

## ANNEX II

### DEFAULT TECHNICAL, LEGAL AND FINANCIAL ARRANGEMENTS PURSUANT TO ARTICLE 13(14) OF REGULATION (EU) 2017/1938

**This Annex contains the procedure – in the form of mandatory templates – for implementing a solidarity measure under Article 13, to be followed in the event that the Member State requesting solidarity ('Requesting Member State') and the Member State obliged to provide the solidarity measure under Article 13(1) and (2) ('Providing Member State') have failed to agree or finalise the technical, legal and financial arrangements under Article 13(10).**

Where there are several Providing Member States and bilateral solidarity arrangements are in place with one or several of them, those arrangements should prevail between the Member States having agreed bilaterally. The default arrangements will be applicable only with the remaining Providing Member State.

Communication between the Requesting and Providing Member States shall primarily be made by e-mail; if not possible, by telephone or any other available means, to be specified in the solidarity request and in confirmed in the acknowledgment of receipt of the request.

The following templates, as filled-in, shall be sent by e-mail to the relevant counterparts in other Member States (main addressee, for action), as well as to the Commission's contact point for gas crisis management (in copy, for information).

#### 1. Solidarity request (to be filled in in English)

Instructions:

To be sent at the latest 20 hours before start of the delivery day (save force majeure).

Where there are several Providing Member States, the solidarity request shall be sent simultaneously to all of them, preferably using the same e-mail.

The solidarity measures must be requested for the following gas day, as defined in Article 3(7) of Regulation (EU) No 984/201. If needed, the request will be repeated for additional gas days.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

1. On behalf of (Requesting Member State), I request from (Providing Member State) the implementation of solidarity measures under Article 13(1) and Article 13(2) (delete the latter if not relevant). I confirm that the requirements of Article 13(3) are complied with.

2. Short description of measures implemented by (Requesting Member State) (as foreseen in Article 13(2)(c)):

\_\_\_\_\_

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3. (Requesting Member State) undertakes to pay fair and prompt compensation for the solidarity measures to (Providing Member State) in accordance with Article 13(8). The compensation will be paid in EUR within 30 days of receipt of the invoice.

4. Competent authority of requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: + \_\_\_\_\_ back-up phone: \_\_\_\_\_

Alternative instant messaging: + \_\_\_\_\_

5. Competent authority of providing Member State (please confirm it in your acknowledgement of receipt):

\_\_\_\_\_

Contact person: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: + \_\_\_\_\_ back-up phone: \_\_\_\_\_

Alternative instant messaging: + \_\_\_\_\_

3. Responsible TSO in requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone + \_\_\_\_\_

4. Responsible market area manager in requesting Member State (where relevant):

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone + \_\_\_\_\_

6. In case of voluntary (market-based) solidarity measures, gas delivery contracts with market participants in the providing Member State shall be concluded

by the requesting Member State or

by an agent acting on behalf of the requesting Member State (under State guarantee).

Name: \_\_\_\_\_.

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Contact person: \_\_\_\_\_.

Phone: + \_\_\_\_\_.

7. Technical details of the request

a) Volume of gas needed (total):

\_\_\_\_\_ kWh,

of which

high caloric gas: \_\_\_\_\_ kWh;

low caloric gas: \_\_\_\_\_ kWh.

b) Delivery points (interconnectors):

\_\_\_\_\_;  
\_\_\_\_\_;  
\_\_\_\_\_;  
\_\_\_\_\_.

There are limitations with regard to the delivery points:

No

Yes

If yes, please indicate the exact delivery points and volumes of gas needed:

Delivery point: Volume of gas:

\_\_\_\_\_ kWh  
\_\_\_\_\_ kWh  
\_\_\_\_\_ kWh  
\_\_\_\_\_ kWh

Signature: \_\_\_\_\_

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2. Acknowledgement of receipt / request for additional information (to be filled in in English)

Instructions:

To be sent within 30' of receipt of the request.

To the attention of (Competent Authority of the Requesting Member State):

On behalf of (Providing Member State) I acknowledge receipt of your request for solidarity measures under Article 13(1) and Article 13(2) (delete the latter if not relevant).

I confirm / rectify the contact details to be used for the next steps:

Contact person: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: + \_\_\_\_\_ back-up phone: \_\_\_\_\_

Alternative instant messaging: +\_\_\_\_\_

(If request is incomplete/contains errors or omissions) After verification, it seems that your request is incomplete / contains the following errors / missing information:

.....  
.....

Please send us an amended request, with the missing / correct data within 30', if possible.

Done on (date) ..... at (time) .....

Signature: .....

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### 3. Solidarity offer (to be filled in in English)

Instructions:

(1) To be sent at the latest 11 hours before start of the delivery day (save force majeure).

(2) The solidarity offer shall include primarily gas offers based on voluntary measures ('Primary offers'). In addition, should the primary offers not be enough to cover the volumes stated in the solidarity request, the solidarity offer shall include additional gas offers ('Secondary offers'), based on mandatory measures. Should the primary offers from other Providing Member States (if relevant) not sufficient to cover the request for solidarity, (the competent authority of the providing Member State) shall be ready to activate non-market based measures and supply the missing volumes.

(3)The compensation pursuant to Article 13(8) for solidarity gas based on voluntary measures shall include the gas price (as resulting from contract clauses, tenders or other market based mechanism applied) and the transmission costs to the delivery point. This compensation shall be paid directly by the Requesting Member State to the gas supplier(s) of the Providing party.

(4) The compensation (to be paid to the Providing Member State) pursuant to Article 13(8) for the provision of solidarity gas based on mandatory measures shall include:

a. the gas price, which corresponds to the last available spot market price, for the relevant gas quality, on the exchange of the providing Member State at the date of the provision of the solidarity measure; if several exchanges in the territory of the providing Member State, it corresponds to the arithmetic mean of the last available spot market prices on all the exchanges; if the absence of an exchange in the territory of the providing Member State, it corresponds to the arithmetic mean of the last available spot market prices on all exchanges in the territory of the Union.

b. any compensation to be paid by the Providing Member State to affected third parties on the basis of the relevant laws and regulations as a result of the mandatory measure, including, if appropriate, any related non-judicial and judicial procedural costs, and

c. the transport costs to the delivery point.

(4) The providing Member State shall bear the transport risk for the transport to the delivery point.

(5) The requesting Member State shall ensure that the gas volumes provided at the agreed delivery points are taken off. The compensation for the solidarity measures will be due irrespective of the actual take-off of the gas volumes provided in line with the contract.

Date ..... Time.....

To the attention of (Competent Authority of the Requesting Member State).

1. Following your request for solidarity, measures under Article 13(1) and Article 13(2) (delete the latter if not relevant), received on (date) at (time), (the competent authority of the providing Member State) transmits you the following offer(s):

2. Information on the gas providing party

a. Gas supplier / market participant signing the contract (for voluntary measures / if relevant)

Contact person: \_\_\_\_\_

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Phone: +\_\_\_\_\_

b. Contracting competent authority

Contact person: \_\_\_\_\_

Phone: +\_\_\_\_\_

c. Responsible TSO:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone: +\_\_\_\_\_

d. Responsible market area manager (where relevant):

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone +\_\_\_\_\_

3. Primary offers – based on voluntary measures (‘market based’)

a. Volume of gas (total):

\_\_\_\_\_ kWh, of which

high caloric gas: \_\_\_\_\_ kWh,

low caloric gas: \_\_\_\_\_ kWh.

b. Period of supply:

\_\_\_\_\_

c. Maximum transport capacity:

\_\_\_\_\_ kWh/h, of which

firm capacity: \_\_\_\_\_ kWh/h;

interruptible capacity: \_\_\_\_\_ kWh/h.

d. Delivery points (interconnectors):

Delivery point Firm transport capacity Interruptible transport capacity

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

e. Reference to capacity booking platform:

\_\_\_\_\_

f. Estimated compensation for the voluntary measure:

gas price: EUR;

other costs: EUR (please specify)

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g. Payment details:

Recipient: \_\_\_\_\_

Bank details: \_\_\_\_\_

4. Secondary offers – based on mandatory measures (‘non-market based’)

a. Volume of gas (total):

\_\_\_\_\_ kWh, of which

high caloric gas: \_\_\_\_\_ kWh,

low caloric gas: \_\_\_\_\_ kWh.

b. Period of supply:

\_\_\_\_\_

c. Maximum transport capacity:

\_\_\_\_\_ kWh/h, of which

firm capacity: \_\_\_\_\_ kWh/h;

interruptible capacity: \_\_\_\_\_ kWh/h.

d. Delivery points (interconnectors):

Delivery point Firm transport capacity Interruptible transport capacity

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

\_\_\_\_\_ kWh/h \_\_\_\_\_ kWh/h

e. Reference to capacity booking platform:

\_\_\_\_\_

f. Likely costs of mandatory measures:

estimated price of gas per kWh: \_\_\_\_\_ EUR;

likely transportation costs: \_\_\_\_\_ EUR;

estimated amount of compensation payments to sectors of the economy of the providing Member State affected by reductions in supply:

\_\_\_\_\_ EUR.

g. Payment details:

Recipient: \_\_\_\_\_

Bank details: \_\_\_\_\_

Done on (date) ..... at (time) .....

Signature: .....

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4. Acknowledgement of receipt of the solidarity offer (to be filled in in English)

Instructions:

To be sent within 30' of receipt of the solidarity offer.

To the attention of (Competent Authority of the Providing Member State).

On behalf of (Requesting Member State), I acknowledge receipt of your solidarity offer received on (date)....., at ..... (time).

(Competent Authority of the Requesting Party)

Contact person: .....

Phone: + .....

Done on (date) ..... at (time) .....

Signature: .....

5. Acceptance / refusal of solidarity offers based on voluntary measures (to be filled in in English)

Instructions:

(1) To be sent within 2 hours of receipt of the offer.

(2) If offer is accepted in full, the acceptance shall reproduce the exact terms of the offer, as received from the Providing Member State. Partial acceptance of the offer may only relate to the volumes to be provided.

Date ..... Time .....

1. On behalf of (Requesting Member State), I (fully / partially) accept / refuse the offer made by (Providing Member State) on (date) at (time) in implementation of solidarity measures under Article 13(1) and Article 13(2) (delete the latter if not relevant).

2. Competent authority of requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone: + \_\_\_\_\_

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3. Responsible TSO in requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone: + \_\_\_\_\_

4. Responsible market area manager in requesting Member State (where relevant):

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone + \_\_\_\_\_

5. Accepted primary offer(s), based on voluntary measures (please reproduce the exact terms of the 'Primary offer(s)', as accepted):

.....

Done on (date) ..... at (time) .....

Signature: .....

6. Acceptance of solidarity offers based on mandatory measures (to be filled in in English)

Instructions:



(1) To be sent within 3 hours of receipt of the solidarity offer.

(2) If offer is accepted in full, the acceptance shall reproduce the exact terms of the offer, as received from the Providing Member State. Partial acceptance of the offer may only relate to the volumes to be provided by delivery point.

(3) The acceptance of offers based on mandatory measures shall include: (a) short description of offers based on voluntary measures received from other Providing Member States; (b) if relevant, the reasons why these offers were not accepted (nb. reasons may not relate to price); (c) short description of offers based on mandatory measures received from other Providing Member States; (d) an indication of whether these offers have been accepted as well and, if not, the reasons for refusing them.

(4) The Commission may convene a coordination call with the Requesting Member State and all Providing Member States; it shall convene it upon request of one Member State. This phone call shall be held within 30' after receipt of the acceptance of the solidarity offers based on mandatory measures (if at Commission's initiative) or of after receipt of the request for a coordination call by a Member State.

Date ..... Time .....

1. On behalf of (Requesting Member State), I (fully / partially) accept / refuse the offer made by (Providing Member State) on (date) at (time) in implementation of solidarity measures under Article 13(1) and Article 13(2) (delete the latter if not relevant).

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2. Competent authority of requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone: + \_\_\_\_\_

3. Responsible TSO in requesting Member State:

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone: + \_\_\_\_\_

4. Responsible market area manager in requesting Member State (where relevant):

\_\_\_\_\_

Contact person: \_\_\_\_\_

Phone + \_\_\_\_\_

5. Accepted secondary offer, based on mandatory measures (please reproduce the exact wording of the 'secondary offer', as received from the Providing Member State).

.....

6. Additional information on the acceptance of secondary offers:

(a) short description of offers based on voluntary measures received from other Providing Member States:

.....

(b) have these offers been accepted? If not, state the reasons:

.....

(c) short description of offers based on mandatory measures received from other Providing Member States:

.....

(a) have these offers been accepted? If not, state the reasons:

.....

Done on (date) ..... at (time) .....

Signature