called the ‘grid reserve’ – for the purpose of ensuring the security and reliability of the electricity supply system particularly for the management of congestion in the system, for voltage stability and to ensure a possible restoration of supply. The grid reserve is made up of installations designated as systemically relevant which otherwise would be decommissioned by their operator, and of adequate installations in other European countries which have been secured on a contractual basis.
- Pursuant to section 13e (1) sentence 1 of the Energy Industry Act, the TSOs maintain reserve capacity in order to be able to request this ‘capacity reserve’ in the case of a danger to or disruption of the security or reliability of the electricity supply system and thus be able to offset deficits in systems adequacy in the German Grid Balancing Alliance (NRV).
- According to section 11 (3) Energy Industry Act in the version of 22 July 2017 in conjunction with section 118 (33) Energy Industry Act, TSOs can keep special technical resources for the operation of the system in reserve in order to restore the security and reliability of the electricity supply system in the case of an actual local failure of an operating resource in the transmission system (“curative redispatch”).

Stockpiling certain primary energy sources can help to ensure the availability of emergency supplies, including the supply of electricity via back-up power systems and the supply of heat. For example, the Petroleum Stockholding Act provides that domestic stockpiles of oil and derived products such as petrol or diesel be maintained by the German National Petroleum Stockpiling Agency (EBV). On the basis

8. Special measures for the electricity sector and the district heating sector

of the Energy Security Transport Ordinance (EnSiTrV), the rail-based shipments of oil and coal must be given priority treatment where this is necessary to ensure the supply of fuel and the transport takes place via the energy corridor network defined in Annex 1 of the Energy Security Transport Ordinance (section 1 (1) and (2) of the Ordinance). The ordinance expires in March 2024.

In accordance with sections 35a ff. Energy Industry Act in conjunction with the Gas Storage Level Ordinance (GasSpFüllstV), the following storage levels must be complied with on the following dates:

- on 1 October: 85 per cent,
- on 1 November: 95 per cent,
- on 1 February: 40 per cent.

Furthermore, according to section 13f of the Energy Industry Act, the TSOs may designate certain gas-fired power stations as systemically relevant (wholly or partly) for the generation of electrical energy from gas. These installations are obliged to make use of any possibilities to switch fuel in order to secure their generation capacity. Should an emergency situation urgently necessitate the supply of natural gas, it is possible to take measures pursuant to section 16 (2a) of the Energy Industry Act by ensuring a preferential fuel supply to the plants in order to avoid supply shortages or interruptions.

Further to this, the four German TSOs (*Amprion GmbH, TransnetBW GmbH, TenneT TSO GmbH, 50Hertz Transmission GmbH*), BMWK and BNetzA introduced “winter monitoring” to keep a close eye on electricity security in Germany in the winter of 2022/23. The central parameters of a secure electricity supply were assessed on a weekly basis in order to identify challenging developments for the decision-makers at an early stage so that they can be managed. Specifically, for example, the availability of energy carriers, the supply logistics, the power plant availability, developments in electricity demand, the availability of balancing energy and the situation on the electricity markets were monitored. The TSOs’ control centres contributed information about any unusual system conditions. Account was taken here of the situations of the neighbouring TSOs including possible warnings under Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC of other countries in the Continental Synchronous Area. Not least, a weather forecast was included in the assessments, since this can provide insights into potential trends in electricity security. The findings of the monitoring were reported via a traffic-light system, providing the decision-makers with low-threshold access to information. Where the monitoring arrived at tense or even critical assessments of parts of the system, the frequency of the situation meetings was increased. The monitoring will be continued in the winter of 2023/24.

9. Contacts for crisis management and the federal gas crisis team

9. Contacts for crisis management and the federal gas crisis team

9.1. Nomination of contacts for crisis management

The BNetzA, the Länder and the gas transmission system operators, as well as the gas market area manager, Trading Hub Europe GmbH (THE), designate crisis management contacts with responsibility for taking action in a crisis level, and communicate this information to the BMWK. The representatives of the Länder in the federal crisis team should be representatives of the Länder ministries responsible for gas crisis management. Associations, other gas market players or players which may be included in the federal crisis team depending on events, are also to designate contact persons and to proactively inform the BMWK of them. The BMWK maintains a confidential list of contacts. Any changes to responsibilities must be communicated immediately to the BMWK without prior solicitation. The crisis management contacts are individuals in a position of responsibility within their particular organisations, authorities or business enterprises.

9.2. Tasks and organisation of the federal gas crisis team

Tasks of the federal crisis team

The federal crisis team convenes at the latest following the declaration of a crisis level and at the invitation of the BMWK. The interdisciplinary federal crisis team advises the BMWK before and during a crisis.

One of the key tasks of the federal crisis team is to provide a consultative mechanism between the stakeholders involved in tackling the crisis. This aims to ensure across-the-board exchange of essential information.

Following the lifting of the emergency level by ordinance from the Federal Government, the federal crisis team will supervise the orderly return to normal market activity and will assess the lessons learned from the supply disruptions.

Further to this, the following communication channels can be used to provide the addressees with information in a crisis:

Table 8: Contact addresses of the BNetzA and the BMWK in a crisis

To	Description	Email address
BNetzA: Krisenstab (crisis staff)	BNetzA: Transmission of crisis-related information to the BNetzA in the federal gas crisis team	Krisenstab-Gas@BNetzA.de
BMWK: Federal gas crisis team	Contact for federal gas crisis team, gas-related issues	Buero-WEB4@BMWK.bund.de
BMWK: Communications	Contact for public communications	Buero-LB1@BMWK.bund.de
BMWK: overarching crisis issues	Central contact for interdisciplinary crisis issues reaching beyond the remit of the federal gas crisis team	Stab-ZC-KS@BMWK.bund.de

Meetings of the federal crisis team

The meetings of the federal crisis team take place regularly as required by the situation and as needed, including at weekends. In order to ensure that the federal crisis team can meet ad hoc at any time, the standing members of the team can be reached at all times via a set communication channel (messenger service, email, phone).

Close coordination takes place between gas system operators, the federal crisis team and the federal load distributor in order to handle supply crises.

9. Contacts for crisis management and the federal gas crisis team

Composition of the federal crisis team

In addition to the BMWK, the contact persons for crisis management at the BNetzA, Länder, TSOs and the market area manager Trading Hub Europe GmbH (THE) are standing members of the federal crisis team and are required to attend the meetings of the team. In order to boost direct interministerial transparency, the Federal Ministry of the Interior and Community is invited to attend the meetings of the federal crisis team. The Länder and the TSOs agree their representation amongst themselves, possibly on an alternating basis. If there is a specific regional / Land-specific impact, the corresponding Länder and TSOs attend the federal crisis team meetings. It is possible to have deputies for the crisis management contact person. For the BMWK, not only the responsible experts, but also the chair of the gas crisis communications team take part. The chair of the crisis communications team ensures the exchange of information between the crisis team and the crisis communications team.

If regions / specific Länder are severely affected, it can make sense to establish local crisis teams under the management of the respective ministry at Länder level. The inclusion of further associations and organisations (e.g. electricity TSOs, possibly large / representative gas DSOs, exchange operators) and additional representatives of gas TSOs and Länder to support the work of the federal crisis team may be requested in line with the situation and the need to tackle the crisis, and may be invited by the chair of the federal crisis team via the relevant organisations/companies.

Chair of the meetings of the federal crisis team

The BMWK chairs the federal crisis team; the BNetzA provides the deputy chair. The chair convenes a meeting of the federal crisis team; there is no formal procedure for this. The federal crisis team can also meet virtually via a telcon or web conference.

Minutes of the meetings of the federal crisis team

The BMWK produces and distributes the minutes of the meetings of the federal crisis team. Minute-taking commences when the federal crisis team convenes; all the meetings are minuted. The minutes also contain the relevant decisions by the crisis communications team. In addition to the assessment of the situation by the federal crisis team, it includes activities derived from this, further measures and activities in the context of crisis preparation and management, advice on the (non-) declaration and maintenance of a crisis level, organisational matters and decisions and information from the gas crisis communications team. A model of minutes can be found in Annex III. The other Länder are also involved in the distribution of the minutes via the multiplier role of the Länder whose ministries responsible for energy supervision and regulation are represented in the federal crisis team.

The crisis minutes are to be handled confidentially by all the members of the federal crisis team, but in view of the participants from outside the authorities, are not classified as "Confidential - For Official Use Only".

9. Contacts for crisis management and the federal gas crisis team

9.3. Gas crisis communications team

Tasks and organisation of the federal gas crisis communications team

The federal gas crisis communications team convenes at the latest following the declaration of a crisis level and at the invitation of the BMWK. The interdisciplinary crisis team advises the BMWK before and during a crisis.

The crisis communications team is in particular tasked with ensuring a shared assessment of the situation and preparing the external communications in an easy-to-understand and consistent form.

The team ensures that all relevant players which contribute to the security of the gas supply at federal and Land level can communicate quickly and transparently on any aspects of a crisis situation. This takes place in a close dialogue between the team members. Following the lifting of the emergency level by ordinance from the Federal Government, the federal crisis communications team will supervise the orderly return to normal market activity and will assess the lessons learned from the supply disruptions in terms of communications.

Meetings of the crisis team

The meetings of the crisis communications team take place regularly as required by the situation and as needed. Each member is able to convene a meeting when this is deemed necessary. In order to ensure that the crisis communications team can meet ad hoc at any time, the standing members of the team can be reached at all times via a set communication channel (messenger service, email, phone).

Close coordination takes place between gas system operators, the gas crisis team, the gas crisis communications team and the federal load distributor / the Land load distributor(s).

Composition of the crisis team

In addition to the BMWK, the relevant press spokespersons for crisis management at the BNetzA, Länder, TSOs, the market area manager Trading Hub Europe GmbH (THE) and the BMI are standing members of the crisis team. They are required to attend the meetings of the team. The Länder and the TSOs agree their representation amongst themselves, possibly on an alternating basis. If a specific region / Land is impacted, the corresponding Länder and TSOs attend the crisis team meetings. Deputies are permitted. Further representatives of the BMWK may be included.

If regions are severely affected, it can make sense to establish local crisis teams under the management of the respective ministry at Länder level.

The inclusion of further associations and organisations (e.g. electricity TSOs, possibly large / representative gas DSOs, exchange operators) and additional representatives of the BMI, the BBK, gas TSOs and Länder to support the work of the crisis team may be requested in line with the situation and the need to tackle the crisis, and may be invited by the chair of the federal crisis team via the relevant organisations/companies.

All relevant documents, contact lists and further information needed for the team's work are stored on a shared BSCW server area to which all the team members have access.

The members of the team must be unambiguously known to the chair to be granted access. This fosters inter-institutional working.

9. Contacts for crisis management and the federal gas crisis team

Chair of the meetings of the crisis team

The BMWK chairs the crisis communications team; the BNetzA provides the deputy chair. There is no formal procedure for convening the team. It only meets virtually via a telcon or web conference.

Minutes of the meetings of the crisis team

Decisions, information and pointers from the team are transmitted directly to the gas crisis team and noted in that team's minutes. There is thus a joint set of minutes of both teams, rather than separate minutes, to ensure the exchange of information between the two teams at all times.

9.4. Organisation of the crisis staff at the BNetzA

When the alert level is declared by the BMWK, the BNetzA can constitute the crisis staff and prepares to assume the responsibility for federal gas load distribution, as discussed in Chapter 3.4, for the possible declaration of the emergency level.

To the extent that a convening of the crisis staff already appears appropriate before this – e.g. during an early warning level – in view of a likely deterioration in the supply situation, this is actioned.

The gas crisis staff at the BNetzA takes appropriate steps to ensure its capacity to operate in view of the specific situation. This can for example take place via the involvement of further available staff members, the organisation of a service with early and late shifts, or the establishment of a shift-based 24-hour service.

The tasks of the crisis staff are carried out by its members in shifts around the clock at the latest when the Federal Government declares that there is an imminent danger or disruption to the energy supply in line with section 1 Energy Security of Supply Act.

A special structure is envisaged for the crisis staff. Alongside the primary specialist tasks, the crisis staff all has its own horizontal tasks (e.g. shift roster, internal services, IT) which require appropriate support from the relevant units.

The external communications in the context of press and PR activities relating to the media, state bodies (e.g. queries from the parliamentary sphere, Federal Government, Land and district governments, municipal administrations), energy companies, etc. is basically the responsibility of the (vice-)president of the BNetzA, except where this is delegated to the head of the crisis staff. The information envisaged for publication must be forwarded to the (vice-)president via the crisis staff's media and PR section (press division).

The BNetzA's gas crisis staff normally convenes at the BNetzA head office in Bonn. Corresponding crisis infrastructure is available for the work of the crisis staff at the Tulpfeld office.

10. Tasks and responsibilities of various players

10.1. Structure of and players on the German gas market

The German gas market is characterised by a large number of privately organised market players in the areas of grids, storage operations and gas trading, and the intensity of competition is continuing to rise. The following players in Germany bear particular responsibilities in the safeguarding of the supply of gas. The rules governing the various activities on the market derive chiefly from the Energy Industry Act, the relevant ordinances and regulations of the BNetzA, and the generally accepted rules of the German Association for Gas and Water (DVGW). The tasks and responsibilities of the individual players in the various crisis levels can be found in Chapter 3.

Gas transmission system operators

Gas transmission system operators operate grids with border-crossing points or market-area crossing points which in particular ensure the inclusion of large European import pipelines in the German transmission system. In accordance with section 3 no. 5 Energy Industry Act, the transmission system operators are responsible for the orderly operation, maintenance and expansion of a grid.

Gas distribution system operators

Gas distribution system operators operate gas distribution systems and are responsible in accordance with section 3 no. 8 Energy Industry Act for their maintenance, expansion and the construction of connection lines to other grids and consumers; these can be municipal utilities.

Gas reservoir operators (underground gas storage facility operators/USOs)

Underground storage operators operate gas reservoirs in accordance with section 3 no. 6 Energy Industry Act, holding the gas placed there by traders.

Transport clients (TCs):

Transport clients are in accordance with section 3 no. 31d Energy Industry Act wholesalers, gas suppliers including the trading department of a vertically integrated company, and final consumers.

Market Area Manager (MAM) Trading Hub Europe GmbH (THE)

The market area manager for gas is in accordance with section 2 no. 11 Gas Network Access Ordinance (GasNZV) a natural or legal person designated by the gas transmission system operators to provide services such as the efficient handling of access to gas grids in a market area.

The market area manager for the nationwide German gas market area is Trading Hub Europe GmbH (THE). THE operates the market area in line with the Agreement of Cooperation under section 20 no. 1 letter b Energy Industry Act between the operators of gas systems located in Germany. THE is a consortium of the 11 German grid companies *bayernets GmbH*, *Fluxys TENP GmbH*, *GASCADE Gastransport GmbH*, *Gastransport Nord GmbH*, *Gasunie Deutschland Transport Services GmbH*, *GRTgaz Deutschland GmbH*, *Nowega GmbH*, *ONTRAS Gastransport GmbH*, *Open Grid Europe GmbH*, *terranets bw GmbH* and *Thyssengas GmbH*.

In the nationwide German market area, the various parts of the grid are each assigned to a market area with various qualities of gas. In the two market areas,

10. Tasks and responsibilities of various players

high-calorie H gas and low-calorie L gas can be traded. The transmission system operators ensure that the prescribed gas qualities are complied with in the respective grid areas.

The tasks of THE include

- **Balancing group management**
THE makes it possible to conclude balancing group contracts and maintains balancing groups, sub-balancing accounts and grid accounts.
- **Balancing energy management**
THE procures balancing energy to offset physical differences between input and offtake.
- **Virtual trading point**
Provision and operation – balance responsible parties can transfer volumes of gas between balancing groups via the virtual trading point.
- **Security of supply**
Since 2022, there have been statutory obligations to maintain security of supply, e.g. via the operation of the Gas Security Platform in line with section 2b Energy Security of Supply Act, handling of gas solidarity under Regulation (EU) 2017/1938 for the Federal Republic of Germany in line with section 2a Energy Security of Supply Act, purchase of gas to fill gas reservoirs in line with section 3a (1) Energy Industry Act.

Balance responsible party

The balance responsible party is a natural or legal person which handles the balancing group in line with section 2 no. 5 Gas Network Access Ordinance in relations with the market area manager. The balance responsible parties nominate to the market area manager and the transmission system operators on behalf of their transport clients, and are responsible for the control of the balancing groups. The balance responsible parties ensure the availability of quantities and the equilibrium of the balancing groups within the market area.

Input and offtake systems operators (ISOs, OSOs)

In accordance with section 4 nos. 4 and 11 of the Cooperation agreement between the operators of gas supply grids located in Germany (KoV), input and offtake systems operators are grid operators that conclude input and offtake contracts (including in the form of supplier framework contracts) with the transport clients in accordance with section 3 (1) Gas Network Access Ordinance.

10.2. Market roles in shortage situations in the context of competition-based unbundling

The unbundling of the market roles in order to promote competition within the meaning of the EU single market packages liberalising the electricity and gas markets requires that the market players undertake the tasks directly relating to their respective roles. In line with this, the operators of gas supply systems (all TSOs, DSOs) and storage facilities (USOs) in accordance with sections 6 ff. of the Energy Industry Act currently operate independently from the other fields of activity of energy supply and ensure the non-discriminatory handling of the grid and storage operation.

The complexity of the market activities on the German gas market has thus increased significantly in recent years as a result of the unbundling of the market roles. The separation of the market roles has resulted in new challenges in terms of the interplay between the various players. This is especially true of

10. Tasks and responsibilities of various players

coordination and communication in the case of bottleneck situations. For example, the communication with and between the gas traders and suppliers must also take place in compliance with the requirements of antitrust legislation, even in a crisis.

11. Emergency tests

Germany was an active participant in the “Dry Run gas security of supply exercise” at the European Commission’s Joint Research Centre (JRC) in Ispra from 5-7 December 2022. Details of the emergency test / crisis simulation can be found in the European Commission’s report.

On 9 February 2023, a day-long emergency test / crisis simulation with market players was organised by the BNetzA in accordance with Article 10 (3) Regulation (EU) 2017/1938. In the emergency test, an emergency level caused by a supra-regional gas shortage situation was simulated, and the BNetzA assumed the role of federal load distributor. The emergency test served to trial the processes in the event of a crisis which had been drawn up over the preceding months with market players (balance responsible parties, end users, gas TSOs and DSOs), associations and Länder; the market processes, balancing processes and information to the public / information needs of the clients in general were not part of the crisis simulation.

The simulated crisis scenario was based on the following situation: the gas TSOs inform the federal load distributor that there is a shortage of 400 GWh/day (Germany-wide, H gas, no additional local shortage). The federal load distributor determines the necessary level of the various types of instruction, and issues a general instruction and individual instructions. Amongst other things, use is made of the Gas Security Platform (SiPla).

It should be noted in particular that the main communications processes work:

- The communications via the Gas Security Platform basically work; the information reached the addressees.
- It proved possible to carry out the end-to-end test on the Security Platform. No systemic problems or serious errors arose.
- Contact by phone with the federal crisis team works.

However, the exercise also pointed to a number of potential improvements in the crisis management process and in particular for the Gas Security Platform. These involve both process-related and operative aspects (e.g. optimisation of templates) and technical aspects (e.g. functionalities) of the Platform.

The most frequently cited areas for improvement are listed below. These are now being successively implemented.

A. Operative challenges

- The number of emails sent at the outset of an initiative posed a challenge;
- The switch between general and individual instructions caused confusion and an unclear data situation for the end users and the distribution system operators.
- End users found it difficult to understand the calculation of the reduction in the individual instructions.

B. Technical challenges

- Improvement in the layout and user-friendliness of the Security Platform, e.g. when showing help with and hints for entering data.
- In the processing of the various market location IDs on the Security Platform, existing entries and saved interim statuses are not displayed.

11. Emergency tests

The next crisis exercise is scheduled for 21 September 2023. The specific scenario is currently (as of 4 July 2023) being drawn up. In comparison with the exercise in February 2023, the storage instructions are also to be trialled in greater detail, meaning that storage users and operators will also take part. Also, the process of enforcement assistance is to be tested with selected Länder.

12. Regional dimension (across EU borders)

In accordance with Annex I of Regulation (EU) 2017/1938, Germany, along with the other EU Member States listed below, is part of the following eight of a total 13 risk groups, and participates in the drafting of joint risk assessments within these groups:

Eastern gas supply risk group

- **Ukraine:** Austria, Bulgaria, Croatia, Czechia, Denmark, Germany, Greece, Hungary, Italy, Luxembourg, Poland, Romania, Slovakia, Slovenia, Sweden;
- **Belarus:** Belgium, Czechia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden;
- **Baltic Sea:** Austria, Belgium, Czechia, Denmark, France, Germany, Luxembourg, Netherlands, Slovakia, Sweden;
- **North-Eastern, in accordance with Regulation (EU) 2017/1938; new: Belarus:** Czechia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Slovakia, Sweden;

North Sea gas supply risk group

- **Norway, in accordance with Regulation (EU) 2017/1938; new: North Sea:** Belgium, Denmark, Germany, Ireland, Spain, France, Italy, Luxembourg, Netherlands, Poland, Portugal, Sweden;
- **Low-calorific gas:** Belgium, Germany, France, Netherlands;
- **Denmark:** Denmark, Germany, Luxembourg, Netherlands, Poland, Sweden;
- **United Kingdom, in accordance with Regulation (EU) 2017/1938; new: North Sea:** Belgium, Germany, Ireland, Luxembourg, Netherlands.

Germany served as coordinator of the Eastern gas supply risk group – Baltic Sea until spring 2023, and submitted the risk assessment for the Baltic Sea risk group to the European Commission on 19 April 2023 in line with Article (2) Regulation (EU) 2017/1938. The North-Eastern risk group was merged with the Belarus risk group in May 2023 with a view to the drafting of the regional prevention plan. The North-Eastern risk group now includes the EU Member States Belgium, Czechia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden. The North Sea risk group was set up in the course of 2022 as a pragmatic merger of the Norway and United Kingdom risk groups. It comprises the twelve EU Member States Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Spain, Sweden.

12.1. Mechanisms for cooperation

The BMWK is the central contact for the Member States linked by gas infrastructure, the European Commission and beyond; the BMWK ensures the flow of information. In a regional or Union-wide emergency, the European Commission ensures the exchange of information between the Member States in accordance with Article 12 (3) sentence 2 letter a Regulation (EU) 2017/1938.

Since shortage situations can take manifold shapes and require well informed responses, the fundamental and most crucial concern of the risk groups is to guarantee the flow of information between the Member States and relevant stakeholders of the risk group in a crisis situation.

The cooperation mechanism within the risk group is subject to the coordination processes between the Member States, gas TSOs, regulatory authorities and other parties entitled to information at the various crisis levels. The aim is to

12. Regional dimension (across EU borders)

provide the relevant parties entitled to information with detailed information about the reason and impact of a crisis situation and to coordinate possible mutually agreed solutions, in order to prevent or mitigate negative effects of a supply crisis.

In general, the gas transmission system operators work closely with the gas TSOs of the other Member States of the group, especially via the ReCo regional / EU border-crossing coordination system for gas established by the European Network of Transmission System Operators for Gas (ENTSOG) in accordance with Article 3 (6) Regulation (EU) 2017/1938. At Member State level, this dialogue takes place in the context of the Gas Coordination Group (GCG) in accordance with Article 4 Regulation (EU) 2017/1938. In case a supply bottleneck is foreseeable, the TSOs will liaise with the TSOs in the other Member States belonging to the risk group. Insofar as possible they will agree on the cross-border coordination of measures, including the exchange of information on any necessary market-based measures with cross-border effects.

The activation of the ReCo Team will be performed by the 24/7 operational teams of the TSOs and ENTSOG. Following the meeting, ENTSOG informs the Agency for the Cooperation of Energy Regulators (ACER) and the European Commission.

When the emergency level has been declared, the load distributors of the Member States belonging to the risk group and beyond will be in close contact with one another. In particular, information will be provided on the expected scale of necessary cross-border restrictions on load flow in line with Article 11 (4) Regulation (EU) 2017/1938.

12.2. Reduction in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute shortage situation

The federal load distributor reserves the right to implement appropriate cross-border measures in the event of a gas shortage. These measures will not automatically be triggered by the federal load distributor in case of an emergency. Rather, for any actions to be taken by the federal load distributor – in addition to declaring the emergency level – clearly specified shortages for specific gas days must have been identified either by the TSOs or the federal load distributor and it must no longer be possible to ensure system stability without the implementation of the cross-border transport restrictions. Furthermore, any measure taken must be lifted pursuant to national law as soon as there is no longer an immediate threat to system stability. The federal load distributor ensures the appropriateness of the measures in accordance with Regulation (EU) 2017/1938. The BNetzA provided information by email in May 2023 and in the Gas Coordination Group on 15 June 2023 about possible cross-border measures to all the EU Member States with infrastructure connected to Germany, incl. Italy, and requested further information from these countries with a view to coordinating a means of implementation as well as possible with the specific needs of the individual EU Member States. The European Commission has been informed about this procedure. The BNetzA received comments from the six Member States of Belgium, Czechia, Denmark, Luxembourg, Netherlands and Poland (as of 30 August 2023) and subsequently from Austria (August/ November/ December 2023).

12.3. Solidarity between the Member States in an acute shortage situation

According to Article 13 Regulation (EU) 2017/1938, Germany is obliged to provide neighbouring EU Member States with connected infrastructure, incl. Italy, with gas in a severe gas shortage situation as a market-based and non-market-based “solidarity” measure. At the same time, these Member States have the same obligation towards Germany.

In the unlikely event of a gas shortage situation and the related assumption of tasks relating to European obligations under section 2a (2) Energy Security of Supply Act, the Federation will provide the gas market area manager with the necessary funding under budget law, if necessary quickly under the emergency approval rules of section 37 Federal Budget Code. The Federal Government is aware that THE cannot conclude any transactions under section 2a (2) Energy Security of Supply Act before this funding is provided where these trigger a payment obligation.

The obligation to provide solidarity applies irrespective of a fundamental financial procedural and technical understanding in bilateral solidarity agreements. To date (as of May 2025), Germany has concluded bilateral solidarity agreements with Denmark (14 December 2020) and Austria (1 December 2021) in accordance with Article 13 Regulation (EU) 2017/1938.

Germany has informed all the EU Member States whose infrastructure is connected to it, incl. Italy, of the basic general arrangements for compliance with the requirements cited in Article 13 Regulation (EU) 2017/1938 in the form of drafts for bilateral solidarity agreements. Further to this, Germany has informed all the corresponding EU Member States of the details of the technical processes which these Member States must fulfil in order to be able to call on the solidarity obligations set up in Article 13 Regulation (EU) 2017/1938 from Germany. These processes are described in detail in Annex IV. Germany has prepared and implemented all the processes so that the neighbouring countries with infrastructure connected to Germany, incl. Italy, can request gas solidarity in a severe gas shortage situation and can handle this adequately. This means that Germany is in compliance with the requirements in Article 10 (1) m and Annex VII no. 8.3 of Regulation (EU) 2017/1938.

Germany most recently, on 13 January 2023, called on the neighbouring EU states with infrastructure connected to it, incl. Italy, to implement these necessary processes in order to be technically able to receive solidarity gas from Germany in line with Article 13 Regulation (EU) 2017/1938 (cf. Annex IV). This means that all the neighbouring EU states, incl. Italy, whose infrastructure is connected with Germany have been informed how the application of the principle of solidarity in accordance with Article 13 Regulation (EU) 2017/1938 is being implemented by Germany, and how Germany will meet its solidarity obligations in accordance with Article 13 Regulation (EU) 2017/1938 towards these EU Member States.

Further to this, Germany called on its neighbouring countries, incl. Italy, on 13 January 2023 to inform it of their technical preconditions to be met by Germany so that Germany can request gas solidarity from its neighbours, incl. Italy. Also, following repeated calls, those neighbouring countries with which no bilateral agreement yet exists were again called on to resume and finalise the bilateral negotiations on the solidarity agreement. To date (as of May 2025), one com-

12. Regional dimension (across EU borders)

prehensive reply was received, from Austria; other responses came from Belgium and Luxembourg. This means that an adequate handling of solidarity requests from Germany to neighbouring countries, incl. Italy, and vice versa is currently only fully possible with Austria.

The European Commission has been informed about the status of the processes described in this chapter.

Overview of the status of the negotiations and responses relating to Article 13 (10) sentence 2 Regulation (EU) 2017/1938 on the conclusion of technical, legal and financial arrangements via bilateral solidary agreements by neighbouring EU countries, incl. Italy, whose infrastructure is connected with Germany.

- **Belgium:** A draft bilateral solidarity agreement was last sent in spring 2022 from Germany to Belgium accompanied by a letter from the minister; corresponding discussions subsequently took place at expert level without a result. On 29 March 2023, Belgium informed Germany that the Belgian legislation on the implementation of crisis measures is undergoing change and that it therefore could not tell Germany how the application of the solidarity principle of Article 13 Regulation (EU) 2017/1938 can be implemented. This means that it is currently (as of May 2025) unclear to Germany how Belgium will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.
- **Czechia:** A draft bilateral solidarity agreement was available to both sides following intensive negotiations in 2021/2022 including market players and regulatory authorities. Most recently, both energy ministers had given an mutual assurance in July 2022 in a bilateral declaration of intent that the agreement was to be finalised and signed. Since September 2022, Germany has not had any communications from Czechia as to the final conclusion of the process. It is currently (as of May 2025) unclear to Germany how Czechia can implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 and how Czechia will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.
- **France:** A draft bilateral solidarity agreement was sent in spring 2022 from Germany to France following discussions at expert level. A brief expert discussion last took place in October 2022; it resulted in a bilateral declaration of intent entitled “Announcement of energy solidarity”, signed by Federal Chancellor Scholz and Prime Minister Borne. In it, France and Germany confirmed their desire to conclude a bilateral solidarity agreement in line with Article 13 Regulation (EU) 2017/1938 in the near future. No further response has been received from France to date. It remains unclear to Germany how the application of the solidarity principle of Article 13 Regulation (EU) 2017/1938 can be implemented by France and how France will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.
- **Italy:** Italy and Germany have a current draft for a bilateral solidarity agreement from early June 2023. Signing was planned for the end of March 2022, but Italy withdrew its willingness to sign at short notice. Further to this, the

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involvement of Switzerland as a transiting third country under Article 13 (2) sentence 1 Regulation (EU) 2017/1938 is needed; Italy and Germany have a draft agreement with Switzerland so that the application of the solidarity principle in line with Article 13 of the Regulation can in principle be ensured. A trilateral exchange most recently took place on 26 July 2023. Further to this, the German gas market area manager THE is in contact with the Italian TSO Snam S.p.A in order to handle processes without and with the aid of the Gas Security Platform / for the granting of solidarity from Germany to Italy in accordance with Article 13 Regulation (EU) 2017/1938, most recently on 1 August 2023.

It is currently (as of May 2025) unclear to Germany how Italy can implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 and how Italy will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.

- **Luxembourg:** A draft bilateral solidarity agreement was sent in spring 2022 from Germany accompanied by a letter from the minister; corresponding discussions subsequently took place at expert level.

On 5 May 2023, Luxembourg informed Germany that the TSO Creos Luxembourg S.A. (CREOS) is entitled and enabled to technically and financially process market-based and non-market-based solidarity. Whatsoever, additional legal arrangements still need to be created and come into effect, possibly in the course of 2024 (as of 23 August 2023). Furthermore, Luxembourg informed that it requires further discussions with the BNetzA on the implementation of Chapter 12.2 and clarification on its compatibility with Regulation (EU) 2017/1938 in order to be able to implement bilateral solidarity.

In order to implement market-based solidarity requests from Germany, Luxembourg is currently working on a joint platform with Belgium on which market participants from Belgium and Luxembourg can offer gas. Once the market-based measures are fully exhausted, both Luxembourg and Belgium would be able to respond individually with non-market-based measures to the solidarity requests from the neighbouring EU Member States whose infrastructure is connected with them.

It is currently (as of May 2025) unclear to Germany how Luxembourg can implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 and how Luxembourg will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.

- **Netherlands:** A draft bilateral solidarity agreement was sent in spring 2022 from Germany accompanied by a letter from the minister. In response to this letter the Dutch Minister for Climate and Energy in his letter dated 16 May 2022 stated that the Dutch law doesn't allow for the conclusion of solidarity agreements yet. However, legislative work to repair the situation is ongoing and a respective law would possibly enter into force by 01st July 2025 (as of 24th August 2023). He also stipulated that this situation does not mean that the Netherlands will not provide solidarity if it is requested in accordance with Article 13 of Regulation (EU) 2017/1938, requiring Member States to provide solidarity when requested, even in the absence of a bilateral agreement.

Based on this and taking into account paragraphs 5 and six of this chapter, it is currently (as of May 2025) unclear to Germany how the Netherlands will

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technically and procedurally implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 if Germany needs to request solidarity from the Netherlands according to Article 13 Regulation (EU) 2017/1938. Furthermore, Germany is not able to continue the negotiations on a bilateral solidarity agreement based on the above mentioned entering into force of necessary legislation by mid-2025.

- **Poland:** Since April 2022, Germany has not had any response from Poland about the state of negotiations on the draft bilateral solidarity agreement sent by Germany, despite several discussions, not least at the level of the minister and state secretaries, and a statement by Poland back in December 2021 that final agreement had been reached on the substance of a solidarity agreement.
It is currently (as of May 2025) unclear to Germany how Poland can implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 and how Poland will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.
- Germany concluded bilateral solidarity agreements with **Denmark** and **Austria** on 14 December 2020 and 1 December 2021 respectively. With Austria, Germany has also exchanged the respective processes for the technical handling of solidarity gas.
It is currently (as of May 2025) unclear to Germany how Denmark can implement the principle of solidarity under Article 13 Regulation (EU) 2017/1938 and how Denmark will meet its solidarity obligations to Germany under Article 13 Regulation (EU) 2017/1938.

I. Annex: Estimate of the gas volumes that can be consumed by solidarity protected customers

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Definition of protected and non-protected customers

Germany defines the group of protected customers as follows, in line with Article 6 (1) in conjunction with Article 2 no. 5 of Regulation (EU) 2017/1938, in section 53a Energy Industry Act "Securing the natural gas supply of residential customers":

1. **Residential customers and other end users in the gas distribution network that are subject to standardised load profiles, or end users in the gas distribution network deliver heat to households**, to the extent that the gas is needed for this purpose. The latter can e.g. be end users which operate block-type thermal power stations in a neighbourhood and are reliant on gas to generate the heat.
End users with standardised load profiles are gas customers whose offtake is at most 500 kWh/hour and whose annual gas offtake does not exceed 1,500 MWh. These generally include small and medium-sized enterprises in the sectors of commerce, trade and services.
2. **Basic welfare services** include services in the field of health care, essential social services, emergency services, security, education and public administration. This only includes the providers of the actual basic welfare service, not their service providers and suppliers.

Table 9: Examples of basic welfare services

Category	Example
Education	<ul style="list-style-type: none">- Child day care services- Schools- Higher education institutions
Health care	<ul style="list-style-type: none">- Hospitals- Medical care centres- Doctors' surgeries
Essential welfare services	<ul style="list-style-type: none">- Operation of gas and electricity networks- Electricity suppliers- Water suppliers- Sewage disposers- Waste disposers- Old people's homes- Social care facilities
Emergency	<ul style="list-style-type: none">- Fire service- Federal Agency for Technical Relief (THW)- Rescue services
Public administration	<ul style="list-style-type: none">- Assumption of sovereign tasks – including activities which a public administration must undertake in line with public law
Security	<ul style="list-style-type: none">- Police- Prisons- Facilitates of the North Atlantic Treaty Organisation (NATO)

I. Annex: Estimate of the gas volumes that can be consumed by solidarity protected customers

Category	Example
	<ul style="list-style-type: none"> - Federal Armed Forces - Federal and Länder authorities to protect the constitution

3. **District heating facilities** which cannot undertake fuel switching to the extent that they supply residential customers, standard load profile customers and such customers as provide basic social services.

Non-protected customers are those customers not mentioned in the above categories.

Gas undertakings must in particular supply the above-mentioned customers with gas, in the case of a partial interruption to the gas supply or in the case of unusually high demand for gas, as long as it is reasonable in economic terms to supply the gas. It is possible to make use of market-based measures in particular in order to ensure a secure supply of gas to these customers.

Table 10: Estimate of the gas consumption by client structures in line with section 53a Energy Industry Act for 2021

Customers within the meaning of section 53a Energy Industry Act	Category	bn kWh	Share
Protected customers	Households and housing companies	314	31%
	Commerce, trade, services	132	13%
	District heating supply	40	4%
	System-based own consumption	10	1%
Non protected customers	Industry	364	36%
	Electricity supply	121	12%
	District heating supply	30	3%
Consumption of protected customers		496	49%
Consumption of non-protected customers		516	51%

Source: Destatis, BDEW, status August 2022 (provisional data).

An estimate in line with Article 10 (1) n of Regulation (EU) 2017/1938 of the volumes of gas which can be consumed by solidarity protected customers, incl. a breakdown in the estimate between protected customers in line with Article 2 no. 5 and solidarity protected customers in line with Article 2 no. 6 Regulation (EU) 2017/1938 cannot take place since no corresponding data are collected; similarly, there is no estimate of the gas consumption of the client structures in line with section 54a Energy Industry Act beyond 2021, as shown in Table 10.

Definition of vital needs of protected and non-protected customers

Both non-protected and protected customers can have vital needs for gas. In the case of a gas shortage situation, the measures of the BNetzA in its role as federal load distributor serve to safeguard this vital need for gas in line with the available volumes of gas.

For this reason, protected customers do not enjoy absolute protection. In its role as federal load distributor, the BNetzA therefore cannot exclude the possibility that,

I. Annex: Estimate of the gas volumes that can be consumed by solidarity protected customers

in a gas shortage situation, it will instruct protected customers to reduce gas purchases. This expressly does not mean that they must fully halt their purchase of gas in response to an instruction from the BNetzA.

In the case of a gas shortage situation, protected customers should dispense with the “comfort” share of their gas purchase, without the vital need for gas being restricted by decisions of the BNetzA. In the case of non-protected customers, the share of vital needs will generally be smaller than in the field of protected customers.

- An example of vital needs of non-protected customers is the manufacture of vital medicines that cannot be imported.
- An example of non-vital needs of protected customers is the purchase of gas to heat private swimming pools or saunas.

This system makes it necessary to define the vital need of gas for non-protected customers in greater detail. The findings of the BNetzA study into the “gas consumption of manufacturing sectors – analysis of value chains” undertaken by Prognos AG from March 2023 can help with this. The BNetzA identified needs that merit protection. The non-vital needs of protected customers are treated subordinately to the vital needs of non-protected customers.

The European Commission also provided for this system in its European Gas Demand Reduction Plan in 2022 in the context of tackling the energy crisis. The plan regarded some of the gas consumption of protected customers as being non-vital. The European Demand Reduction Plan contained the proposal of reducing space heat in buildings of the public administration. In the other direction, it defined certain gas purchases of non-protected customers as meriting protection. This definition was implemented in Regulation (EU) 2022/2576, which is in force until 18 December 2023.

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

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Based on the expectations regarding the supply of natural gas, the Federal Ministry for Economic Affairs and Climate Action triggered the early warning level on 30 March 2022 and then the alert level on 23 June 2022 under its national emergency plan. In light of the prolonged application of Regulation (EU) 2022/1369 on coordinated demand-reduction measures for gas until 31 March 2024 and the fundamental change in the supply situation compared with the previous years, necessary measures and ordinances need to remain in effect at the federal level. For the legal consequences of these ordinances to be applied, crisis levels need to remain in place. This makes it possible to adequately – and at short notice – respond and to provide support for and ensure the refilling of gas storage facilities, especially with regard to the gas supply for the 2023-24 winter.

In accordance with Article 7(2) of Regulation (EU) 2022/1369, Table 11 lists the voluntary measures which were implemented by Germany in 2022 that may contribute to lowering gas demand and, essentially, stabilise the energy supply at emergency level. Another important contribution for preparing for a potential gas shortage situation is the use of situation-specific measures for reducing gas demand and filling gas storage facilities. Public awareness and understanding of the tense situation and the resulting voluntary reductions in gas demand are crucial for preventing or at least mitigating the use of drastic measures.

Table 11: Voluntary measures implemented in Germany in 2022 that may contribute to lowering the demand for gas

#	Title of the ordinance ([German] abbreviation)	Description/details	In force as of
1.	Energy Security of Supply Act (EnSiG)		
	A. Draft Act Amending the Energy Security of Supply Act of 1975 and Other Energy Industry-Related Regulations (Bundestag Printed Paper 20/1501)	<ul style="list-style-type: none"> - Supplements authorisations to issue ordinances for the creation of a digital platform for gas, for deviations in environmental law, implementation of arrangements regarding solidarity measures for gas - Arrangements for fiduciary management and expropriation of companies providing critical infrastructure - Arrangement for price adjustment under section 24 of the Energy Security of Supply Act - Amendments to the Energy Industry Act, particularly on access to LNG facilities, arrangement regarding issues of liability for gas storage facilities - Amendment of the Ordinance to Ensure the Supply of Gas in a Supply Crisis pertaining to the implementation of the digital platform 	22 May 2022
	B. Drafting tool for a motion for amendment to the Energy Security of Supply Act by the SPD, Alliance 90/The Greens and FDP parliamentary groups on the draft legislation proposed by the SPD, Alliance 90/The Greens and FDP parliamentary groups – Printed Paper 20/2356 – Draft Act on the Maintenance of Substitute Power Plants to Reduce Gas Consumption in the Electricity Sector in the Event of an Impending Gas	<ul style="list-style-type: none"> - Amendment of the Federal Immission Control Act (BImSchG) by the addition of sections 31a-31d for fuel switching (cf. comments under no. 10) - Energy Security of Supply Act: addition of a claim for compensation in cases of expropriations of gas storage facilities in an emergency (section 11a), addition of arrangements on capital measures (section 17a) and arrangements on the introduction of an authorisation to implement a gas surcharge (section 26) and on rights to refuse performance (sections 27-28), economic stabilisation (section 29), preventive measures (section 30) 	12 July 2022

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

#	Title of the ordinance ([German] abbreviation)	Description/details	In force as of
	Shortage by Amending the Energy Industry Act and Other Energy Industry-Related Regulations (Bundestag Printed Paper 20/2594).		
	C. Draft Act Amending the Energy Security of Supply Act and Other Energy Industry-Related Regulations (Energy Security of Supply Act 3.0)	<ul style="list-style-type: none"> - The Energy Security of Supply Act 3.0 amends the authorisation to issue ordinances for temporary deviations from the Operational Safety Ordinance (relevant for oil storage facilities); elimination of sections 27 and 28, addition of operating, auxiliary and waste materials to section 30 (privileged transport) - Amendment of the Federal Immission Control Act (nightly switch-off of wind turbines) - Energy Industry Act, particularly regarding higher grid utilisation (cf. no. 19), and the Grid Expansion Acceleration Act (NABEG), the Renewable Energy Sources Act etc. regarding the further ramp-up of renewable energy installations, adaptation of the LNG Acceleration Act 	13 October 2022
	D. Draft of a Second Act Amending the Energy Security of Supply Act and Other Energy Industry-Related Regulations	<ul style="list-style-type: none"> - Alignment of the arrangements on expropriation and compensation in sections 11 and 12 with the Federal Constitutional Court's case law - Expropriation arrangement in section 23a of the Energy Security of Supply Act on gas pipes - Amendment of the Energy Industry Act including e.g. reporting duty on hydrogen networks 	1 December 2022
2.	Energy Security Transport Ordinance (EnSiTrV)	<ul style="list-style-type: none"> - Ordinances with preventive effect in accordance with the Energy Security of Supply Act, section 30 of the Energy Security of Supply Act/ applies under the prerequisite of an impending shortage of coal, natural gas or oil → based on triggering of early warning level or other events as set out in section 30(2) of the Energy Security of Supply Act (for example the deployment of power plants pursuant to sections 50a-50d of the Energy Industry Act or non-compliance with fuel supply requirements pursuant to section 50b of the Energy Industry Act or the utilisation of volumes under the Oil Stockpiling Act) - The preventive measure ends the moment the crisis has been effectively prevented, for example as soon as no indicator for the crisis level no longer applies 	29 August 2022 Official Section of the Federal Gazette, 29 August 2022 V1
3.	Ordinance on Securing the Energy Supply through Rapid Impact Measures (EnSikuMaV)	<ul style="list-style-type: none"> - Ordinances with preventive effect according to the Energy Security of Supply Act, section 30 of the Energy Security of Supply Act/ applies under the prerequisite of an impending shortage of coal, natural gas or oil → based on triggering of early warning level or other events as set out in section 30(2) of the Energy Security of Supply Act (for example the deployment of power plants pursuant to sections 50a-50d of the Energy Industry Act or non-compliance with fuel supply requirements pursuant to section 50b of the Energy Industry Act or the utilisation of volumes under the Oil Stockpiling Act) 	1 September 2022 Federal Gazette I, p. 1446

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

#	Title of the ordinance ([German] abbreviation)	Description/details	In force as of
		<ul style="list-style-type: none"> - The preventive measure ends the moment the crisis has been effectively prevented, for example as soon as no indicator for the crisis level no longer applies 	
4.	Ordinance on Securing the Energy Supply through Medium-term Impact Measures (EnSimiMaV)	<ul style="list-style-type: none"> - Ordinances with preventive effect according to the Energy Security of Supply Act, section 30 of the Energy Security of Supply Act/ applies under the prerequisite of an impending shortage of coal, natural gas or oil → based on triggering of early warning level or other events as set out in section 30(2) of the Energy Security of Supply Act (for example the deployment of power plants pursuant to sections 50a-50d of the Energy Industry Act or non-compliance with fuel supply requirements pursuant to section 50b of the Energy Industry Act or the utilisation of volumes under the Oil Stockpiling Act) - The preventive measure ends the moment the crisis has been effectively prevented, for example as soon as no indicator for the crisis level no longer applies 	23 September 2022 Federal Gazette I, p. 1530
5.	Act on the Prevention of Harmful Effects on the Environment caused by Air Pollution, Noise, Vibration and Similar Phenomena (BlmSchG), sections 31a to 31l	<ul style="list-style-type: none"> - Arrangements for implementing a fuel switch at short notice, reducing demand, options to speed up approval procedures and possible deviations in cases where the necessary equipment is unavailable - Require the occurrence of a "serious and substantial gas shortage" (this precondition would no longer be met in cases where the alert level is reduced to early warning level and the special arrangements created would thus no longer be applicable) - If the exceptions granted based on sections 31a-31l have not already become obsolete due to a legal provision and/or condition leading to their termination, approval decisions can be withdrawn on case-by-case basis. 	Sections 31a-d: 12 July 2022 Federal Gazette I, p. 1054 Section 31k: 13 October 2022 Federal Gazette I, p. 1726 Section 31e-j, l: 26 October 2022 Federal Gazette I, p. 1792
6.	Act on the Maintenance of Substitute Power Plants to Reduce Gas Consumption in the Electricity Sector in the Event of an Impending Gas Shortage by Amending the Energy Industry Act and Other Energy Industry-Related Regulations (EKBG)	<ul style="list-style-type: none"> - The Act on the Maintenance of Substitute Power Stations notably created the legal basis for the crisis-related return of coal-fired power plants, which had been kept in various reserves or were destined to shut down before long. Cf. the next two rows below for the ordinances regarding their deployment (StaaV + VersResAbV) that were issued on this basis. - The Act on the Maintenance of Substitute Power Stations created the basis for the authorisation to issue ordinances on adopting measures to reduce gas-fired power generation, such as a temporary complete ban on the generation of electricity from natural gas ("Gas-raus"-VO). The "Gas-raus"-VO ("Get out of gas ordinance") has not yet been adopted. 	12 July 2022
7.	Ordinance on the Temporary Expansion of the Power Generation Supply Via Installations from the Grid Reserve (Grid Reserve Utilisation Ordinance - VersResAbV)	The Ordinance on the Temporary Expansion of the Power Generation Supply Via Installations from the Grid Reserve creates the basis for the temporary return of five lignite-fired power plants from the grid reserve to the market.	1 October 2022
8.	Act Amending the Energy Security of Supply Act and Other Energy Industry-Related Regulations of 8 October 2022 (Energy Security of Supply Act 3.0), sections 49b, 50a Energy Industry Act	<ul style="list-style-type: none"> - Specifically concerns: temporary higher capacity utilisation of the ultra-high voltage grid pursuant to section 49b Energy Industry Act - Section 49b(1) sentence 1 Energy Industry Act links temporary higher capacity utilisation to the temporary participation of power plants in the grid 	Sections 49b, 50a Energy Industry Act: 13 October 2022 Federal Gazette I, p. 1726

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

#	Title of the ordinance ([German] abbreviation)	Description/details	In force as of
	- Power Supply Expansion Ordinance (StaaV)	<p>reserve in the electricity market pursuant to section 50a(1) Energy Industry Act in conjunction with section 1 (1) Power Supply Expansion Ordinance.</p> <ul style="list-style-type: none"> - According to section 50a(1) sentence 1 Energy Industry Act and section 1(2) Power Supply Expansion Ordinance, this temporary participation requires at least the alert level status. 	<p>Section 1 Power Supply Expansion Ordinance: 1 October 2022</p> <p>Official Section of the Federal Gazette, 30 September 2022 V1</p>
9.	Funding guidelines 'Federal funding for energy and resource efficiency in the economy – Grant and Loan' and 'Federal funding for energy and resource efficiency in the economy – Funding Competition'	<p>The 'Federal funding for energy and resource efficiency in the economy' scheme provides funding for investment, for example for energy efficiency measures in the industrial and commercial sectors. Against the backdrop of the energy crisis, the following decisions were taken:</p> <ul style="list-style-type: none"> - If the gas-powered installations receiving funding are replaced by redundant installations running for example on oil, this will not result in a loss of funding. - The use of bivalent installations which can burn not only gas but also oil will also not result in a loss of funding. <p>These exceptions only apply in periods in which an alert level or emergency level has been triggered under the national emergency plan for gas.</p>	10 August 2022
10.	Act Amending the Energy Industry Act to Introduce Storage Level Requirements for Gas Storage Facilities and to Amend Section 246 of the Federal Building Code	The Act provides for storage level requirements for gas storage facilities (which are increased by means of additional ordinances) and instruments that can be used by the market area manager (Trading Hub Europe) to meet the storage level requirements.	30 April 2022
11.	Ordinance on the Provision of Interruptible Storage Capacities to Ensure Security of Supply	<p>The purpose of this statutory instrument is for gas storage facilities with a particularly low storage level to be filled as early as possible.</p> <p>It stipulates that the operators of gas storage facilities with a particularly low storage level shall provide interruptible storage capacity of the amount of the unused storage capacity to the market area manager – a measure which had become necessary, especially to allow Trading Hub Europe to start filling the storage facility in Rehden in time.</p>	2 June 2022
12.	Ordinance on Installations to Handle Substances Posing a Threat to Water Quality in Cases Where Fuel is Switched due to a Serious or Substantial Gas Shortage (Fuel Switch Gas Shortage Ordinance - BG-V)	The ordinance provides for a number of specific temporary exceptions for fuel switches or for increases of storage capacity due to a serious or substantial gas shortage from the Ordinance on Installations to Handle Substances Posing a Threat to Water Quality (AwSV). The provisions aim to speed up and streamline at short notice the procedures for establishing, making fundamental changes to or operating storage facilities, particularly facilities that are needed for a fuel switch. They also provide the basis for increasing storage capacity for oil tanks in the short term in order to make an additional contribution to security of supply.	26 October 2022
13.	Amendment of the Renewable Energy Sources Act as part of the Act Amending the Energy Security of Supply Act and Other Energy Industry-Related Regulations of 8 October 2022 (Energy Security of Supply Act 3.0)	<ul style="list-style-type: none"> - Temporary suspension of the rated capacity limit for biogas installations in the calendar years 2022 and 2023 - Temporary relaxation of the criteria for receiving the 'slurry bonus' for existing installations in the period between 13 October 2022 and 30 April 2023 	<p>For 1./2.: 13 October 2022</p> <p>For 3.: 1 January 2023</p>

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

#	Title of the ordinance ([German] abbreviation)	Description/details	In force as of
		- Temporary expansion of auctions under the Renewable Energy Sources Act for ground-mounted PV up to an installed capacity of 100 MW in 2023	
14.	Ordinance to Ensure the Supply of Electricity in a Supply Crisis (EltSV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Entry into force linked to declaration of crisis situation (ordinance pursuant to section 3(3) Energy Security of Supply Act)	26 April 1982 (Federal Gazette I, p. 514)
15.	Ordinance to Ensure the Supply of Gas in a Supply Crisis (GasSV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Entry into force linked to declaration of crisis situation/emergency level (ordinance pursuant to section 3(3) Energy Security of Supply Act)	26 April 1982 (Federal Gazette I, p. 517)
16.	Ordinance on Rationing of Fuel Oil (HeizölLBV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Entry into force linked to declaration of crisis situation (ordinance pursuant to section 3(3) Energy Security of Supply Act)	26 April 1982 (Federal Gazette I, p. 536)
17.	Ordinance on Rationing of Gasoline/Diesel Fuel (HeizölLBV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Entry into force linked to declaration of crisis situation (ordinance pursuant to section 3(3) Energy Security of Supply Act)	26 April 1982 (Federal Gazette I, p. 520)
18.	Ordinance on Fair Sharing of Oil (MinÖIAV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Entry into force linked to declaration of crisis situation (ordinance pursuant to section 3(3) Energy Security of Supply Act)	13 December 1985 (Federal Gazette I, p. 2267)
19.	Ordinance on Compensation Under the Energy Security of Supply Act (EnSiGEntschV)	- Ordinances pursuant to the Energy Security of Supply Act, section 1 Energy Security of Supply Act - Application entails expropriation in crisis situations; this is linked to declaration of crisis situation/emergency level (ordinance pursuant to section 3(3) Energy Security of Supply Act)	16 September 1974 (Federal Gazette I, p. 2330)

Beyond the legal bases listed in Table 11 that have been implemented, the Federal Government and the Federal Ministry for Economic Affairs and Climate Action have adopted a wide range of measures to strengthen supply and ensure a secure supply of gas in Germany. These include in particular the following measures:

Purchase of gas

The Federal Ministry for Economic Affairs and Climate Action purchased gas via the market area manager for gas – Trading Hub Europe GmbH (THE) – as early as March 2022. Between 10 March and 01 June 2022 In total, approx. 9.95 TWh (950 million m³) of gas was purchased, to be transferred into the gas storage facilities up to the end of May 2022. Further purchases are not planned.

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

Ensuring the liquidity of gas market players

In order to ensure the functioning of the energy market – and thus of the energy supply – and to ensure the liquidity of the companies that had been especially hard hit by the strong increase in gas prices, the Federal Government provided support in the form of KfW loans. In addition, the Federal Government created a new hedging instrument for companies affected by the war in Ukraine as part of its protective shield. These are companies trading electricity, gas and emission allowances on the futures exchanges. They are required to finance collateral payments ('margins'), which increase as the prices rise. In order to ensure that energy trading companies have sufficient liquidity, the Federal Government is providing financing in the form of KfW credit lines, which are covered by a Federal guarantee.

Amendment of the Energy Industry Act to introduce storage level requirements for gas storage facilities ("Gas Storage Act")

The Gas Storage Act, which was adopted by the Bundestag on 25 March 2022, entered into force on 30 April 2022 and – current as of 16. May 2025 – will expire by 31 March 2025, with an option to be prolonged. It stipulates that gas storage facilities must be close to full at the beginning of the heating period so as to have sufficient gas for the winter period. It sets out specific storage levels, which have been modified by the Gas Storage Level Ordinance (Official Section of the Federal Gazette of 28 July 2022 V1): As of 1 October, the storage facilities must be 85 per cent full, as of 1 November 95 per cent, and as of 1 February still 40 per cent. The ordinance supplements section 35b (2) Energy Industry Act by adding 75 per cent as an additional intermediate target to be achieved by 1 September of a calendar year. In cases where a facility's storage levels are especially low on 1 May and 1 June of a calendar year, the market area manager can be additionally provided interruptible capacity (Gas Storage Level Ordinance (Official Section of the Federal Gazette 1 June 2022 V1)).

Filling of the largest gas storage facility in Rehden and other gas storage facilities based on the Ordinance to Adapt Storage Level Requirements for Gas Storage Facilities (Gas Storage Level Ordinance, GasSpFüllstV)

In order to ensure that Germany's gas storage facilities are sufficiently filled, the Ordinance to Adapt Storage Level Requirements for Gas Storage Facilities (Gas Storage Level Ordinance, GasSpFüllstV) was adopted on 1 June 2022; it entered into force on 2 June 2022 and – current as of 16. May 2025 – will expire by 31 March 2025, with an option to be prolonged. The Gas Storage Level Ordinance allows gas storage facilities with especially low storage levels to refill in time. This also ensured that it was possible to fill Germany's largest gas storage facility in Rehden, which had previously registered a historically low storage level. The transfer of gas to the storage facility is undertaken by market area manager Gas Trading Hub Europe GmbH (THE), which was provided credit lines for fulfilling this task.

The gas storage facility in Rehden had been owned by Gazprom-Germania group, which was placed under fiduciary management during the course of 2022 and eventually taken over by the Federal Government (today: Securing Energy for Europe GmbH, SEfE). Unlike the storage facilities of other owners, the storage facility in Rehden had been filled only to a limited extent in the years 2021/2022. It was not until the activities undertaken by THE that the fill levels started to rise again.

II. Annex: Measures implemented in Germany to cope with the tense gas supply situation in 2022 and beyond

Rapid expansion of LNG infrastructure

Until winter 2022, Germany had no infrastructure for landing LNG (liquefied natural gas, LNG). Starting in 2022, the Federal Government worked to rapidly establish floating LNG terminals. First of all, it secured the first four dedicated vessels (floating storage regasification units, FSRUs) for the regasification of liquefied natural gas. Secondly, it adopted an LNG Acceleration Act, which paved the way for the construction of the necessary connections to the shore. In winter 2022/2023, the first two FSRUs started operation and fed LNG into the German gas network.

Securing the fiduciary management of Gazprom Germania group (now Securing Energy for Europe GmbH, SEfE)

In order to ensure the security of supply in Germany, the Federal Government placed the fiduciary management of Gazprom Germania group on a longer-term basis by converting the initial fiduciary management company which had been subject to foreign trade and investment law into a fiduciary management company under the Energy Security of Supply Act and eventually taking over full ownership. In addition, the Federal Government protected the company, which had encountered difficulties due to Russian sanctions, from insolvency by means of a loan. By taking this approach, the Federal Government is retaining influence over this part of the critical energy infrastructure and preventing a danger to energy security.

III. Annex: Model of minutes for the meetings of the federal crisis team for gas

III. Annex: Model of minutes for the meetings of the federal crisis team for gas

Confidential – “need-to-know” basis only

Federal Ministry for Economic Affairs and Climate Action (BMWK)

Division – File no. #

Meeting of the federal crisis team for gas - early warning level

Online, day, date, time / duration of meeting

– Minutes –

Participants

- BMWK: N/N (chair)
- BNetzA: N/N (chair in absence of N/N BMWK)
- TSOs: N/N (Name of TSO)
- MAM: N/N
- Representatives of the Länder
 - For northern Germany: N/N (name of Land)
 - For eastern Germany: N/N (name of Land)
 - For southern Germany: N/N (name of Land)
 - For western Germany: N/N (name of Land)
- Other organisations: N/N
- BMI: N/N (optional); N/N (if present)

Meetings of the federal crisis team for gas - early warning level

- The BMWK **declared the early warning level** on day, date, time.
- “**Meetings of the federal crisis team for gas**” have taken place since day, date.
- **Aim of the meetings of the federal crisis team:** According to the Emergency Plan for Gas, the **interdisciplinary federal crisis team advises the BMWK** before and during a crisis. One of the key tasks of the federal crisis team is to **provide a consultative mechanism** between the stakeholders involved in tackling the crisis. This aims to ensure across-the-board exchange of essential information.
- The **meetings of the federal crisis team will take place on Mondays and Thursdays**, 10.30 - 11 a.m., until further notice. As required, meetings of the federal crisis team will also be held on Tuesdays, Thursdays and at weekends and on public holidays. In order to ensure that the federal crisis team can meet ad hoc at any time, the members can be reached via Threema.

Agenda item 1: Assessment of the situation by TSOs / MAM / other organisations

- **Load flows:** Description of grid situation

From / To	Entry/ Exit	Volumes (GWh/day)	Details	Previous report
AUT	Entry/ Exit	#		
BEL	Entry/ Exit	#		
CHE/ ITA	Entry/ Exit	#		
CZE	Entry/ Exit	#		

III. Annex: Model of minutes for the meetings of the federal crisis team for gas

DNK	Entry/ Exit	#		
FRA	Entry/ Exit	#		
NLD/H Gas	Entry/ Exit	#		
NOR	Entry/ Exit	#		
POL	Entry/ Exit	#		
LNG	Wilhelmshaven	#		
	Lubmin	#		
	Brunsbüttel	#		
	Others	#		
<ul style="list-style-type: none">• Balancing groups• Balancing energy				
Balancing energy date		Current exchange price		
L gas sale	approx. # €/MWh	Purchase	approx. # €/MWh	
H gas purchase	approx. # €/MWh	Sale	approx. # €/MWh	
<ul style="list-style-type: none">• Storage• Traders• Cyber• International				

Agenda item 2: Activities discussed in and deriving from the situation assessment

Agenda item 3: Further measures / activities in crisis preparation/management context

Agenda item 4: Discussions on (non-) declaration and continuation of a crisis level

Agenda item 5: Organisation

Agenda item 6: Crisis communications

Standing notes

- **Crisis meetings at the weekend and on Tuesdays, Wednesdays and Fridays** are convened via the Threema group “Federal crisis team/ meeting on gas”; sensitive information should not be shared on Threema.
- **Central BMWK email address** for interdisciplinary crisis issues extending beyond the federal crisis team: Stab-ZC-KS@BMWK.bund.de.
- **Inclusion of further organisations:** The inclusion of further associations and organisations (e.g. electricity TSOs, possibly large / representative gas DSOs, exchange) and additional representatives of gas TSOs and Länder to support the work of the federal crisis team may be requested in line with the situation and the need to tackle the crisis.

External communications/ media

- **Content of these minutes must not be published.**
- **Daily situation reports by the BNetzA:** The public is informed via separate situation reports on working days by the BNetzA. The situation report is posted by 1 p.m. on the website of the BNetzA, https://www.bundesnetzagentur.de/DE/Fachthemen/ElektrizitaetundGas/Versorgungssicherheit/aktuelle_gasversorgung/start.html, and via Twitter. This is also the reference to the “findings of the federal crisis team”.

III. Annex: Model of minutes for the meetings of the federal crisis team for gas

- Further **background information on crisis preparedness** can be found on the BNetzA website at https://www.bundesnetzagentur.de/DE/Fachthemen/ElektrizitaetundGas/Versorgungssicherheit/aktuelle_gasversorgung/Hintergrund-FAQ/start.html.
- **Press inquiries** should be directed towards the publications of the BMWK press office. The contact for specific individual questions / communications is N/N, BMWK. The press office is responsible for the BMWK's crisis communications.
- The nationwide crisis communications for the gas sector is coordinated by the gas crisis communications team. It is headed by the BMWK communications staff.

IV. Annex: Conditions for the provision of market-based and non-market-based solidarity gas according to Regulation (EU) 2017/1938 from Germany to neighbouring EU countries connected to Germany, incl. Italy

IV. Annex: Conditions for the provision of market-based and non-market-based solidarity gas according to Regulation (EU) 2017/1938 from Germany to neighbouring EU countries connected to Germany, incl. Italy

1. Designation of Single Point of Contact (SPoC) vis-à-vis Germany

- a. MS officially designates a Single Point of Contact (SPoC) vis-à-vis the Federal Ministry for Economic Affairs and Climate Action (BMWK) (Buero-WEB4@BMWK.bund.de) and provides contact details.
- b. MS authorise the SPoC to request market-based and non-market-based solidarity gas from Germany and to manage the technical and financial side of the request on behalf of and for the MS.
- c. Whenever the SPoC changes, MS officially informs BMWK (Buero-WEB4@BMWK.bund.de) of the details of the new SPoC without further request by Germany. Germany always assumes that the most recently designated SPoC is authorised by the MS to request solidarity gas and to manage the technical and financial side of the request.

2. Opening of balancing group and conclusion of balancing group contract

- a. The SPoC opens a balancing group (BG) in Germany with Trading Hub Europe GmbH (THE) OR designates an existing balancing group which the SPoC/MS will use to manage the request. To do so, the SPoC contacts THE at the following address Market-Development@tradinghub.eu, +49210259796404.
 - o When the SPoC takes up initial contact, the SPoC puts BMWK in cc. using the address Buero-WEB4@BMWK.bund.de.
 - o After opening the balancing group, the SPoC receives access to THE's customer portal at <https://www.tradinghub.eu/en-gb/Portals/Customer-Portal>.
The current terms of use of the THE portal 'Supplementary terms and conditions of THE for the use of portals' can be found under 'Portals' at <https://www.tradinghub.eu/en-gb/Download/Download-center-THE#la-129898-portals>.
- b. In the event that the MS officially designates a company, e.g. a transmission system operator, as SPoC vis-à-vis BMWK, and this company is not yet registered as a balancing group manager at THE, the SPoC transmits the following information to THE (market-development@tradinghub.eu) to open the balancing group and conclude the balancing group contract:
 - i. 'Power of attorney of the company for the user' form completed in full and signed; you will receive this when registering on the THE customer portal
 - ii. Valid personal company email address (no use of collective mailboxes or generally accessible email domains such as Gmail, Yahoo)
 - iii. Deliverable business address named in the extract from the Commercial Register for the beneficiary
 - iv. Recipient for invoice
 - v. Email address for the receipt of the invoice as *.pdf (collective mailbox and company email address permitted only)
 - vi. Market partner code in the role of balancing group manager

IV. Annex: Conditions for the provision of market-based and non-market-based solidarity gas according to Regulation (EU) 2017/1938 from Germany to neighbouring EU countries connected to Germany, incl. Italy

- DVGW SC code number for market participants of the German gas market (DVGW Service & Consult GmbH as a subsidiary of DVGW – Deutscher Verein des Gas- und Wasserfaches e. V.), more information and registration at <https://codevergabe.dvgw-sc.de/> OR
- Global Location Number (GLN), more information and registration at <http://www.gs1.org/standards/id-keys/gln>
- vii. Code of the European Union Agency for Cooperation of Energy Regulators (ACER) for the Centralized European Register of Energy Market Participants (CEREMP), more information at <https://www.acer-emit.eu/portal/ceremp>
- viii. Contact details of relevant contact persons of the company of the SPoC;
- ix. Full bank details of the company of the SPoC (including IBAN, BIC or SWIFT)
- x. VAT identification number
- xi. Digital certificates for the electronic transmission of EDIFACT business messages and, if applicable, information and documents on the desired communication channel for 1:1 communication in accordance with the THE communication data sheet, available at https://www.tradinghub.eu/Portals/0/Kommunikationsdatenblatt/2022_THE%20Communication%20Data%20Sheet.pdf?ver=ppOSROukprm8t-OCIFdr5w%3d%3d
- xii. If service providers (serving as SPoC) are involved, 'Power of Attorney for Service Provider (Balancing Group Manager)' form completed in full and signed, available at https://www.tradinghub.eu/Portals/0/Sicherheitsplattform%20Gas%20-%20Datenerebung%20BNetzA/Dateien%2029.%20September%202022/BKV_EN_Power%20of%20attorney%20for%20Service%20Provider.pdf?ver=5_gxRY1beDA5yVv6lGLZJw%3d%3d.
- xiii. Commercial Register number
- xiv. Extract from the Commercial Register no older than three (3) months
- xv. If available: certificate of the main customs office for natural gas suppliers according to Section 38(3) Energy Duty Act (EnergieStG)
- xvi. If available: possibility to provide proof of a certified compliance management system
- xvii. Last three (3) audited financial statements and the opening balance sheet
- xviii. (European) certificate of good conduct of the company of the SPoC (in the case of natural persons) or of all members of the management (in the case of legal persons), of the authorised signatories and of the user in the original or as a certified copy. All details on the certificate of good conduct, with the exception of the first and last name, date of birth, date of issue and content, are to be obscured before transmission
- xix. Assurance that the company of the SPoC is not currently insolvent and that there are no legal proceedings pending that are highly likely to lead to the company's insolvency
- xx. Certified copy of the front of the identity card of all members of the management, any authorised signatories and the user. All details on the copy of the identity card, with the exception of the first name, surname, date of birth, signature and period of validity, must be obscured before

IV. Annex: Conditions for the provision of market-based and non-market-based solidarity gas according to Regulation (EU) 2017/1938 from Germany to neighbouring EU countries connected to Germany, incl. Italy

transmission. Failure to disidentify the information shall result in the immediate deletion of the copy sent, which must be resubmitted as per sentence 2.

In the event that the MS does not nominate a company as SPoC, please coordinate an appointment with THE (Market-Development@tradinghub.eu) and BMWK (Buero-WEB4@BMWK.bund.de) to clarify the documents required.

The SPoC or MS informs the BMWK as soon as the balancing group contract is concluded with THE.

3. Registration with affected gas TSOs

The SPoC registers with the potentially relevant TSO(s) in order to be able to make capacity bookings/transport nominations (the capacity booking with the respective TSO is usually made via the Prisma platform); the balancing group registered under #2 is to be used for this purpose.

If the SPoC does not have a contact at potentially relevant TSOs, the SPoC or MS contacts BMWK (Buero-WEB4@BMWK.bund.de).

4. Registration with Prisma for capacity booking

The SPoC registers with Prisma European Capacity Platform GmbH to book capacity; registration at <https://app.prisma-capacity.eu/registration/wizard/start>.

5. Approval of bilateral standard gas sales contract

For the procurement of market-based solidarity gas, the SPoC or MS concludes bilateral contracts with balancing group managers registered in THE market area. Ideally, a standard contract is to be used for this purpose.

The SPoC or MS informs BMWK (Buero-WEB4@BMWK.bund.de) about their perspectives on this.

If, for example, standard contracts according to EFET are used, information similar to that described under #2b will need to be submitted to the balancing group managers so that the contracts can be processed.

V. Annex: Feedback from the consultation of interested parties and feedback

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
1	Swiss Federal Department of the Environment, Transport, Energy and Communications (UVEK), Swiss Federal Office for the Environment	Wednesday, 12 July 2023	1 st Solidarity measures: Allow for a bilateral solidarity agreement; include reference to negotiations on and intentions of including Switzerland in German-Italian Solidarity Agreement (Chapter 12.3).	The wording in Chapter 12.3/ Italy will remain unchanged.
2			2 nd Include CHE in provisions of Regulation (EU) 2017/1938 – Article 10 (7) and Article 11 (6), particularly on retaining cross-border infrastructure and refraining from measures that would pose a serious threat to the gas supply of CHE. Article 8(2) lit. b and Article 10 Regulation (EU) 2017/1938 does not exclude the possibility of regulating cooperation with third countries connected to Germany by infrastructure under the German Emergency Plan for Gas for Germany.	- Chapter 12.2 has been adjusted where possible - Reference made to ongoing dialogue between CHE and European Commission on CHE and Regulation (EU) 2017/1938, especially on including CHE in the agreement as a transiting third country.
3			3 rd Reductions of exports (Chapter 12.2): - Take account of temperature-based needs of protected customers in CHE; - Equal treatment of non-protected customers in the case of cuts; - At least 48 hours' advance notice - Explicit reference to the possibility for protected customers to submit an application for additional amounts to the federal load distributor in the case of export restrictions	- Chapter 12.2 has been adjusted where possible - Reference to continuous exchange between CHE and the BNetzA.
4			4 th Measures of grid operators (as per section 16 (2) EnWG) must not jeopardise protected customers' supply in neighbouring countries (Chapter 4)	- Section 16 (2) EnWG not relevant here. - Reference to continuous exchange between CHE and the BNetzA.
5			5 th Communication of information about declarations of crisis levels and planned measures including individual instructions to CHE (Chapter 2).	Chapter 2 has been adjusted.
6			6 th Add in general: EU Member State "or a neighbouring state connected to Germany by infrastructure"	Has been adjusted where possible.
7	Ministry of Economics, Infrastructure, Tourism and Labour of Mecklenburg-Western Pomerania	Thursday, 13 July 2023	1 st Determination of crisis levels (Chapter 2) – clarify: Does the termination of a level automatically entail a scaling-down to a lower level? Or is it necessary to weigh up the situation and declare a new crisis level? Table 3: "Declaration procedure" instead of "termination"	- Chapter 2 has been adjusted. - The statement also contains an assessment of the situation or decision on the scaling down to the alert / early warning level or the return to normal operations.

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
8			2 nd Stakeholders' measures before and during crisis situations (Chapter 4) – clarify/specify: Which emergency level(s) are meant by “case of a crisis”? = emergency level?	- Clarification made where appropriate.
9			3 rd Stakeholders' measures before and during crisis situations (Chapter 4) – clarify/specify: In what cases of crisis do the BNetzA and the Länder regulatory chambers need to be informed?	The BNetzA and the Länder are included at the convening of the crisis team at the latest; Länder regulatory chambers/stakeholders at Länder levels should be informed by the Länder.
10			4 th Flow of information at the crisis levels (Chapter 7): Additions to Figure 5: “General instructions are made available to the Single Point of Contact (SPoC) of the Länder affected. Reference to Chapter 5.4.2. (1).”	As general instructions are published on the website of the BNetzA, the BNetzA is not planning to send general instructions to the Länder.
11			1 st Final assessment impossible due to short deadline.	The consultation of the Länder began on 5 July 2023; the deadline was Friday, 14 July 2023. Baden-Württemberg has submitted its comments in time.
12			2 nd The BNetzA's system of indicators (Chapter 2.1): What is the reference point for the 25% reduction on gas consumption?	Table: Indicators and assessment variables to assess the current gas supply situation developed in 2022 to assess the situation has been adjusted: <i>“as compared to mean value of consumption for the same calendar week over the past five years.”</i>
13	Ministry of the Environment, Climate Protection and the Energy Sector of the State of Baden-Württemberg	Friday, 14 July 2023	3 rd Emergency level (Chapter 3.4): Need for clarification of “regional/Land-specific dimension”	A regional/Land-specific dimension/situation occurs, when a shortage volume report does not refer to the entire federal territory/across all Länder, but is restricted to a regional area (anything smaller than the whole of Germany).
14			4 th Appointment of crisis managers (Chapter 9.1): What are crisis managers?	The crisis management contacts are individuals in a position of responsibility within their particular organisations, authorities or business enterprises.
15			5 th Remits of Länder load distributors (Chapter 9.2): In what scenario will there be one or more Länder load distributors?	- Even regional/Land-specific bottlenecks are likely to be of supra-regional relevance and have a supra-regional impact, meaning that the federal load distributor should be in charge of these. A case of mere regional relevance seems rather theoretical, given that it would normally not lead to a declaration by the Federal Government that there is a substantial danger to or disruption of the gas supply. - Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
16			6 th Organisation of the federal gas crisis team (Chapter 9.2): <i>“In addition to the BMWK, the crisis managers at the BNetzA, Länder, TSOs, the market area manager Trading Hub Europe GmbH (THE) and the BfE are standing members of the crisis team and are required to attend the meetings of the team.”</i> Does this mean that all Länder are to be represented on the national crisis team?	All Länder are included, but via a representation arrangement: <i>“The Länder and the TSOs agree their representation amongst themselves, possibly on an alternating basis. If there is a specific regional/Land-specific impact, the corresponding Länder and TSOs attend the federal crisis team meetings.”</i>

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
17	Bavarian State Ministry of Economic Affairs, Regional Development and Energy	Friday, 14 July 2023	1 st Request for additional time	The consultation of the Länder began on 5 July 2023; the deadline was Friday, 14 July 2023. Bavarian State Ministry of Economic Affairs, Regional Development and Energy submitted its comments on Friday 21 July 2023.
18			2 nd Request for submission of a draft in which changes (compared to the 2019 Emergency Plan) are marked up.	A document with mark-ups was submitted on 17 July 2023.
19	BDEW Bundesverband der Energie- und Wasserwirtschaft (German Association of Energy and Water Industries),	Friday, 14 July 2023	1 st Market-based measures gas TSO/DSO (Chapter 4.2): The individual particularities of the grid operators in terms of technology and physics ought to be taken into account here.	Chapter 4.2 has been adjusted and now reads as follows: <i>“Acting on their own responsibility, the gas undertakings decide which measure is required and appropriate to ensure the functioning of the market, the maintenance of system stability, and the supply of gas to protected customers for as long as possible, with due regard to the specific grid hydraulics, emergency and supply situation.”</i>
20			2 nd Use of internal balancing energy (Chapter 4.2 A): A usable line pack of this kind is only available in the case of higher-pressure levels. For low or medium-pressure networks, there is no line pack that could be used to balance the systems.	Chapter 4.2. A. has been adjusted and now reads as follows: <i>“The potentially available line pack is used in the gas grids to manage short-term fluctuations in the balance of the system.”</i>
21			3 rd Instruction concept of the BNetzA (Chapter 5): Definition of the status of “protected customer” is missing for users of registered performance measurement. BNetzA (series of webinars): Users of registered performance measurement are obliged to inform the grid operator responsible about their protected status.	The criteria of section 53a EnWG apply. For a detailed description see Chapter 5.1.2 A and Annex I.

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
22			4 th Expropriation and transfer of gas (Chapter 5.3 B): The BNetzA and the legislator ought to urgently clarify this issue; ideally by refraining from the instrument of expropriations. At a minimum, however, it must be clarified at what speed, on what scale and under what procedure compensation will be paid so as to not artificially restrict importers in their ability to act (compensation for the removal of gas from storage are regulated in section 11a EnSiG, but not for suppliers' BGMs).	<p>- section 11 EnSiG regulates not only the prerequisites for an expropriation ("possible right to compensation"), but also the legal consequences and the prerequisite for an expropriation to be lawful, compensation (section 11(4) EnSiG). A legal assessment conducted by the BMWK has shown that these provisions on the level of compensation are in line with the requirements under constitutional law, which leave some level of scope: The Federal Constitutional Court underlines the scope the legislator has in designing the compensation. A rigid compensation based solely on the market value, the Court declares, is foreign to the Basic Law. Expropriated parties, it states, must not always be given the full equivalent of what has been taken from them. Rather, the legislator is free to decide according to the circumstances whether the full equivalent or a lower compensation is granted. (BVerfGE 24, 367 para. 170; BVerfGK 17, 68 para. 44; cf. also BVerfGE 46, 268 para. 83 f.). The party entitled to compensation will thus be compensated for their investments in the acquisition or production [of the asset], including financing. They are not placed at an advantage. A lack of energy sources or energy in a crisis can result in significant price rises, even within a very short period of time. These increases in market value are not the result of the performance of the parties entitled to compensation. They are windfall profits. Furthermore, energy supply, particularly for meeting vital needs, is of overwhelming importance for the common good and therefore carries a high degree of social responsibility. Obligations to hand over [gas] at maximum prices are possible under section 1(1) sentence 1 no.1 and must be tolerated – without compensation – as provisions defining the substance and limits of property (Bundestag Printed Paper 20/4328, 14 f.). Overall, the aspects of equivalence to performance made on the one and of social responsibility on the other are sufficient elements to justify the basis for computation defined by the legislator [cf. Reiter, in: Gerstner/Gundel, BeckOK Energiesicherungsrecht, 2nd edition, section 11 EnSiG, para. 33 f.].</p> <p>- Section 11a EnSiG serves as <i>lex specialis</i> compared to section 11 EnSiG with regard to the level of compensation, but the decision-making power derives from section 11 EnSiG. The BMWK estimates that the provisions on the level of compensation as per section 11a EnSiG also fall within of the legislator's scope. The logic underlying the provision is similar to that of section 11(4) EnSiG.</p>
23			5 th Appointment of crisis managers (Chapter 9.1): Replace "gas market players" with "transmission system operators" – otherwise there will be more than 1,000 crisis managers. In necessary, add "and any gas market players to be named by the BMWK".	Chapter 9.1 has been adjusted: <i>"The BNetzA, the Länder and transmission system operators and the market area manager responsible for gas [...]. Associations, other gas market players or players which may be included in the federal crisis team depending on events, are also to designate crisis managers and to proactively inform the BMWK of them."</i>

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
24			6 th Composition of the crisis team (Chapter 9.2): Mention BDEW, DVGW, DIHK as examples of associations that could be included.	Chapter 9.2 has been adjusted: <i>“The inclusion of further associations and organisations (e.g. electricity TSOs, possibly large / representative gas DSOs, exchange) and additional representatives of gas TSOs and Länder to support the work of the federal crisis team may be requested in line with the situation and the need to tackle the crisis, and may be invited by the chair of the federal crisis team via the relevant organisations/companies.”</i>
25	European Energy Exchange AG (EEX),	Friday, 14 July 2023	1 st The BNetzA's system of indicators (Chapter 2.1): Check whether further market indicators such as the development of prices and liquidity in trade could also be included as an addition.	Chapter 2.1 has been adjusted: <i>“The system of indicators set up in 2022 is not binding under law or in any other way, and serves situation-related or event-related communications. Further adjustments can be quickly made as needed depending on the situation or events.”</i>
26			2 nd Specify the activities of EEX in a gas shortage situation (Chapter 4.1): EEX does not only plan, but will also keep the spot market open, unless the virtual trading point is no longer available or if there is a legal order to close the market.	Chapter 4.1 has been adjusted: <i>“The European Energy Exchange (EEX) operates the spot market in the gas shortage situation as long as the virtual trading point is made available by the market area manager and operations are not prohibited by law.”</i>
27			3 rd Tasks and organisation of the federal gas crisis team (Chapter 9.2): We suggest the establishment of a clear communication channel for stakeholders (email inbox, hotline) that are not regular members of the crisis team. Purpose: a possibility to promptly provide the crisis team with relevant information in a crisis.	Chapter 9.2 has been adjusted: Table: Contact addresses of the BNetzA and the BMWK in a crisis
28	EFET Germany - European Federation of Energy Traders - Germany,	Friday, 14 July 2023	1 st The BNetzA's system of indicators (Chapter 2.1): What is the reference point for the reduction percentage rates?	Table: Indicators and assessment variables to assess the current gas supply situation developed in 2022 to assess the situation has been adjusted: <i>“as compared to mean value of consumption for the same calendar week over the past five years.”</i>
29			2 nd Contributions of measures (Chapter 3.2.2): Specify the “further steps” to be taken by the BMWK/federal crisis team: <i>“The BMWK and the crisis team players are informed about the current situation and can take corresponding further steps as necessary in order to counteract a deterioration of the situation.”</i>	The further steps result from the overall context described.
30			2 nd Supply-side measures (Chapter 3.4.1 B b.): What is the compensation for these measures? Section 11 EnSiG insufficient.	- Section 11 EnSiG regulates not only the prerequisites for an expropriation (“possible right to compensation”), but also the legal consequences and the prerequisite for an expropriation to be lawful, compensation (section 11(4))

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
31			3 rd Compensation rules in cases of expropriation (Chapter 3.4.5): section 11(4) EnSiG provides for compensation to be paid in the amount of the acquisition and financing of the asset, but not the replacement cost. This is not acceptable, given that it can be presumed that the price of the asset to be replaced will have multiplied several times over compared to the time of the original acquisition including financing.	EnSiG). A legal assessment conducted by the BMWK has shown that these provisions on the level of compensation are in line with the requirements under constitutional law, which leave some level of scope: The Federal Constitutional Court underlines the scope the legislator has in designing the compensation. A rigid compensation based solely on the market value, the Court declares, is foreign to the Basic Law. Expropriated parties, it states, must not always be given the full equivalent of what has been taken from them. Rather, the legislator is free to decide according to the circumstances whether the full equivalent or a lower compensation is granted. (BVerfGE 24, 367 para. 170; BVerfGK 17, 68 para. 44; cf. also BVerfGE 46, 268 para. 83 f.). The party entitled to compensation will thus be compensated for their investments in the acquisition or production [of the asset], including financing. They are not placed at an advantage. A lack of energy sources or energy in a crisis can result in significant price rises, even within a very short period of time. These increases in market value are not the result of the performance of the parties entitled to compensation. They are windfall profits. Furthermore, energy supply, particularly for meeting vital needs is of overwhelming importance for the common good and therefore carries a high degree of social responsibility. Obligations to hand over [gas] at maximum prices are possible under section 1(1) sentence 1 no.1 and must be tolerated – without compensation – as provisions defining the substance and limits of property (Bundestag Printed Paper 20/4328, 14 f.). Overall, the aspects of equivalence to performance made on the one and of social responsibility on the other are sufficient elements to justify the basis for computation defined by the legislator [cf. Reiter, in: Gerstner/Gundel, BeckOK Energiesicherungsrecht, 2nd edition, section 11 EnSiG, para. 33 f.].
32			4 th Compensation in cases of expropriation (Chapter 3.4.5): <i>“If, as a result of a statutory instrument or measure the affected party suffers damage to their assets which does not fall within the scope of section 11 Energy Security of Supply Act, in accordance with section 12 Energy Security of Supply Act monetary compensation must be paid by the Federation or the Land to the extent that affected party’s economic existence is jeopardised or destroyed by unavoidable damage or compensation is appropriate in order to prevent or offset similar unfair hardships (hardship compensation).”</i> Does this also apply to gas storage facilities as per section 11a EnSiG?	- Section 11a EnSiG serves as <i>lex specialis</i> compared to section 11 EnSiG with regard to the level of compensation, but the decision-making power derives from section 11 EnSiG. The BMWK estimates that the provisions on the level of compensation as per section 11a EnSiG also fall within of the legislator’s scope. The logic underlying the provision is similar to that of section 11(4) EnSiG.
33			5 th Chapter 4.2.: Replace “storage users” with “SSBO contracting parties”	Chapter 4.2. has been adjusted.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
34			6 th Expropriation and transfer of gas (Chapter 5.3 B): The BNetzA and the legislator ought to urgently clarify this issue; ideally by refraining from the instrument of expropriations. At minimum, however, it must be clarified at what speed, on what scale and under what procedure compensation will be paid so as to not artificially restrict importers in their ability to act (compensation for the removal of gas from storage is regulated in section 11a EnSiG, but not for suppliers' balance responsible parties).	Reference to the comments by EFET; points No. 2-4.
35			7 th Appointment of crisis managers (Chapter 9.1): EFET assumes that only the parties listed will give the BMWK the details of the crisis manager responsible, unless proactively asked by the BMWK to do so. It would be good not to create a misunderstanding in the Emergency Plan, namely that all balance responsible parties and operators of infrastructure must proactively contact the BMWK about this.	Chapter 9.1 has been adjusted: <i>"The BNetzA, the Länder and transmission system operators and the market area manager responsible for gas [...]. Associations, other gas market players or players which may be included in the federal crisis team depending on events, are also to designate crisis managers and to proactively inform the BMWK of them."</i>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
36	Equinor Germany GmbH	Friday, 14 July 2023	1 st Compensation rule in cases of expropriation (Chapter 3.4.5): In a gas shortage situation, calculating compensation for gas exporters on the basis of acquisition or production costs is not appropriate. Instead, the price mechanism used in the event of an expropriation ought to be based on the actual market prices (day-ahead price at THE-VTP prior to the intervention).	<p>- Section 11 EnSiG regulates not only the prerequisites for an expropriation ("possible right to compensation"), but also the legal consequences and the prerequisite for an expropriation to be lawful, compensation (section 11(4) EnSiG). A legal assessment conducted by the BMWK has shown that these provisions on the level of compensation are in line with the requirements under constitutional law, which leave some level of scope: The Federal Constitutional Court underlines the scope the legislator has in designing the compensation. A rigid compensation based solely on the market value, the Court declares, is foreign to the Basic Law. Expropriated parties, it states, must not always be given the full equivalent of what has been taken from them. Rather, the legislator is free to decide according to the circumstances whether the full equivalent or a lower compensation is granted. (BVerfGE 24, 367 para. 170; BVerfGK 17, 68 para. 44; cf. also BVerfGE 46, 268 para. 83 f.). The party entitled to compensation will thus be compensated for their investments in the acquisition or production [of the asset], including financing. They are not placed at an advantage. A lack of energy sources or energy in a crisis can result in significant price rises, even within a very short period of time. These increases in market value are not the result of the performance of the parties entitled to compensation. They are windfall profits. Furthermore, energy supply, particularly for meeting vital needs is of overwhelming importance for the common good and therefore carries a high degree of social responsibility. Obligations to hand over [gas] at maximum prices are possible under section 1(1) sentence 1 no.1 and must be tolerated – without compensation – as provisions defining the substance and limits of property (Bundestag Printed Paper 20/4328, 14 f.). Overall, the aspects of equivalence to performance made on the one and of social responsibility on the other are sufficient elements to justify the basis for computation defined by the legislator [cf. Reiter, in: Gerstner/Gundel, BeckOK Energiesicherungsrecht, 2nd edition, section 11 EnSiG, para. 33 f.).</p> <p>- Section 11a EnSiG serves as lex specialis compared to section 11 EnSiG with regard to the level of compensation, but the decision-making power derives from section 11 EnSiG. The BMWK estimates that the provisions on the level of compensation as per section 11a EnSiG also fall within of the legislator's scope. The logic underlying the provision is similar to that of section 11(4) EnSiG.</p>
37	Evonik Operations GmbH	Friday, 14 July 2023	1 st Deadline too short to allow for complete assessment	The consultation of the associations began on Wednesday, 5 July 2023; the deadline was Friday, 14 July 2023.
38			2 nd BNetzA instruction concept (Chapter 5): Active involvement of BDI and BDEW in the BNetzA working group on "procedures". Evonik has played a very active role in this on behalf of BDI.	

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
39			3 rd General remark: There is dissent between Evonik/BDI/BDEW and BNetzA regarding the treatment of fuel switch.	Coordination between the stakeholders mentioned is ongoing (as of 31 July 2023).
40			4 th Fuel switch vs. Load Reduction balancing energy product: Fuel switch should not be put at a disadvantage. Request for an addition to a paragraph in Chapter 5.2.3. "Taking account of voluntary fuel switch measures" with the following substance: <i>"Where a company replaces the use of natural gas with that of other fuels (fuel switch) on a voluntary basis, the federal load distributor will, in its instructions for end users as per Chapter 5.1.2., take account of the natural gas replaced by the fuel switch for the overall company in the amount that has been conserved during the [duration of the] emergency level in the period in which the instructions apply. With regard to the measures to conserve natural gas, there is no physical and/or systemic difference between ordered instructions as per 5.1.2., a fuel switch performed on a voluntary basis or, e.g., the marketing of the Load Reduction balancing energy product."</i>	
41	Ministry of Economics, Energy, Transport and Housing of Hesse	Friday, 14 July 2023	1 st Delete Länder load distributors	- The regulation derives from section 4(5) EnSiG. - Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
42			2 nd Having all Länder participate in the meetings of the crisis team can be useful in that it would give them access to information about relevant developments and up-to-date assessments of the Gas TSOs, THE or the BNetzA. Proposal: Allow for passive participation of all Länder while also retaining the representation arrangement for participation in discussions so as not to disrupt the work of the crisis team.	The inclusion of further Länder to support the work of the federal crisis team is discussed and may be requested in line with the situation and the need to tackle the crisis. The Länder agree their adequate representation amongst themselves, possibly on an alternating basis.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
43	INES Energy Storage Association (Initiative Energy Speichern e.V.)	Friday, 14 July 2023	1 st BNetzA's system of indicators (Chapter 2.1): With regard to future updates of the Emergency Plan, energy savings of 15% or less in a "grooved in market" should not be classified as "critical".	- The figure of a minimum of 15% was taken from Regulation (EU) 2022/1369 of the Council of 5 August 2022 on coordinated demand-reduction measures for gas, which expires on 31 March 2023. Under this Regulation, the EU Member States are requested to reduce their consumption of gas by 15% between 1 August 2022 and 31 March 2023, compared to average consumption in the past five years. - Chapter 1 has been adjusted: <i>"Correspondingly, depending on the relevant EU legislation in place at the time of a crisis situation, the following parameters apply to crisis and emergency management in the gas sector in Germany:"</i>
44			2 nd Market-based measures of the market players (Chapter 4): The market-based measures also include measures as per section 16(2) EnWG. Unlike in the case of the measures as per section 16(1) EnWG, these are measures for which there is no contractual basis. It can therefore be assumed that these are not market-based measures, but measures that are partly comparable to the sovereign measures taken by the federal load distributor/the load distributors at emergency level. Recommendation: At emergency level, responsibility for any measures that are not market-based is to be given solely to the federal load distributor/the load distributors so as to ensure absolute clarity on responsibilities and avoid any (perhaps conflicting) parallel instructions being given by the grid operators and the federal load distributor/the load distributors.	By acting in a forward-looking way at emergency level, the federal load distributor is to try to ensure grid stability so that, ideally, the grid operators do not need to take measures as per section 16(2) EnWG. The legal responsibility for system stability as per section 16 EnWG, however, will remain with the grid operators and cannot be fully lifted from them.
45			3 rd BNetzA instruction concept (Chapter 5): Instructions to remove gas from storage prevent an early switch-off of non-vital needs and are therefore incompatible with the legal provisions of section 1(1) GasSV.	Removing gas from storage makes it possible to cover vital needs, given that the removal makes up for the missing volume and allows for restoring system stability.
46	Lower Saxony Ministry for Environment, Energy and Climate Protection	Friday, 14 July 2023	1 st Deadline too short	The consultation of the Länder began on 5 July 2023; the deadline was Friday, 14 July 2023. Lower Saxony submitted its comments in time.
47			2 nd Declaration of the emergency level (Chapter 3.4.): Highlight/point out that the declaration of the emergency level as per section 3(1) sentence 1 EnSiG takes the form of an ordinance issued by the Federal Government without the approval of the Bundesrat.	Chapter 3.4. has been adjusted: <i>"The declaration of the emergency level by the Federal Government in accordance with section 3 (4) sentence 1 Energy Security of Supply Act by a statutory instrument is the prerequisite for the implementation of measures of the Energy Security of Supply Act and the Ordinance to Ensure the Supply of Gas in a Supply Crisis and for the ensuring of the vital need for gas. The approval of the Bundesrat is not required for this."</i>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
48			3 rd Länder load distribution is a problem (Chapter 3.4./ 9.2): Lower Saxony holds that BMWK and BNetzA have made it clear that, due to the gas transmission system's connectivity across Länder, it can always be assumed that a gas shortage situation is of supra-regional relevance/cuts across different Länder. However, this is not clearly reflected in the Emergency Plan. Proposal: Delete intervention by Länder load distributor.	<ul style="list-style-type: none"> - Even regional/Land-specific bottlenecks are likely to be of supra-regional relevance and have a supra-regional impact, meaning that the federal load distributor should be in charge of these. A case of mere regional relevance seems rather theoretical, given that would normally not be declared by the Federal Government to result in a substantial danger to or disruption of the gas supply. - The regulation derives from section 4(5) EnSiG. - Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
49			3a. Please provide clarifying examples of situations in which the Länder load distributors would be responsible in a gas shortage situation, if the previous commentary does not result in a deletion.	
50			4 th Access to the Gas Security Platform (SiPla) (Chapters 5/6): Access to this by the Länder is absolutely necessary and must be granted without delay. Unless Länder load distribution is deleted from the Emergency Plan, this process will otherwise require 16 Länder platforms to be established.	
51			5 th Please note that it cannot be seen from Chapter 2 without additional consultation of the relevant legal basis which institution is under what reporting obligations.	
52			6 th Supply and demand-side measures taken ex ante: Chapter 3.4.1. B. b.: Reference to more detailed description of measures in Chapter 5.2.2.	
53			7 th Position tasks and responsibilities of different stakeholders in the German gas market (Chapter 10) at an earlier point in the Emergency Plan.	
54	Regulatory chamber of the State of Rheinland-Palatinate	Friday, 14 July 2023	1 st Deadline too short to allow for complete assessment	The consultation of the Länder began on 5 July 2023; the deadline was Friday, 14 July 2023. Rheinland-Palatinate submitted its comments in time.
55			2 nd Länder load distribution is a problem: Exclude possibility of Länder responsibility for load distribution (Reasoning: mere theoretical concept given that it is mainly supra-regional transmission systems transcending Länder borders that are affected by gas shortage situations; also: emergency levels are declared at national level only). Amend EnSiG accordingly.	<ul style="list-style-type: none"> - Even regional/Land-specific bottlenecks are likely to be of supra-regional relevance and have a supra-regional impact, meaning that the federal load distributor should be in charge of these. A case of mere regional relevance seems rather theoretical, given that would normally not be declared by the Federal Government to result in a substantial danger to or disruption of the gas supply. - The regulation derives from section 4(5) EnSiG.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
56			2a Please provide clarifying examples of situations in which the Länder load distributors would be responsible in a gas shortage situation, unless the commentary 2 does not result in a deletion.	- Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
57			2b Regarding Länder/federal load distribution, the Emergency Plan does not ensure the necessary early clarification of responsibility.	
58	Ministry of Economic Affairs, Industry, Climate Action and Energy of North Rhine-Westphalia	Monday, 17 July 2023	1 st Länder load distribution (Chapter 3.4.1.): Delete Länder load distribution. For reasoning, cf. comments 1a-e.	<ul style="list-style-type: none"> - Even regional/Land-specific bottlenecks are likely to be of supra-regional relevance and have a supra-regional impact, meaning that the federal load distributor should be in charge of these. A case of mere regional relevance seems rather theoretical, given that would normally not be declared by the Federal Government to result in a substantial danger to or disruption of the gas supply. - The regulation derives from section 4(5) EnSiG. - Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
59			1a. There are no legal definitions/criteria to be used to decide what is meant by “supra-regional”/transcending across Länder or “regional”/ specific to certain Länder.	
60			1b. It is unclear whether Länder administrations would be responsible of ascertaining and declaring a regional /Land-specific supply bottleneck.	
61			1c. There are doubts that Länder load distribution will or even could be of practical relevance, given the high degree of supra-regional connection of the gas networks, including across Länder borders.	
62			1d. The Emergency Plan does not describe any scenarios in which Länder load distribution would apply.	
63			1e. The Länder have insufficient access to information: at present, the Länder are not granted (reading) access to the Gas Security Platform (SiPla), which makes it impossible for them to take on the responsibility of organising Länder load distribution and makes it necessary to establish unnecessary parallel structures.	
64			2 nd BNetzA's system of indicators (Chapter 2.1): The wording of this Chapter suggests that there continue to be daily situation reports with updated indicators. As this is not the case, however, the wording should be adjusted.	
				<ul style="list-style-type: none"> - In 2022, an up-to-date, weekly situation report with daily data for most of the indicators was published on the website of the BNetzA (last accessed on 31 July 2023 at https://www.bundesnetzagentur.de/DE/Gasversorgung/aktuelle_gasversorgung/start.html?jsessionid=C5B952ED1809935E8F1821E5139D5DC0). - Chapter 2.1. has been adjusted: <i>“The system of indicators set up in 2022 is not binding under law or in any other way, and serves situation-related or event-related communications. Further adjustments can be quickly made as needed depending on the situation or events.”</i>

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65			3 rd Winter monitoring for electricity (Chapter 8.2.): The tense chosen in the wording suggests that the monitoring continues over the summer on a weekly basis.	Chapter 8.2. has been adjusted.
66			4 th Overview of the measures (Annex II) For the sake of providing a complete list, the Gas Storage Level Ordinance (GasSpFüllstV) ought to be included in the Table entitled "Voluntary measures implemented in Germany in 2022 that may contribute to lowering the demand for gas".	Annex II has been amended.
67	Association of Local Utilities (VKU)	Monday, 17 July 2023	1 st Some isolated signals within the Association of Local Utilities (VKU) suggesting that the "interplay" between the federal load distributor and the distribution system operators is not quite clear in the draft for the Emergency Plan.	Reference to the dialogue between VKU and BNetzA.
68			1 st Addition to demand-side measures (Chapter 3.4.1. B. b.): There should be a clarification that demand-side measures refer not only switch-off instructions, but also instructions to customers to reduce their consumption of gas.	Chapter 3.4.1. B. b. has been adjusted: <i>"Instruction to reduce consumption or switch off customers."</i>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
69	German Chemical Industry Association (VCI)	Wednesday, 19 July 2023	2 nd Compensation arrangement in the case of expropriation of gas (Chapter 3.4.5.): Does the provision on compensation for reduced supply with natural gas only take into account the acquisition cost of the natural gas or also costs linked to the reduction, such as any damage to installations, travel costs or fixed costs?	<p>- Section 11 EnSiG regulates not only the prerequisites for an expropriation ("possible right to compensation"), but also the legal consequences and the prerequisite for an expropriation to be lawful, compensation (section 11(4) EnSiG). A legal assessment conducted by the BMWK has shown that these provisions on the level of compensation are in line with the requirements under constitutional law, which leave some level of scope: The Federal Constitutional Court underlines the scope the legislator has in designing the compensation. A rigid compensation based solely on the market value, the Court declares, is foreign to the Basic Law. Expropriated parties, it states, must not always be given the full equivalent of what has been taken from them. Rather, the legislator is free to decide according to the circumstances whether the full equivalent or a lower compensation is granted. (BVerfGE 24, 367 para. 170; BVerfGK 17, 68 para. 44; cf. also BVerfGE 46, 268 para. 83 f.). The party entitled to compensation will thus be compensated for their investments in the acquisition or production [of the asset], including financing. They are not placed at an advantage. A lack of energy sources or energy in a crisis can result in significant price rises, even within a very short period of time. These increases in market value are not the result of the performance of the parties entitled to compensation. They are windfall profits. Furthermore, energy supply, particularly for meeting vital needs is of overwhelming importance for the common good and therefore carries a high degree of social responsibility. Obligations to hand over [gas] at maximum prices are possible under section 1(1) sentence 1 no.1 and must be tolerated – without compensation – as provisions defining the substance and limits of property (Bundestag Printed Paper 20/4328, 14 f.). Overall, the aspects of equivalence to performance made on the one and of social responsibility on the other are sufficient elements to justify the basis for computation defined by the legislator [cf. Reiter, in: Gerstner/Gundel, BeckOK Energiesicherungsrecht, 2nd edition, section 11 EnSiG, para. 33 f.).</p> <p>- Section 11a EnSiG serves as lex specialis compared to section 11 EnSiG with regard to the level of compensation, but the decision-making power derives from section 11 EnSiG. The BMWK estimates that the provisions on the level of compensation as per section 11a EnSiG also fall within of the legislator's scope. The logic underlying the provision is similar to that of section 11(4) EnSiG.</p>
70			4 th Pooling/Cuts for final consumers concept (Chapter 5.1.2.): The table "Phased and differentiated individual instructions", which describes phased and differentiated individual instructions ought to be amended to include the point "allow for pooling", analogous to Chapter 5.1.2. A.	<p>- Addition "allow for pooling" for phased individual instructions.</p> <p>- No adjustment for differentiated individual instructions, because these might perhaps not allow for pooling. Pooling would notably undermine the socially and economically differentiated criteria used by the federal load distributor.</p>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
71			5 th Pooling/Cuts for final consumers concept (Chapter 5.1.2): General expansion of pooling to include cross-company pooling desirable to allow for voluntary pooling between companies in the same supply chain. Proposal for including the following in a new Chapter 5.1.3: <i>"Pooling is to allow companies within a bottleneck zone to conserve less natural gas at one consumption point provided that more is conserved at other consumption points. This puts companies in a position to decide amongst themselves – e.g. along supply chains and/or for economic reasons – at what consumption points the ordered reductions are to be made to what degree, provided that the consumption points are situated in the same bottleneck zone and that the reductions combined equal the sum of the cuts ordered as per Chapter 5.1.2."</i>	There will be no adjustment as pooling cannot be a general option. - If cross-company pooling is opened up too widely, there will be a diffusion of responsibility and a danger of a lack of efficiency and traceability. Furthermore, the federal load distributor must be in a position to use the criterion of vital needs to protect / allow for <i>"less economically profitable consumption"</i> . An example: Social manufacturing sectors that are important in the short term should precisely not experience cuts as a result of pooling and for mere economic reasons in favour of profitable, but perhaps less socially relevant purposes of consumption.
72			6 th Unequal treatment: fuel switch vs. Load Reduction balancing energy product: Unequal treatment of the two energy conservation measures results in false incentives. We propose that a new Chapter 5.2.3. entitled "Taking account of voluntary fuel switch measures" be added, with the following wording: <i>"Where a company replaces the use of natural gas with that of other fuels (fuel switch) on a voluntary basis, the federal load distributor will, in its instructions for end users as per no. 5.1.2., take account of the natural gas replaced by the fuel switch for the overall company in the amount that has been conserved during the [duration of the] emergency level in the period in which the instructions apply. With regard to the measures to conserve natural gas, there is no physical and/or systemic difference between ordered instructions as per 5.1.2., a fuel switch performed on a voluntary basis or, e.g., the marketing of the Load Reduction balancing energy product."</i>	Coordination between the BNetzA and the companies/association is ongoing (as of 31 July 2023); prior to the completion of this coordination there will be no additions made to this Emergency Plan.
73			7 th Failure to comply with instructions given by BNetzA (Chapter 7.2): What are the repercussions of the cited consequences (section 15 EnSiG) of failure to comply on the person listed on the Gas Security Platform (e.g. branch manager/head of operations)?	The repercussions of failure to comply depend on the individual case, which is why they cannot be described in this Emergency Plan.

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74	Evonik Operations GmbH	Wednesday, 19 July 2023	1 st Pooling/Cuts for final consumers concept (Chapter 5.1.2.): General expansion of pooling to include cross-company pooling desirable to allow for voluntary pooling between companies in the same supply chain.	There will be no adjustment as pooling cannot be a general option. - If cross-company pooling is opened up too widely, there will be a diffusion of responsibility and a danger of a lack of efficiency and traceability. Furthermore, the federal load distributor must be in a position to use the criterion of vital needs to protect / allow for <i>“less economically profitable consumption”</i> . Example: Social manufacturing sectors that are important in the short-term should precisely not experience cuts as a result of pooling and for mere economic reasons in favour of profitable, but perhaps less socially relevant purposes of consumption.
75			2 nd Pooling/Cuts for final consumers concept (Chapter 5.1.2.): Explicit question asking for the reason behind existing restrictions, especially in view of BNetzA's stance, which is to prevent the formation of a secondary market.	
76			3 rd Pooling/Cuts for final consumers concept (Chapter 5.1.2.): The table “Phased and differentiated individual instructions”, which describes phased and differentiated individual instructions ought to be amended to include the point “allow for pooling”, analogous to Chapter 5.1.2. A.	No adjustment.
77			4 th Pooling/Cuts for final consumers concept (Chapter 5.1.2.): General expansion of pooling to include cross-company pooling desirable to allow for voluntary pooling between companies in the same supply chain. Proposal for including the following in a new Chapter 5.1.3: <i>“Pooling is to allow companies within a bottleneck zone to conserve less natural gas at one consumption point provided that more is conserved at other consumption points. This puts companies in a position to decide amongst themselves – e.g. along supply chains and/or for economic reasons – at what consumption points the ordered reductions are to be made to what degree, provided that the consumption points are situated in the same bottleneck zone and that the reductions combined equal the sum of the cuts ordered as per Chapter 5.1.2.”</i>	

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78			<p>5th Unequal treatment of individual instructions/general instructions (expropriation vs. market appraisal) (Chapter 5): In the case of general instructions, the price paid for the gas conserved is the imbalance settlement charge, i.e. at the expected high rate, whereas in the case of individual instructions, there is an expropriation and the compensation for the natural gas is calculated on the basis of the purchasing price at the time of the acquisition of the gas. The purchasing price of the gas is likely to be significantly lower than the current imbalance settlement charge and the inequality of the treatment the more extreme the more care a company has taken to hedge its need for natural gas in terms of price. Does the BNetzA have scope with regard to this unequal treatment of general instructions not involving expropriation and of individual instructions resulting in expropriation? Are there binding reasons not to allow for alternatives?</p>	<p>Any possible unequal treatment is the result of the statutory design of section 11 EnSiG.</p> <p>The differences in accounting treatment result from the fact that individual accompanying accounting instructions can only be issued for market locations registered on the Gas Security Platform. Only there can the reduced amounts be transferred to the federal load distributor's balancing group.</p> <p>The limitation to connection point users with a technical connection capacity of ≥ 10 megawatts as per section 1a(2) GasSV was designed for reasons of practicability (cf. Bundestag Printed Paper 20/1501 Draft of an Act Amending the 1975 Energy Security of Supply Act and other provisions governing the Energy Industry of 26 April 2022, re no. 2 (section 1a – new), p. 42.</p>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
79			6 th Specify compensation rule in cases of expropriation (Chapter 3.4.5): Does this work according to the principle first-in, first-out or last-in, first-out, or are there plans for an altogether different system?	<p>- Section 11 EnSiG regulates not only the prerequisites for an expropriation ("possible right to compensation"), but also the legal consequences and the prerequisite for an expropriation to be lawful, compensation (section 11(4) EnSiG). A legal assessment conducted by the BMWK has shown that these provisions on the level of compensation are in line with the requirements under constitutional law, which leave some level of scope: The Federal Constitutional Court underlines the scope the legislator has in designing the compensation. A rigid compensation based solely on the market value, the Court declares, is foreign to the Basic Law. Expropriated parties, it states, must not always be given the full equivalent of what has been taken from them. Rather, the legislator is free to decide according to the circumstances whether the full equivalent or a lower compensation is granted. (BVerfGE 24, 367 para. 170; BVerfGK 17, 68 para. 44; cf. also BVerfGE 46, 268 para. 83 f.). The party entitled to compensation will thus be compensated for their investments in the acquisition or production [of the asset], including financing. They are not placed at an advantage. A lack of energy sources or energy in a crisis can result in significant price rises, even within a very short period of time. These increases in market value are not the result of the performance of the parties entitled to compensation. They are windfall profits. Furthermore, energy supply, particularly for meeting vital needs is of overwhelming importance for the common good and therefore carries a high degree of social responsibility. Obligations to hand over [gas] at maximum prices are possible under section 1(1) sentence 1 no.1 and must be tolerated – without compensation – as provisions defining the substance and limits of property (Bundestag Printed Paper 20/4328, 14 f.). Overall, the aspects of equivalence to performance made on the one and of social responsibility on the other are sufficient elements to justify the basis for computation defined by the legislator [cf. Reiter, in: Gerstner/Gundel, BeckOK Energiesicherungsrecht, 2nd edition, section 11 EnSiG, para. 33 f.].</p> <p>- Section 11a EnSiG serves as lex specialis compared to section 11 EnSiG with regard to the level of compensation, but the decision-making power derives from section 11 EnSiG. The BMWK estimates that the provisions on the level of compensation as per section 11a EnSiG also fall within of the legislator's scope. The logic underlying the provision is similar to that of section 11(4) EnSiG.</p>

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80			7 th Self-supply constellations not covered (Chapter 5.4.1.): Given that larger industrial companies such as Evonik operate their own balancing group management, we ask that the following point be included in the description of BNetzA's instructions concept in Chapter 5.4.1. (Application and determination of the criteria for the weighing-up): <i>"No disadvantages for final consumers resulting from different constellations of supply"</i> .	There will be no adjustment. There are legal requirements in place that ensure that final consumers must be treated equally by the federal load distributor, regardless of their supply constellation. However, excluding the possibility of any disadvantages resulting from different supply constellations does not fit within the system underlying the list, given that it is different from the other listed criteria, which are general in nature. The list in Chapter 5.4.1. is a list of mere examples (cf. sentence 1 of that chapter: <i>"the federal load distributor will consider, amongst others, the following criteria"</i>).
81	Bavarian State Ministry of Economic Affairs, Regional Development and Energy	Friday, 21 July 2023	1 st Appointment of crisis managers (Chapter 9.1): The role and remits of the crisis managers to be appointed in cooperation with the federation (e.g. members of the crisis team), vis-à-vis the responsibilities of the Länder as per section 4(5) EnSiG and the Single Point of Contact (SPoC) must be defined in more detail. This must be done taking adequate account of each Land's individual organisation and coordination structure (e.g. in Bavaria, the Guidelines for the management of threats affecting large areas and for other incidents below the threshold of a disaster that require coordination (Coordination Guidelines, KoordR). A specific case for which responsibilities need to be defined is that of the Länder supporting the federal load distributor by a substitute performance via the SPoC.	- The role/key tasks result from the overall context of the Emergency Plan for Gas and the corresponding over-arching description in the Emergency Plan. - On the subject of Länder load distributors/the role of crisis managers in the context of section 4(5) EnSiG: -Even regional/Land-specific bottlenecks are likely to be of supra-regional relevance and have a supra-regional impact, meaning that the federal load distributor should be in charge of these. A case of mere regional relevance/relevance restricted to one Land seems rather theoretical, given that would normally not be declared by the Federal Government to result in a substantial danger to or disruption of the gas supply. The situation regarding crisis managers at Land level/ SPoC ought to be clarified as part of the coordination on relevant processes taking place between the Länder and the BNetzA. - Perspectives on Länder load distribution will be discussed at the upcoming meeting of the Federal Government/Länder Committee on Gas.
82			2 nd Definition of protected/non-protected customers (Annex I): Does "basic welfare services" also cover gas suppliers (as is the case with electricity suppliers)?	Gas suppliers are covered by the definition, to the extent that the supply with gas is necessary for the basic functioning of the gas supply. The list is a collection of examples.
83			3 rd Annex II: Was it a conscious decision to leave out a reference to the Gas Storage Level Ordinance (GasSpFüllStV) and the requirements for higher storage levels stipulated therein (perhaps on account of the time limit on the GasSpFüllStV (at present: 31 March 2025)?	The table is a list of "Voluntary measures implemented in Germany in 2022 that may contribute to lowering the demand for gas". Any further measures, such as the amendment of the Energy Industry Act to introduce storage level requirements for gas storage facilities ("Gas Storage Act") or the Gas Storage Level Ordinance (GasSpFüllStV) are cited below the table.
84	Federal Ministry for Housing, Urban Development and Building (BMWSB)	Thursday, 27 July 2023	1 st Add into Chapter 3.4.1. B. c, (3).: "(...) Change to: <i>company</i> "building structures and technical installations which serve the supply of (...) natural gas" <i>that are necessary for the supply with gas.</i>	The quotation of the legal standard has been left unaltered.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
85	Federal Ministry of Health (BMG)	Friday, 28 July 2023	1 st Examples of basic welfare services (Annex I): “Social care facilities” instead of “social care homes”, as “social care facilities” covers both day-care and residential care facilities whereas “social care homes” are always residential facilities.	Table “examples of basic welfare services” has been adjusted.
86	Federal Ministry of the Interior and Community	Wednesday, 2 August 2023	1 st Additions to Chapter 3.1.1, informed by the LÜKEX assessment report: There is an urgent need for an unambiguous description of notification and information channels within the federation, but also between the federation and Länder, concerning the declaration of the different crisis levels (especially the early warning level and the alert level); therefore second bullet point: <i>“The BMWK will immediately notify the federal ministries and the Länder (the Länder ministries responsible for energy supervision and regulation) when a crisis level has been declared or changed.”</i>	The declaration of the early warning level and of the alert level is made via a press release by the BMWK. The members of the federal crisis team on gas are informed of the declaration of the early warning level and the alert level. During the 2022 energy crisis and beyond, various bodies serving to share information and take decisions were established in the context of certain events/incidents and their relevance; this happened between the federal/Länder level, at the level of the Federal Government etc. The establishment of such bodies ought to continue to happen in response to events/incidents; any ex-ante decisions made by the BMWK would not be adequate to these.
87			2 nd Add into Chapter 3.1.1.: The declaration of one of the crisis levels gives rise to an elevated need for information among the federation and the Länder. This need ought to be satisfied, e.g. by the publication of a situation report. Beyond the explanations under point 7, some short information should be given here as to the extent to which BMWK, BNetzA provide for this; the cycle at which the situation report is published should also be mentioned; therefore third bullet point: “Continuous information provided by the federal ministries and the Länder [the Länder ministries responsible for energy supervision and regulation] about the overall supply situation [in the form of the BNetzA situation report].”	Reference to Chapter 2.1. System of indicators for the assessment of the situation by the BNetzA In 2022, a daily situation report was published on the website of BNetzA. The situation report and its indicators were not binding in law or otherwise and served situation-based or incident-related communications.
88			3 rd In Chapters 3.1.1, 3.2.1 and 3.4, “regional dimension” (in reference to Regulation (EU) 2017/1938 means that neighbouring states are also affected. In Chapter 3.4. a “regional supply bottleneck” (in reference to the GasSV) means a supply bottleneck in one of the German Länder. The fact that “regional” is used in both cases is a potential source of misunderstanding.	The entire document has been rendered more precise in this regard.
89			4 th Chapter 3.1.2. Name of chapter is difficult to understand. We suggest to simplify/shorten it.	It is in line with the requirements as per Appendix VII, no. 2.1 iii of Regulation (EU) 2017/1938

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90			5 th Chapter: 3.1.2.: also inform EU stakeholders outside Germany; this might be included (because it is positive). Same with Chapter 3.2.2.	Adjusted as follows: <i>"The Federal Ministry for Economic Affairs and Climate Action, those involved in the federal crisis team and other..."</i>
91			6 th Chapter 3.2.1: Is this point different from 3.1.1? If not (as it seems), we suggest that these points be combined/shortened. The same applies for 3.1.2. and 3.2.2.	It is in line with the requirement as per Appendix VII, no.2.
92			7 th Chapter 3.4/final two paragraphs: This para seems to repeat the content of the preceding para. Is this about non market-based measures, whilst the preceding para is about market-based measures? In that case, we suggest that this be clarified in the preceding para. As an alternative: perhaps delete or include in the previous para.	It is in line with the requirement as per Appendix VII, no.2.3. lit. b and c of Regulation (EU) 2017/1938.
93			8 th Add the following into Chapter 3.4.3.: <i>"If there is specific evidence to suggest the possible need to deploy civil defence and emergency services as a result of a large-scale gas supply crisis, the BMWK notifies the Joint Information and Situation Centre of the Federation and the Länder (GMLZ), the competent authority at the Federal Ministry of the Interior and Community (BMI) and the competent authorities in the Länder ministries affected, depending on the specific situation."</i>	Civil defence and emergency services are part of general threat prevention and part of the remit of the Länder. Chapter 3.4.3. is only relevant in cases where the BMWK has information that is not yet available to the BMI (e.g. from information/minutes provided by the federal crisis team on gas). The possibility that the BMWK might have this information is regarded as very limited.
94			9 th Add a further subchapter after subchapter 3.4.3 as follows: "Provision of information to the federal ministries and the Länder The BMWK informs the federal ministries and the Länder (the Länder ministries responsible for energy supervision and regulation) about the declaration or change of a crisis level and does so without delay. The federal ministries and the Länder (the Länder ministries responsible for monitoring and regulating the energy sector) receive information about the overall supply situation via a BNetzA situation report [or via ...]. The situation report is published at intervals adjusted the situation. The aim is to provide the relevant parties entitled to information and the population with detailed information about the reason and impact of a crisis situation and about measures taken."	Re provision of information to the federal ministries and the Länder: The declaration of the early warning level and of the alert level is made via a press release by the BMWK. The members of the federal crisis team on gas are informed of the declaration of the early warning level and the alert level. Re BNetzA situation report: Reference to Chapter 2.1. System of indicators for the assessment of the situation by the BNetzA In 2022, a daily situation report was published on the website of BNetzA. The situation report and its indicators were not binding in law or otherwise and served situation-based or incident-related communications.

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95			10 th Chapter 4.2., para. 3, with regard to “reasonable in economic terms: This restriction leaves scope for suppliers of gas to act to the disadvantage of protected customers in individual cases, e.g. including protected customers from the field of security (police). We would be grateful for an explanation / more specific information on the background of this.	Quote of a legal text, therefore adjustment as follows: “...as long as this is reasonable in economic terms in accordance with section 53a sentence 2 Energy Industry Act”.
96			11 th Chapter 5 on the switch-off or consumption-reduction sequence: If no preparation is made, will it still be possible to decide about the switch-off sequence fast enough and reliably when the relevant situation occurs?	The underlying system is currently being prepared. A specific switch-off sequence is not being prepared, given that the decision must be taken in the specific situation, i.e. case-by-case. The Gas Security Platform allows for some scope in individual cases.
97			12 th Chapter 5 on the overall weighing up the switch-off or consumption-reduction sequence – Here it is key that BNetzA includes the relevant decision-makers. To what extent is this planned? Something on the matter ought to be mentioned here – irrespective of any explanations made under point 7 – which is why para. 4 should be adjusted as follows: “ <i>The federal ministries and the Länder ministries responsible for energy supervision and regulation are also involved in this overall weighing up of interests. This involvement is ensured by meetings between the federation and the Länder that take place as the situation requires and to which the BMWK involves the federal ministries and the Länder.</i> ”	An involvement of the federal ministries and the Länder ministries responsible for energy supervision and regulation is not part of the planned process of weighing up interests, as a far-reaching involvement of various agencies is not efficient or effective in an acute crisis. The law assigns responsibility to the federal load distributor. Any necessary coordination with the Federal Government is to be ensured by the crisis team and the BMWK. Also, the concepts for the issuance of instructions and weighing up interests has been widely discussed and agreed. The interests of the various agencies have been taken into account and will continue to be so in any further adjustments.
98			13 th Chapter 5 It is suggested to add the study “gas consumption of manufacturing sectors – analysis of value chains” to the Emergency Plan as an Annex. Alternatively, the URL at which the study can be found could be indicated in a footnote.	The study is available on the website of the BNetzA at https://www.bundesnetzagentur.de/DE/Gasversorgung/Krisenvorbereitung/Download/StudiePrognos.html ; an FAQ section can be found at https://www.bundesnetzagentur.de/DE/Gasversorgung/Krisenvorbereitung/Download/PrognosFAQ.html .

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
99			14 th Chapter 5.4.1. Adjust last bullet point to specify the need for weighing up different factors – The concept of “supply to the public” is very wide and would also include the supply of clothing, for instance. However, the criterion that needs to be used in the assessment process is the supply of critical (=vital) goods and services. This is why we suggest the following adjustment: “Impact on the supply to the public with critical goods and services.”	Adjustment made.
100			15 th Chapter 5.4.2. We suggest that a Group on energy security of the Federation and the Länder be established, therefore add to para. 1: <i>“For example, a longer run-up period permits not least a more detailed weighing up – also in coordination with companies that may be affected, the federal ministries and with the crisis units of the Länder.”</i>	An involvement of the federal ministries and the Länder ministries responsible for energy supervision and regulation is not part of the planned process of weighing up interests, as a far-reaching involvement of various agencies is not efficient or effective in an acute crisis. The law assigns responsibility to the federal load distributor. Any necessary coordination with the Federal Government is to be ensured by the crisis team and the BMWK. Also, the concepts for the issuance of instructions and weighing up interests has been widely discussed and agreed. The interests of the various agencies have been taken into account and will continue to be so in any further adjustments.
101			16 th Chapter 7.2. Addition regarding flow of information between Länder – Recommendation on the basis of 2018 LÜKEX assessment report: [<i>Channels of communication between the Länder authorities responsible for energy and the Länder ministries of the interior ought to be defined in the Gas Emergency Plan so as to improve the flow of information in the cooperation between the federation and the Länder.</i>] The Länder ought to add to this in line with the following: <i>“The other Länder (the Länder ministries responsible for energy supervision and regulation) are also involved in the information flow via the multiplier role of the Länder and Länder ministries represented in the federal crisis team as follows: (...)”</i>	As described in Chapter 7.2., the multiplier role of the Länder in the context of the federal crisis team on gas largely consists of distributing the minutes of the meetings of the federal crisis team to the non-participating Länder representatives on the federal crisis team; this has proven useful. The flow of information within the Länder themselves and between their ministries falls into the remit of the Länder – the need to share the minutes/outcomes of meetings of the federal crisis team between Länder ministries is regarded differently between the individual Länder; the Gas Emergency Plan cannot lay out any structures for this. The paragraph in question has been expanded as follows: <i>“The flow of information amongst the Länder, i.e. for example between the Länder authorities responsible for energy and those responsible for interior policy, is regulated by the 16 Länder themselves on their own responsibility.”</i>

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102			17 th Chapter 7.2. Distribution of the general instructions to the federal ministries as well – It is expected that questions are asked to the competent ministries; these should therefore be informed beforehand; adjustment as follows: “The system operators which have the connection, and the Single Point of Contact (SPoC) of the relevant Länder, the federal ministries and the electricity TSOs also receive information about the reductions in gas supply that have been imposed by an individual instruction where this information is of relevance to the respective player.”	<p>The BNetzA is currently not planning to send the general instructions to the federal ministries; the instructions are published on the website of the BNetzA.</p> <p>As shown in Figure 3 “<i>Information flows between the players in the emergency level</i>”, all information about individual instructions is provided to final consumers, offtake systems operators, transmission system operators and SPoC of the relevant Länder. Information about individual instructions is not issued to the federal ministries as this is not considered necessary. Furthermore, the crisis room is not the place to decide which player is to be issued with what instructions. The objective is to publish a consolidated overview of the measures taken.</p>

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103		<p>18th Add an additional Chapter 7.3. <i>“Description of the information flows between BMWK/BNetzA and the federal ministries and the Länder in the emergency level – On the basis of the 2023 LÜKEX assessment report, the following recommendation is made: There is an urgent need for an unambiguous description of notification and information channels within the federation, but also between the federation and Länder. For this reason, this point has been inserted and should be fleshed out/completed as follows:</i></p> <p><i>“The BMWK will immediately notify the federal ministries and the Länder (the Länder ministries responsible for energy supervision and regulation) when the emergency level is to be declared. At the emergency level, the federal ministries and the Länder (the Länder ministries responsible for energy supervision and regulation) continuously receive information about the current and forecast gas supply situation and any planned non market-based measures (e.g. intended general or individual instructions).</i></p> <p><i>Information is provided via meetings of the federal ministries and the Länder which take place as required (“Group on energy security of the Federation and the Länder” [proposal by BMI, working title]), which are convened by the BMWK. At the meetings, the federal ministries and the Länder (the Länder ministries responsible for energy supervision and regulation) are given an opportunity to comment on the criteria used by BNetzA as criteria are weighed up against each other in its role as federal load distributor [It is key that BNetzA involves the relevant decision-makers in this. To what extent is this planned? More details should be provided here].</i></p> <p><i>Another objective of the discussions is to ensure through the BMWK that the Federal Government and the Länder harmonise their communications, particularly with regard to intensified communications on energy security and energy conservation. Furthermore, the federal ministries and the Länder receive information about the current and forecast gas supply situation from the BNetzA’s situation report.”</i></p>	<p>Re provision of information to the federal ministries and the Länder: The declaration of the early warning level and of the alert level is made via a press release by the BMWK. The members of the federal crisis team on gas are informed of the declaration of the early warning level and the alert level.</p> <p>Re BNetzA situation report: Reference to Chapter 2.1. System of indicators for the assessment of the situation by the BNetzA In 2022, a daily situation report was published on the website of BNetzA. The situation report and its indicators were not binding in law or otherwise and served situation-based or incident-related communications.</p> <p>Re “Group on energy security of the Federation and the Länder”: During the 2022 energy crisis and beyond, various bodies serving to share information and take decisions were established in the context of certain events/incidents and their relevance; this happened between the federal/Länder level, at the level of the Federal Government etc. The establishment of such bodies ought to continue to happen in response to events/incidents; any ex-ante decisions made by the BMWK would not be adequate to these.</p> <p>Re comments of the federal and Länder ministries on the criteria used in the weighing-up process: An involvement of the federal ministries and the Länder ministries responsible for energy supervision and regulation is not part of the planned process of weighing up interests.</p>
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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
104			19 th Chapter 9.1. – On the basis of the 2018 LÜKEX assessment report, the following recommendation is made: The Länder representatives on the crisis team should be the representatives of the Länder ministries responsible for energy supervision and regulation. In most cases, the contacts for crisis management are based at the ministries of the interior, whereas the experts for energy supervision and regulation are based at other ministries; therefore add: “The Länder representatives on the crisis team should be the representatives of the Länder ministries responsible for energy supervision and regulation.”	Adjustment made.
105			20 th Chapter 9.2. Composition of the federal crisis team: BMI is not the competent authority and should therefore not be on the crisis team. Instead, – just like all the other ministries – BMI ought to be informed by BMWK/BNetzA in a standardised manner according to the regulations, cf. additions made above / explanations under point 7.	As from 21 July 2022, BMI has been regularly invited to the meetings of the federal crisis team and has attended these. Chapter 9.2 has been adjusted and now reads as follows: <i>“In order to boost direct interministerial transparency, the Federal Ministry of the Interior and Community is invited to attend the meetings of the federal crisis team.”</i>
106			21 st Chapter 9.2. – On the basis of the 2023 LÜKEX assessment report, the following recommendation is made: Via defined channels, the minutes of the meetings of the crisis team are to be made available also to the Länder that are not immediately affected by a gas shortage situation. The wording inserted is to be understood as a proposal of a standardised channel of communication: <i>“The BMWK distributes the minutes of the meetings of the federal crisis team to the Länder. In the event of a gas shortage situation having a regional dimension, the minutes are also distributed to the Länder not immediately affected by a gas shortage situation.”</i>	Chapter 9.2 Minutes of the meetings of the federal crisis team is to be adjusted as follows: <i>The other Länder are also included in the distribution of the minutes via the multiplier role of the Länder [and] the ministries responsible for energy supervision and regulation which are represented in the federal crisis team.</i>

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
107			22 nd Annex I: Delete “solidarity” from the heading, as the Federal Agency for Technical Relief (THW) is particularly worthy of protection as per section 53a no. 2 EnWG, given that it is a basic welfare service within the meaning of Art. 2 nr. 4 Regulation (EU) 2017/1938. However, the THW is NOT a “solidarity protected customer” (Art. 2 no. 6 Regulation (EU) 2017/1938). Nevertheless, THW is mentioned in this paragraph, which is why the underlying legal basis ought to be adjusted.	Requirement as per Art. 10(1) lit. n of Regulation (EU) 2017/1938. Further clarification by insertion of: <i>An estimate in line with Article 10 (1) n of Regulation (EU) 2017/1938 of the volumes of gas which can be consumed by solidarity protected customers, incl. a breakdown in the estimate between protected customers in line with Article 2 no. 5 and solidarity protected customers in line with Article 2 no. 6 Regulation (EU) 2017/1938 cannot take place since no corresponding data are collected; similarly, there is no estimate of the gas consumption of the client structures in line with section 54a Energy Industry Act beyond 2021, as shown in Table “Estimate of the gas consumption by client structures in line with section 53a Energy Industry Act for 2021”.</i> Views on a potential amendment of the Energy Industry Act will be exchanged at the upcoming Federal Government/Länder Committee on Gas meeting.
108			23 rd Annex I no. 2: Basic welfare services: We suggest mentioning the study here also. The study provides information about the protected status of 78 manufacturing fields and therefore lists further “basic welfare services” beyond the examples included here.	The study focuses the legal definition of “vital demand”, which exists only in German law (EnSiG and GasSV), but not in European law. There are overlaps between this definition and that of “basic welfare services”, but the two concepts are not identical.
109			24 th Annex I Examples of basic welfare services: Add below security: “Federal and Länder authorities to protect the constitution”.	Adjustment made.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
110			<p>25th Annex I Definition of vital needs of protected and non-protected customers: Using vital needs as a criterion is, in principle, compelling and correct, as are the examples here. However, the information as to whether non-vital needs of protected customers are ranked HIGHER than the vital needs of protected customers or vice-versa, or whether both are treated the same is missing. Cf. addition two paragraphs below.</p> <p>Addition of the following sentence: <i>“The non-vital needs of protected customers are treated subordinatedly to the vital needs of non-protected customers.”</i></p> <p>If authorities charged with protecting the constitution are not classed as protected customers, BMI asks for transmission of the vital needs of non-protected customers. At least those needs of the authorities charged with protecting the constitution that are required to uphold the functioning of these authorities must be classed as vital.</p>	Adjustment has been made; however, significant challenges in making these distinctions and implementing them are to be expected.
111			<p>26th Annex I Definition of vital needs of protected and non-protected customers: para. 3: The information of what protected needs are or at least a reference to the definition is missing, leaving the reader with the feeling of an incomplete para. Proposal: Before this, add sentence: <i>“Indications can be found in the BNetzA study “gas consumption of manufacturing sectors – analysis of value chains” undertaken by Prognos AG”, then perhaps delete sentence: “The BNetzA identified needs that merit protection.”</i></p>	Adjustment has been made.

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
112	Federal Association for Gas, Petroleum and Geothermal Energy (BVEG)	11 August 2023	Re - Chapter 3.4.1. B. a. "Supply-side measures" - Chapter 5.2.1. "Increase in supply" - Chapter 6. "Gas Security Platform – Increase in the production level of natural gas": These instructions are futile where they refer to short-term measures vis-à-vis manufacturers. Manufacturers already have an interest in optimising their production technologically and in terms of economic profitability and are operating at maximum capacity.	In principle, the possibility of issuing ordinances regulating the production of gaseous energies derives from section 1 (1) no. 1 EnSiG. Clarifications have been made in the relevant places as follows: <i>"(if the maximum production capacity has not already been reached)"</i> .
113	Neighbouring country	Friday, 18 August 2023	Chapter 12.2. Reductions in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute shortage situation - Note re existing dialogue between BNetzA and neighbouring country, 26 May - 13 July 2023 – assessment of the measure as very critical; issue yet to be fully clarified. - Unclear to what extent measure under Article 11(6) Regulation (EU) 2017/1938 imposes inappropriate restriction.	In every case, the federal load distributor will ensure that the cross-border gas flows in accordance with Article 11(6) Regulation (EU) 2017/1938 are not inappropriately restricted.
114			Chapter 12.2. Reductions in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute shortage situation - To what extent will the federal load distributor take account of the needs of the adjacent Member State and Switzerland to supply their protected customers? - Specifically, we wish to understand whether in the event of a crisis a country can restrict the flow of gas to a neighbouring country without first having switched off all its non-protected customers. According to Article 13 Regulation (EU) 2017/1938, compensation would actually have to be paid if customers are switched off in the country offering solidarity gas.	The federal load distributor will take comprehensive account of the needs of the adjacent Member State and Switzerland to supply their protected customers. The solidarity obligation imposed by Article 13 Regulation (EU) 2017/1938 is not restricted by the approach described. We do not concur with the conclusion that the federal load distributor must first fully reduce all non-protected customers before flows can be reduced at border crossing points.
115			Chapter 12.2. Reductions in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute shortage situation; change to fourth para., second sentence: addition to include Luxembourg.	Fourth para, second sentence has been adjusted as follows: "The BNetzA received comments from the six Member States Belgium, Czechia, Denmark, Luxembourg, Netherlands and Poland (as of 30 August 2023)."

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#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
116			Chapter 12.3. Solidarity between the Member States in an acute shortage situation – Luxembourg; alteration to second para. as follows: <i>On 5 May 2023, Luxembourg informed Germany that the transmission system operator Creos Luxembourg S.A. (CREOS) will be authorised to handle the technical and financial arrangements of market-based and non-market-based requests for solidarity gas, but there is still a need for further legislation and a bilateral clarification of various technical, commercial and political elements for the handling of mutual solidarity. According to Luxembourg, the legislation is currently in preparation and is to be adopted as soon as possible.</i>	Adaptation of second para. as follows: <i>“On 5 May 2023, Luxembourg informed Germany that the transmission system operator Creos Luxembourg S.A. (CREOS) will be authorised to handle the technical and financial arrangements of market-based and non-market-based requests for solidarity gas, but there is still a need for further legislation and a further understanding with the BNetzA regarding the compatibility of the processes described in Chapter 12.2 with Regulation (EU) 2017/1938 for the handling of mutual solidarity. According to Luxembourg, the legislation is currently in preparation and is to be adopted as soon as possible.”</i>
117	Neighbouring country	Tuesday, 22 August 2023	Transmission of a further proposal for a solidarity agreement in accordance with Article 13 Regulation (EU) 2017/1938.	The continuation of the negotiations on a bilateral solidarity agreement in accordance with Regulation (EU) 2017/1938 is welcomed; proposals for amendments to the text have been sent.

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118	Regulatory agency of a neighbouring country/ Neighbouring country	Tuesday, 22 August 2023/ Thursday, 24 August 2023	Chapter 5.1.1. Concept for the offtake instruction concept option At stage 3 of the offtake instructions, the offtake of volumes of gas can be required of all storage users – irrespective of whether these volumes of gas are stored for German or non-German customers. This means that, should providers of Austrian end-users have stored volumes of gas in Germany, the availability of these volumes of gas in Austria is not ensured. It is therefore necessary to clarify the extent to which volumes of gas for non-German customers and the export of this gas are affected. We believe that this is particularly critical with regard to the Austrian market areas Tirol and Vorarlberg, which have no storage facilities of their own and can only be supplied with gas via Germany. In this context, we assume that storage movements in Haidach and 7-Fields will not be affected in terms of transport to Tirol and Vorarlberg, in line with the agreement between Germany and Austria of 17 February 2023.	Chapter 5.1.1. Concept for the offtake instruction concept option At stage 3 of the offtake instructions, the offtake of volumes of gas can be required of all storage users – irrespective of whether these volumes of gas are stored for German or non-German customers. This means that, should providers of Austrian end-users have stored volumes of gas in Germany, the availability of these volumes of gas in Austria is not ensured. It is therefore necessary to clarify the extent to which volumes of gas for non-German customers and the export of this gas would be affected. We believe that this is particularly critical with regard to the Austrian market areas Tirol and Vorarlberg, which have no storage facilities of their own and can only be supplied with gas via Germany. In this context, we assume that storage movements in Haidach and 7-Fields will not be affected in terms of transport to Tirol and Vorarlberg, in line with the agreement between Germany and Austria of 17 February 2023.	Obligations under bilateral agreements are taken into account. Volumes stored in Haidach and 7-Fields will not be the subject of offtake instructions.
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V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments		Comments by the Ministry
119			Chapter 5.1.2. Cuts for final consumers concept In previous talks about security of supply in the Tirol and Vorarlberg market areas, the German side mentioned that the exits to these Austrian market areas are considered as consumers in the internal calculations. We would like to draw attention to this and receive confirmation that exits from Germany may not be reduced as for end-users.	Chapter 5.1.2. Cuts for final consumers concept In previous talks about security of supply in the Tirol and Vorarlberg market areas, the German side mentioned that the exits to these Austrian market areas are considered as consumers in the internal calculations. We would like to draw attention to this and receive confirmation that exits from Germany may not be reduced as for end-users.	Obligations under bilateral agreements are taken into account in the measures to reduce cross-border flows. In every case, the federal load distributor will ensure that the cross-border gas flows are not inappropriately restricted.

V. Annex: Feedback from the consultation of interested parties and feedback

120			<p>Chapter 12.2. Reduction in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute gas shortage situation</p> <p>As long as cross-border transits (incl. transits through Germany) are balanced, i.e. the exit from the German market area is not higher than the entry ($Ex \leq En$), we believe every reduction in the flows is inappropriate and can significantly worsen the supply situation in the downstream market areas. This is true irrespective of whether the volumes of gas are destined for protected customers or not. If it is not possible otherwise to supply the protected customers in Germany, we believe a solidarity case must be declared and measures taken in line with the <i>Agreement between the Government of the Federal Republic of Germany and the Austrian Federal Government, represented by the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology, on solidarity measures to safeguard the security of gas supply of 2</i></p>	<p>Chapter 12.2. Reduction in cross-border flows in the context of the BNetzA's role as federal load distributor in an acute gas shortage situation</p> <p>As long as cross-border transits (incl. transits through Germany) are balanced, i.e. the exit from the German market area is not higher than the entry, every reduction in the flows is inappropriate and can significantly worsen the supply situation in the downstream market areas. This is true irrespective of whether the volumes of gas are destined for protected customers or not. If it is not possible otherwise to supply the protected customers in Germany, solidarity case would have to be declared and measures taken in line with the <i>Agreement between the Government of the Federal Republic of Germany and the Austrian Federal Government, represented by the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology, on solidarity measures to safeguard the security of gas supply of 2</i></p>	<p>Obligations under bilateral agreements are taken into account in the measures to reduce cross-border flows.</p> <p>In every case, the federal load distributor will ensure that the cross-border gas flows in accordance with Article 12(5) Regulation (EU) 2017/1938 are not inappropriately restricted.</p>
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V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments		Comments by the Ministry
			<p>December 2021. A restriction on the (balanced) cross-border gas flows must certainly not be the means of choice, and is also excluded by the European principle of free movement of goods. All three Austrian market areas obtain gas via the upstream THE German market area, meaning that a restriction of the cross-border flows could have a very negative impact on the supply of the Austrian gas customers. This is particularly, but not only, true of the market areas of Tirol and Vorarlberg, which can only be supplied by gas via Germany. In this regard, we refer both to the agreement concluded between Germany and Austria on the handling of the Haidach and 7-Fields reservoirs of 17 February 2023, and the assurance of gas transports through Germany towards Tirol and Vorarlberg made in Article 4(3) of the Agreement.</p>	<p>December 2021. A restriction on the (balanced) cross-border gas flows must certainly not be the means of choice, and is excluded by the European principle of free movement of goods, as well as on the basis of relevant provisions in accordance with Article 12(5) Regulation (EU) 2017/1938. All three Austrian market areas obtain gas via the upstream THE German market area, meaning that a restriction of the cross-border flows could have a very negative impact on the supply of the Austrian gas customers. This is particularly, but not only, true of the market areas of Tirol and Vorarlberg, which can only be supplied by gas via Germany. In this regard, we refer both to the agreement concluded between Germany and Austria on the handling of the Haidach and 7-Fields reservoirs of 17 February 2023, and the assurance of gas transports through Germany towards Tirol and Vorarlberg made in Article 4(3) of the Agreement.</p>	

V. Annex: Feedback from the consultation of interested parties and feedback

#	Submitted by	Received	Requests for changes / comments	Comments by the Ministry
121	Neighbouring country	Thursday, 24 August 2023	Chapter 12.2. – Netherlands. Adjusted as follows: <i>"Netherlands: A draft bilateral solidarity agreement was sent in spring 2022 from Germany accompanied by a letter from the minister. In response to this letter the Dutch Minister for Climate and Energy in his letter dated 16 May 2022 stated that the current Dutch law does not allow for the conclusion of solidarity agreements and that work to repair this situation is ongoing but takes time. He also stipulated that this situation does not mean that the Netherlands will not provide solidarity if it is requested to do so, as Article 13 of Regulation (EU) 2017/1938 clearly states that solidarity also has to be provided when there is no agreement."</i>	Adjusted as follows: <i>"A draft bilateral solidarity agreement was sent in spring 2022 from Germany accompanied by a letter from the minister. In response to this letter the Dutch Minister for Climate and Energy in his letter dated 16 May 2022 stated that the current Dutch law does not allow for the conclusion of bilateral solidarity agreements and that work is currently being done to repair this situation. The corresponding act is to enter into force from 1 July 2023 (as of 24 August 2023). He also underlined that this does not mean that the Netherlands would not provide solidarity on request in accordance with Article 13 Regulation (EU) 2017/1938. This would take place in line with Article 13 Regulation (EU) 2017/1938 even without the existence of a bilateral solidarity agreement. Building on this, and in view of the comments in paras. 5 and 6 of this Chapter, it is currently (as of August 2023) unclear to Germany how the Netherlands can implement the principle of solidarity in technical and procedural terms under Article 13 Regulation (EU) 2017/1938 if Germany requests solidarity from the Netherlands in accordance with Article 13 Regulation (EU) 2017/1938. Correspondingly, Germany cannot continue the negotiations on a bilateral solidarity agreement."</i>

List of abbreviations

BMWK	Bundesministerium für Wirtschaft und Klimaschutz
ACER	Agentur für die Zusammenarbeit der Energieregulierungsbehörden (European Union Agency for the Cooperation of Energy Regulators)
ANB	Ausspeisenetzbetreiber
AUT	Österreich
BAnz	Bundesanzeiger
BauGB	Baugesetzbuch
BEL	Belgien
BG-V	Verordnung über Anlagen zum Umgang mit wassergefährdenden Stoffen anlässlich eines Brennstoffwechsels wegen einer ernsten oder erheblichen Gasmangellage, Brennstoffwechsel-Gasmangellage-Verordnung
BHO	Bundeshaushaltsordnung
BImSchG	Gesetz zum Schutz vor schädlichen Umwelteinwirkungen durch Luftverunreinigungen, Geräusche, Erschütterungen und ähnliche Vorgänge, Bundesimmissionsschutzgesetz
BKV	Bilanzkreisverantwortlicher
BLastV	Bundeslastverteiler
BMI	Bundesministerium des Innern und für Heimat
BNetzA	Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen
BVerfG	Bundesverfassungsgericht
BVerfGK	Kammerentscheidungen des Bundesverfassungsgerichts
CHE	Schweiz
CEREMP	Registrierungsportal für die Registrierung von Marktteilnehmenden gemäß Artikel 9 der Verordnung (EU) Nr. 1227/2011 des Europäischen Parlaments und des Rates vom 25. Oktober 2011 über die Integrität und Transparenz des Energiegroßhandelsmarkts (Centralized European Register of Energy Market Participants)
DSM	Steuerung von Lasten auf der Verbraucherseite, Demand-Side-Management
DVGW	Deutscher Verein des Gas- und Wasserfaches e.V.
GasSpFüllstV	Verordnung zur Anpassung von Füllstandsvorgaben für Gasspeicheranlagen, Gasspeicherfüllstandsverordnung
GLN	Nummer aus dem GS1-System - Standard für unternehmensübergreifende Prozesse (Global Location Number)
EE	Erneuerbare Energien
EEG	Gesetz für den Ausbau erneuerbarer Energien, Erneuerbare-Energien-Gesetz
EEW	Bundesförderung für Energie- und Ressourceneffizienz in der Wirtschaft
EEX	Energiebörse (European Energy Exchange AGG)
EFET	Verband europäischer Energiehändler (European Federation of Energy Traders)
EG	Europäische Gemeinschaft
EKGB	Gesetz zur Bereithaltung von Ersatzkraftwerken zur Reduzierung des Gasverbrauchs im Stromsektor im Fall einer drohenden Gasmangel-lage durch Änderungen des Energiewirtschafts-gesetzes und weiterer energiewirtschaftlicher Vorschriften, Ersatzkraftwerkebereithaltungsgesetz
EltSV	Verordnung zur Sicherung der Elektrizitätsversorgung in einer Versorgungskrise, Elektrizitätssicherungsverordnung

Abbreviations

ENB	Einspeisenetzbetreiber
EnergieStG	Energiesteuergesetz
EnSiG	Gesetz zur Sicherung der Energieversorgung, Energiesicherungsgesetz
EnSiGEntschV	Verordnung über das Verfahren zur Festsetzung von Entschädigung und Härteausgleich nach dem Energiesicherungsgesetz, Energiesicherungsgesetzentschädigungsverordnung
EnSikuMaV	Verordnung zur Sicherung der Energieversorgung über kurzfristig wirksame Maßnahmen, Kurzfristenergieversorgungssicherungsmaßnahmenverordnung
EnSimiMaV	Verordnung zur Sicherung der Energieversorgung über mittelfristig wirksame Maßnahmen, Mittelfristenergieversorgungssicherungsmaßnahmenverordnung
EnSiTrV	Verordnung zur priorisierten Abwicklung von schienengebundenen Energieträgertransporten zur Sicherung der Energieversorgung, Energiesicherungstransportverordnung
ENTSO-G	Verband der Europäischen Fernleitungsnetzbetreiber für Erdgas (European Network for Transmission System Operators for Gas)
EnWG	Gesetz über die Elektrizitäts- und Gasversorgung, Energiewirtschaftsgesetz
EU	Europäische Union
FNB	Fernleitungsnetzbetreiber
FRA	Frankreich
FSRU	Schwimmende Speicher- und Regasifizierungseinheit (Floating Storage Regasification Unit)
Gas-Einspar-VO	Verordnung (EU) 2022/1369 des Rates vom 05. August 2022 über koordinierte Maßnahmen zur Senkung der Gasnachfrage
Gas-Notfall-VO	Verordnung (EU) 2022/2576 des Rates vom 19. Dezember 2022 über mehr Solidarität durch eine bessere Koordinierung der Gasbeschaffung, zuverlässige Preis-Referenzwerte und den grenzüberschreitenden Austausch von Gas
GasNZV	Verordnung über den Zugang zu Gasversorgungsnetzen, Gasnetzzugangsverordnung
GasSV	Verordnung zur Sicherung der Gasversorgung in einer Versorgungskrise, Gassicherungsverordnung
GCG	Koordinierungsgruppe Erdgas (Gas Coordination Group)
GmbH	Gesellschaft mit beschränkter Haftung
GWh	Gigawattstunde
HeizölLBV	Verordnung über Lieferbeschränkungen für leichtes Heizöl in einer Versorgungskrise, Heizöl-Lieferbeschränkungs-Verordnung
H-Gas	Hochkalorisches Erdgas (High-calorific gas)
i.d.S.	in diesem Sinne
i.S.d.	im Sinne des
i.V.m.	in Verbindung mit
ITA	Italien
KraftstoffLBV	Verordnung über Lieferbeschränkungen für Kraftstoff in einer Versorgungskrise, Kraftstoff-Lieferbeschränkungs-Verordnung
KoorD	Richtlinien für die Bewältigung großräumiger Gefährdungslagen und anderer koordinierungsbedürftiger Ereignisse unterhalb der Katastrophenschwelle der Bayerischen Staatsregierung, Koordinierungsrichtlinie
KoV	Kooperationsvereinbarung zwischen den Betreibern von in Deutschland gelegenen Gasversorgungsnetzen
kWh	Kilowattstunde
L-Gas	Niederkalorisches Erdgas (Low-calorific gas)

Abbreviations

LNG	Flüssigerdgas (Liquefied Natural Gas)
LNGG	Gesetz zur Beschleunigung des Einsatzes verflüssigten Erdgases, LNG-Beschleunigungsgesetz
LRD	Regelenergieprodukt Load Reduction
LTO	Langfristvertrag über die Möglichkeit des Kaufs oder Verkaufs von Gas-mengen durch die Trading Hub Europe GmbH (Long Term Option)
MaLo	Marktlotation
MFT	Marktfahrplantooll
MGV	Marktgebietsverantwortlicher
min.	mindestens
MinÖIAV	Verordnung über einen Mineralölausgleich in einer Versorgungskrise, Mine-ralölausgleichs-Verordnung
MOL	Preisreihenfolge (Merit Order List)
MS	Mitgliedstaat
MWh	Megawattstunde
NABEG	Netzausbaubeschleunigungsgesetz Übertragungsnetz, Netzausbaubeschleunigungsgesetz
NATO	Nordatlantikpakt (North Atlantic Treaty Organization)
NLD	Niederlande
NOR	Norwegen
Nr.	Nummer
POL	Polen
PV	Photovoltaik
ReCo	Regionalen Koordinierungssystem für Erdgas (Regional Coordination)
RLM	Registrierte Leistungsmessung
Rn.	Randnummer
SEfE	Securing Energy for Europe GmbH
SiPla	Sicherheitsplattform Gas
SLP	Standard-Last-Profil
SoS	Versorgungssicherheit (Security of Supply)
SPoC	Zentrale Anlaufstelle (Single Point of Contact)
SSBO	Strategische Optionen zur Vorhaltung von Gas (Strategic Storage-Based Option)
StaaV	Verordnung zur befristeten Ausweitung des Stromerzeugungsangebots durch Anlagen aus der Netzreserve, Stromangebotsausweitungsverord-nung
STB	Kurzfristiges Regelenergieprodukt (Short Term Balancing Services)
THE	Trading Hub Europe GmbH, Marktgebietsverantwortlicher Gas
THW	Technisches Hilfswerk
TK	Transportkunde
TWh	Terrawattstunden
UGSB	Untergrundspeicherbetreiber
ÜNB	Übertragungsnetzbetreiber
VersResAbV	Verordnung zur befristeten Ausweitung des Stromerzeugungsangebots durch Anlagen aus der Versorgungsreserve, Versorgungsreserveabrufver-ordnung
VHP	Virtueller Handelspunkt
VNB	Verteilnetzbetreiber
VO	Verordnung
VS-nfD	Verschlusssache - nur für den Dienstgebrauch