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Paris, June 14th 2022

Monsieur Jean-François CARENCO
Président de la Commission de régulation
de l'énergie

À

Klaus Müller
President Bundesnetzagentur
Tulpenfeld 4
53113 Bonn
Allemagne

Subject: Public consultation BK7-22-052 on the methodology for recovering the costs of measures to fill gas storage facilities for security of supply from gas network users in Germany in accordance with Article 35(e) of the Energy Act

M. President,

The Bundesnetzagentur published on 30 May a public consultation on the methodology for the recovery of the costs of gas storage filling measures for security of supply from gas network users in Germany. I would like to thank you for giving the various interested parties the opportunity to share their views on this project. With this letter I would like to provide you with the opinion of the Commission de régulation de l'énergie (CRE) on this measure.

The German Energy Act was amended on 30 April 2022 in response to recent developments in European gas supply and to the presentation by the European Commission of a proposal for a regulation for a European gas storage policy (2022/090) aimed at ensuring the filling of Member States' gas storage facilities. Article 35(e) introduces storage filling targets and a mechanism to ensure that they are met. This three-stage mechanism is ultimately based on a market manager who is responsible for ensuring that the market participants fill the storage facilities and, if they do not, for purchasing and storing the gas required for security of supply. Trading Hub Europe GmbH will take on this task and is to develop a methodology for recovering the costs incurred in carrying out this task.

CRE has taken note of this methodology. It welcomes the desire to propose a flexible system that can be adapted to rapidly changing circumstances. The progressive nature of the measures and the reliance on the market are regarded positively. CRE also appreciates the transparent presentation of the costs and the proposal to recover the costs according to the flows.

However, the proposed approach consists in recovering these costs on the basis of flows at both domestic and cross-border exit points of the German network in an undifferentiated way. CRE would like to raise the concern to BNetzA that the application of this methodology to interconnection points risks shifting part of the costs of Germany's security of supply to other consumers than domestic ones. Interconnection points should therefore not be included in the scheme. As an example, the French mechanism for the recovery of public service and security of supply costs allows these costs to be passed on exclusively to domestic consumers, depending on the seasonality of their needs. Moreover, the burden-sharing principle for storage filling measures described in Article 6c of the proposed Regulation for a European gas storage policy (2022/090) explicitly mentions the fact that it can only be implemented in the absence of storage and must exclude interconnection points.

The CRE also considers that it would be preferable that this type of measure, which could burden French consumers with the costs of German security of supply, should be the subject of in-depth bilateral discussions.

My services are of course at your disposal to provide details on the functioning of our public service charge recovery and security of supply mechanism.

Yours faithfully,

Jean-François CARENCO