

Contingency Plan for the Secure Supply of the Republic of Austria with Crude Oil and Petroleum Products

pursuant to Article 20(2) of 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

Legal notice

Media owner, publisher, editor:

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Innovation and Technology, Radetzkystraße 2, 1030 Vienna, Austria

Responsible for the content: Directorate-General VI, Department Crisis Management and
Energy Intervention

Vienna, 2022.

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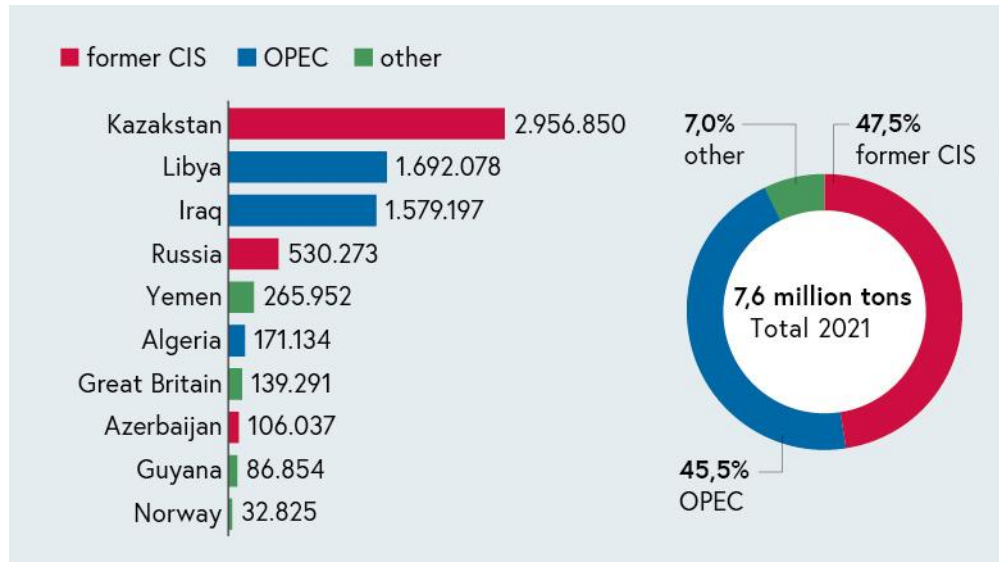
1 Introduction

1.1 Significance of crude oil as an energy source for Austria's energy supply

Crude oil and petroleum products are fossil energy sources that cause significant greenhouse gas emissions when used for energy purposes. Austria has set itself the goal of reaching climate neutrality by 2040. This requires limiting the use of crude oil and petroleum products as quickly as possible and to dispense with their use as completely as possible by 2040.

Nevertheless, crude oil remains Austria's most important energy source. In 2021, the share of crude oil in gross energy consumption was approximately 34.5 % (natural gas 22.7 %, hydropower 9.8 %, other renewables 23.5 %, coal 7.8 %, net electricity imports 1.9 %). Since Austria has limited domestic resources – only about 7.5 % of the required crude oil comes from domestic production – both crude oil and petroleum products need to be imported. At the end of 2021, Austria has proven recoverable crude oil reserves amounted to approximately 4.8 million tons. This corresponds to roughly eight years of production. Additionally approximately 59 % of domestic diesel demand, about 24 % of gasoline demand and about 57 % of heating oil demand are imported, primarily from Germany, Italy, Slovakia, Hungary, Slovenia and the Czech Republic. On the other hand, Austria also exports significant amounts of fuels. Austria does not import any fuels and, since spring 2022, no crude oil directly from Russia. However, those countries from which Austria imports fuels are in part heavily dependent on Russian crude oil, resulting in an indirect dependence for Austria. Such high dependence on imports naturally entails supply risks that require an efficient system of crisis prevention and crisis management.

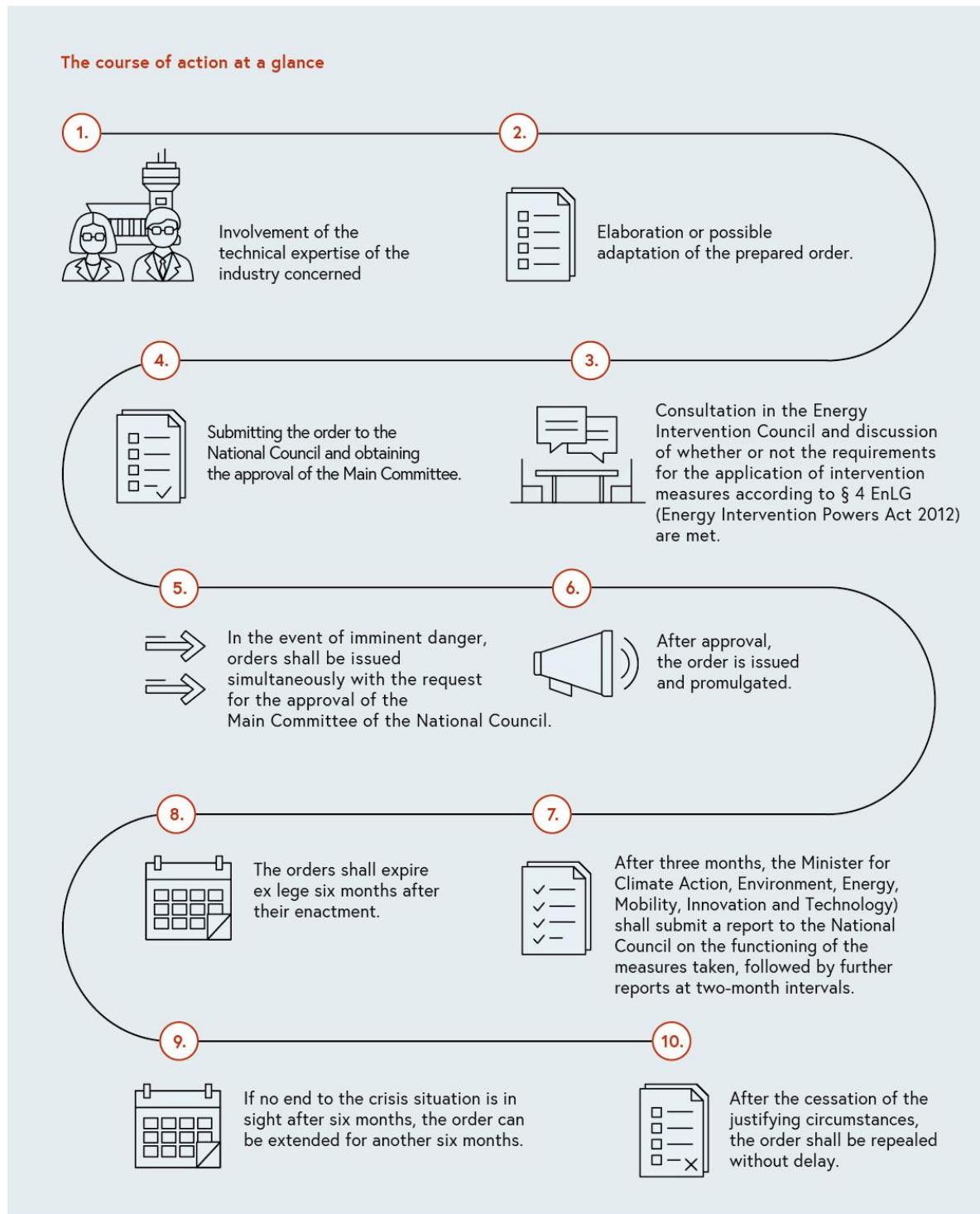
Figure 1 Top 10 importing countries of crude oil in tons 2021 and imports of crude oil by country group in percent; Graph: Almasy Information Design Thinking; Source: Broschüre Krisenvorsorgemanagement



1.2 Overview of measures to avert oil supply disruptions

To avert supply disruptions in the crude oil and petroleum products sector, the Republic of Austria relies on a comprehensive stockholding and monitoring system (see chapter 2). However, should an imminent or actual disruptions of Austria’s energy supply, be identified, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology may implement energy intervention measures after exhausting all market-based measures, consulting with the Energy Intervention Council and obtaining the approval of the Main Committee of the National Council (see chapter 3).

Figure 2 Sequence of action in the case of an energy crisis; Graphic: Almsy Information Design Thinking; Source: Broschüre Krisenvorsorgemanagement



1.2.1 Possible market-based measures in the event of shortages in the petroleum and petroleum products sector

- Increase in refinery output in general or for specific supply groups
- Increasing imports of petroleum and crude oil products
- Deliveries from oversupplied areas to areas of shortage
- Reduction of commercial storage facilities
- Switching energy sources
- Increase in biogenic content of fuels

1.2.2 Possible energy intervention measures to remedy a supply disruption

Light and medium interventions

- Extension of reporting and information obligations
- Temporary reduction of compulsory emergency stocks
- Release of compulsory emergency stocks
- Modification of requirements regarding the quality of petroleum products
- Reduction of maximum permitted speeds for all or certain types of motor vehicles
- Prohibition of the use of motor vehicles for certain purposes or events (e.g., motor sports events)
- Prohibition of the use of all or certain types of motor vehicles as well as water and air vehicles with machine drive for certain times, throughout the whole federal territory or in parts of the federal territory
- Regulations concerning the production, transport, storage, distribution, sale and purchase of crude oil and petroleum products
- Trade restrictions
- Export bans on crude oil and petroleum products

Strong interventions

- Rationing of crude oil and petroleum products
- Expropriation of crude oil and petroleum products

2 Austria's stockholding system for crude oil and petroleum products

2.1 International commitments on crisis stockholding

2.1.1 Austria as a member of the IEA

I. Background and development

The oil crisis of 1973 shook the hitherto stable energy supply of the Western world. The curtailment of oil production, carried out as a concerted action by a number of oil-producing countries, had led to a significant increase in prices, which could not be countered for lack of production capacities and alternatives in the Western countries. The economic and consequent comprehensive political dependence on oil or the producing countries had become acutely apparent. These events led to the realization that the predominantly unilateral Western energy policy, would have to be replaced by a cooperative strategy in order to better cope with crises in the future.

In the period from February 11th to 13th, 1974, an international energy conference took place in Washington addressing the consequences of the changed energy situation, in particular the effects on the international trade and financial system. Members of this conference were the participating states of the EEC, the USA, Canada, Japan and Norway. Among other things, it was decided to draw up a comprehensive action program dealing with all aspects of the international energy situation.

On November 15th, 1974, the Council of the Organization for Economic Cooperation and Development (OECD) adopted the decision to establish an International Energy Agency (IEA) as an autonomous body within the OECD framework. In the meantime, an Energy Coordination Group had prepared a "Convention on an International Energy Programme" (IEP Convention), which was also signed by Austria in Paris on 18th of November 1974. The Convention entered into force on July 10, 1976. The Austrian National Council gave its constitutional approval to the Agreement on July 4, 1975. The promulgation became effective with the Federal Law Gazette No. 317/1976.

II. Tasks, members and bodies of the IEA

At the core of the IEA is the striving for security of energy supply, especially oil supply, and the associated effort to be as well prepared as possible for supply disruptions and to reduce supply dependencies as far as possible. Essential elements of the mentioned IEP Agreement are the following areas, of which the first two points are to be seen as particularly essential:

- Obligation to maintain sufficient emergency stock, whereby, according to the wording of the IEP Agreement, this obligation can be fulfilled not only by appropriate oil stocks, but also by the ability to switch to other energy sources, as well as by additional production capacities held in reserve
- Emergency measures in case of crisis
- Establishment of an information system concerning the international oil market
- Establishment of a framework for consultations with oil companies
- Establishment of a long-term energy cooperation with the aim of reducing dependence on oil imports in the long term.
- Promotion of constructive dialogue and other forms of cooperation with producing countries and other consuming states.

Currently, the IEA comprises 31 OECD countries, including Austria: Australia, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Korea, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States. The European Union enjoys special observer status.

The IEP Agreement provides for the IEA's bodies to be the Governing Board, an Executive Committee, and four Standing Groups, namely:

- the Standing Group on Emergency Questions (SEQ)
- the Standing Group on the Oil Market (SOM)
- the Standing Group on Long-Term Cooperation (SLT), and
- the Standing Group on Relations with Producing and Consuming Countries (currently known as the SGD – Standing Group on Global Energy Dialogue).

The Standing Group on Emergency Questions deals with all aspects of preparedness in the event of oil supply crises and is responsible for implementing joint actions in the event of a crisis.

The Standing Group on the Oil Market monitors and analyses short- and medium-term developments in the international oil market and helps IEA member countries respond promptly and efficiently to market changes.

The Standing Group on Long-Term Cooperation launches cooperation among IEA member states with regard to collective energy security, improving the efficiency of the energy sector, and promoting environmental protection.

The Standing Group on Global Energy Dialogue is responsible for cooperation with non-IEA member countries particularly with r China, Russia, and India.

III. The IEA Crisis Mechanism Emergency Measures under the IEP Agreement.

The crisis mechanism under the IEP Agreement is essentially based on three pillars:

- Obligation to hold emergency stocks,
- Obligatory curbing of oil consumption in crisis situations,
- Allocation of available resources in an emergency situation according to fixed allocation rules.

In order to meet these obligations, each member state must

- Hold emergency stocks for at least 90 days,
- Have a program of contingency measures to curb oil demand, and
- Be able to implement IEA decisions through the National Emergency Sharing Organization (NESO) (see Section 3.2.).

The scope of these obligations arising from the IEP Agreement is evident. Their activation is conditioned upon the requirement that the supply disruption must amount to at least 7 % of the IEA average daily final consumption rate (see Article 12 22 IEP Agreement).

However, experiences have shown that even disruptions in oil supply below this level can cause lasting economic damage in IEA member countries. Therefore, instruments have been developed over time to effectively address even such smaller supply crises - most recently the "IEA Initial Contingency Response Plan".

IV. IEA Initial Contingency Response Plan

On October 22, 2002, the IEA Board of Directors unanimously adopted the IEA Initial Contingency Response Plan (Doc. IEA/GB/C(2002)30). This is intended to enable a rapid and flexible response to temporary disruptions in global oil supplies - even without activating the actual IEA crisis system.

The phases of the IEA Initial Contingency Response Plan can be summarized as follows:

1. Initial Assessment (of the supply situation) by the Executive Director.
 - Obtain all available information on the market situation, including soundings on whether or to what extent production increases in oil-producing states would be possible.
 - Informing member states of the results of the above survey and consulting with members on the need to activate the Initial Contingency Response Plan.
 - The Initial Assessment contains proposals on the following points:
 - Extent to which the oil market should be relieved in the IEA as a whole and in each case at the country level (suggested volume and proposed share).
 - Timing and duration of a possible activation of the Initial Contingency Response Plan
2. Forwarding of the Initial Assessment to the members for review
3. Notice of Activation: Activation of the Initial Contingency Response Plan
4. If the Initial Assessment does not result in a negative response from the Member States, the Executive Director may continue to
 - proceed to notify the Member States of the activation of the Initial Contingency Response Plan by means of a Notice of Activation.
 - send an Individual Response Form to the members by the IEA Secretariat simultaneously with this notification.
5. Measures after activation of the Initial Contingency Response Plan
 - at member state level
 - Informing the IEA Secretariat about the intended implementation measures (including their presumed effectiveness) promptly after activation of the plan (with subsequent ongoing information) by means of questionnaires to SEQ delegates and contact persons regarding data collection
 - Take the implementation measures no later than 15 days after activation
 - at IEA level
 - Public Relations by the Executive Director: The Executive Director will inform the media public about the activation of the Initial Contingency Response

Plan. The report will prominently feature dialogue with the world's major oil producers and, where appropriate, their willingness to increase oil production. Reference is also made to the solidarity and determination of the IEA member states to contribute to the stabilization of the oil market.

- Ad Hoc Governing Board meeting to decide on activating the Initial Contingency Response Plan (if not already done by the Executive Director) or maintaining it, evaluating the situation and deciding on other appropriate measures.
 - Regular updates and assessment within the framework of the SEQ platform.
- 6. Deactivation of the Initial Contingency Response Plan**
- The termination of the described crisis regime requires a decision by the Governing Board to this effect.

Market relief can be achieved both through a reduction (of compulsory emergency) stocks (also to stocks below the 90-day limit) and through demand curtailment.

2.1.2 Austria as a member of the EU

I. Background and development

The original oil stockholding system of the EU was based on Council Directive 68/414 EEC of December 20th, 1968.

Its main content was the obligation of Member States to maintain stocks for each of the three main production categories (gasoline-based fuels, middle distillates, fuel oils) at a level equivalent to at least 65 days of domestic consumption of the preceding calendar year. Council Directive 72/425 EEC of 19 December 1972 increased the reference period mentioned in Article 1 of Directive 68/414 EEC from 65 days to 90 days.

The European Council, in its Action Plan (2007-2009) entitled "An Energy Policy for Europe", emphasized the need to increase security of supply, both at the EU level and at the level of individual Member States. One of the prerequisites for achieving this goal was to align the EU oil stockholding system with that of the IEA (e.g., adopting the IEA calculation methods for the scope of the stockholding obligation and the level of security stocks).

Council Directive (EU) 2009/119/EC of 14th September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products succeeded in this endeavour. It entered into force on October 4th, 2009, and EU Member States were required to implement it by December 31st, 2012.

II. Main contents of Directive (EU) 2009/119/EC

Emergency stocks - calculation of the stockholding obligation

While the old EU legislation focused on consumption and crisis stockholding in line with consumption, Directive (EU) 2009/119/EC brought the EU closer to the IEA stockholding system. Emergency stocks must be held at a level equivalent to 90 days of average net imports. As with the IEA calculation method a 10 % deduction is made in order to account for unavailable stocks (such as tank bottoms). While there is no stockholding requirement for net exporters according to the IEA, Directive (EU) 2009/119/EC requires them to hold compulsory emergency stocks equivalent to 61 days of average consumption in order to ensure optimal security of supply.

Establishment of a Central Stockholding Entity (CSE)

Each EU member state can establish only one CSE. The main task of the CSE is to acquire, hold and sell oil stocks for the purpose of the Directive (EU) 2009/119/EC. It must be established in the public interest without the intention of making a profit.

Holding specific stocks

Each EU member state may undertake to hold specific stocks. These stocks must be owned by the member state or the CSE and may only be held within the territory of the EU. Although specific stocks are not subject to the 10 % reduction, they are subject to very detailed holding and reporting obligations (especially the European Commission).

Establishment of a coordination group for crude oil and petroleum products

This coordination group consists of representatives of the member states and is chaired by the European Commission. The Coordination Group has an advisory role. It contributes to

the analysis of the situation in the EU in relation to security of supply in the oil sector and contributes to the coordination and implementation of related measures.

Control rights of the European Commission

Directive (EU) 2009/119/EC now provides the right for reviews of the emergency preparedness of individual Member States by the European Commission, which was not the case by the previous EU legislation.

Close cooperation between the EU and the IEA

The European Commission works closely with the IEA and is guided by IEA methodologies. This ensures the proper and timely implementation of IEA decisions on supply issues.

2.2 Domestic implementation of international obligations

The signing of the IEP Agreement in 1974 and the accession to the EU in 1995 obligated Austria to implement the international regulations on oil crisis stockholding and, to continuously adjust domestic legal provisions in this regard during its memberships.

2.2.1 Oil Stockholding Act 2012 (EBG 2012)

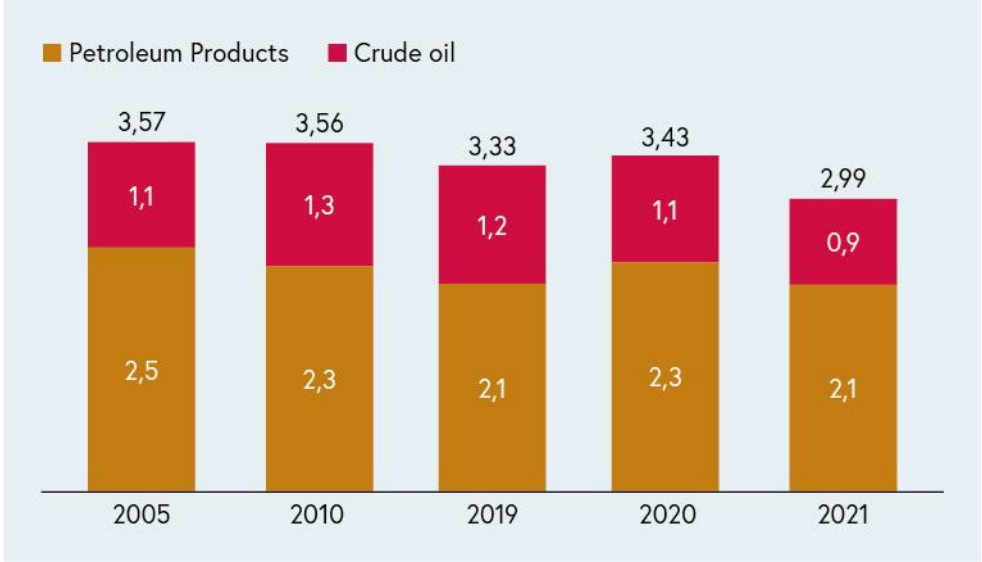
To implement the IEP Agreement domestically, i.e. for the establishment and maintenance of compulsory emergency stocks of crude oil and petroleum products and for reporting obligations to secure energy supply, the Crude Oil Stockholding and Reporting Act, Federal Law Gazette No. 318/1976 entered into force, which was later replaced by the Federal Act on the Maintenance of Emergency Stocks of Crude Oil and Petroleum Products and on Reporting Obligations to Secure Energy Supply (Petroleum Stockholding and Reporting Act 1982), Federal Law Gazette No. 546/1982. Subsequently these were replaced by the Federal Act on the Maintenance of Minimum Stocks of Crude Oil and Petroleum Products (Oil Stockholding Act 2012 - EBG 2012), Federal Law Gazette I No. 78/2012, last amended by Federal Law Gazette I No. 17/2020.

With the implementation of Council Directive (EU) 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products, the previously applicable system was further expanded and supplemented. Since the Crude Oil Stockholding and Reporting Act 1982 had already been amended many times, the implementation of Directive (EU) 2009/119/EC was taken as an opportunity to re-enact this Act as the Oil Stockholding Act 2012 (EBG 2012), Federal Law Gazette I No. 78/2012, as last amended by Federal Law Gazette I No. 17/2020. The Austrian stockholding system is based on the Oil Stockholding Act 2012.

I. Justification and scope of the stockholding obligation

According to the Oil Stockholding Act of 2012, every importer of crude oil, petroleum products, biofuels, or feedstocks for the direct production of biofuels is required to maintain 25 % of its previous year's net imports in permanent storage as obligatory emergency stocks beginning July 1st of each year. The compulsory stockholding ends on June 30th of the following year or is reestablished as of July 1st of the following year.

Figure 3 Total petroleum and petroleum product inventories in millions of tons; graph: Almsy Information Design Thinking; Source: Broschüre Krisenvorsorgemanagement



II. Fulfillment of the stockholding obligation

The compulsory stockholder may fulfill his stockholding obligation in the following ways:

- Holding of compulsory emergency stocks by the compulsory stockholder himself/herself.
- Joint holding of compulsory emergency stocks by two or more compulsory stockholders.
- Private law contracts obligating the contracting party of the obliged stockholder to hold a certain quantity of crude oil, petroleum products, biofuels, or feedstocks for the direct production of biofuels. Either the obliged stockholder or the contracting party may own this quantity.
- Assumption of the stockholding obligation by a stockholder who requires a permit from the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology for its activities and therefore must fulfil specific requirements, duties, and obligations, e.g. Erdöl-Lagergesellschaft m.b.H. (ELG)

III. Establishment of a "Central Stockholding Entity" (CSE)

Erdöl-Lagergesellschaft m.b.H. (ELG) was already established by the Crude Oil Stockholding and Reporting Act, Federal Law Gazette No. 318/1976. It fulfills all the conditions set out in Article 7 of Directive (EU) 2009/119/EC and is therefore designated as the Central Stockholding Entity of the Republic of Austria by the provisions of the Oil Stockholding Act 2012.

IV. Holding Austrian compulsory emergency stocks exclusively domestically

Although Directive (EU) 2009/119/EC allows EU Member States to hold their compulsory emergency stocks in other EU Member States under certain conditions, the Oil Stockholding Act 2012 (like the Crude Oil Stockholding and Reporting Act 1982 before that) prohibits Austrian compulsory emergency stocks to be held abroad. Austria is unable to hold compulsory emergency stocks in neighbouring EU member states due to both its topographical situation and the need for immediate availability of compulsory emergency stocks at all times. This is also manifested by the provision in the Oil Stockholding Act 2012, according to which the Central Stockholding Entity is only allowed to store compulsory emergency stocks in Trieste (Italy) if an official authorization has been issued by the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology. The possibility of storing compulsory emergency stocks in the Trieste tank

terminal of the Transalpine Oil Pipeline (TAL) is based on an international treaty between Austria and Italy on the use of facilities at the oil port of Trieste (Federal Law Gazette No. 228/1987).

However, under provisions precisely defined in the Oil Stockholding Act 2012, EU Member States may hold their compulsory emergency stocks in Austria.

V. Reporting and reporting obligations; control powers

According to the provisions of the Oil Stockholding Act 2012, stockholding companies must report their imports and the level of their compulsory emergency stocks to the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology on a monthly basis. They are also required to report annually the manner in which they fulfill their stockholding obligations and their storage capacities. The Federal Minister may inspect the status, condition of the compulsory emergency stocks and the equipment of the storage facilities at any time.

VI. Statistical surveys, data systems and their legal basis

Under the Crude Oil Statistics Regulation 2011, Federal Law Gazette II No. 226/2011, last amended by Federal Law Gazette II No. 352/2014, statistical surveys are conducted continuously for the entire federal territory for market-oriented recording of the supply of petroleum products.

Companies subject to stockholding obligations are required to report their import volumes, the level of compulsory emergency stocks and evidence of the manner in which they have fulfilled their stockholding obligations to the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology using forms. The transmission of this data is permitted electronically if formats provided by the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology are used.

Authorities may inspect the storage facilities for holding the stocks at any time, and the inspection bodies must be granted free access to the storage facilities and be allowed to inspect all storage records.

Importers shall report their import activities to the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology as soon as they engage in them. The Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology has the possibility to verify the accuracy and correctness of the imported quantities of crude oil and petroleum products within the notification procedure, performed by the customs offices.

The Oil Stockholding Act 2012 also contains the authorization for the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology to order and conduct statistical surveys and other statistical work on the storage and distribution of crude oil and petroleum products. Data collection and processing pursuant to the Crude Oil Statistics Order 2012 and the Oil Stockholding Act 2012 shall be carried out by the Department VI/2a Energy Market and Statistics.

2.2.2 Erdöl-Lagergesellschaft m.b.H. (ELG)

Erdöl-Lagergesellschaft m.b.H. (ELG) was established on July 22, 1976, immediately following the entry into force of the Crude Oil Stockholding and Reporting Act, Federal Law Gazette I No. 318/1976. With the Crude Oil Stockholding and Reporting Act 2012, it was established as Austria's "Central Stockholding Entity" in accordance with Directive (EU) 2009/119/EC.

Its task is to assume and fulfill the obligation to hold emergency stocks, which is imposed on importers of crude oil and petroleum products. It is also responsible, to the extent necessary or expedient for the fulfillment of purposes of the Oil Stockholding Act 2012, for the planning, construction and operation of tank terminals as well as the utilization of existing tank capacities for the holding of emergency stocks in suitable containers.

Currently, OMV Downstream GmbH holds 55.6 % of ELG's company shares , while multinational companies such as BP Europa SE (23.1 %), SHELL Austria GmbH (16.7 %) and ENI Austria GmbH (4.6 %) hold 44.4 %.

Although the Oil Stockholding Act 2012 provides several options for stockholding companies to fulfill their stockholding obligation, almost all of them delegate this obligation to ELG. In recent years, the tariff structure, business terms and storage conditions of the ELG, which are optimally tailored to the needs of its contracting

partners, have resulted in ELG being responsible for over 95 % (currently approx. 98 %) of the mandatory emergency stocks quantities to be held by Austria.

3 Measures in the event of oil supply malfunctions

3.1 National oil supply disruptions

The prevention of an imminent or the remediation of an already occurred oil supply disruption is subject in principle to the provisions of the Energy Intervention Powers Act 2012 if it cannot be resolved or mitigated in a timely manner through market-compliant measures.

3.1.1 Energy Intervention Powers Act 2012

The Federal Act of June 23rd, 1973, Federal Law Gazette No. 319/1976, on Energy intervention measures to safeguard energy supplies (Energy Intervention Powers Act 2012) was passed by the National Council on July 1st, 1976, to implement the IEP Agreement at the national level and to summarize the energy intervention measures relevant to Austria's entire energy supply. In the course of time, it has been repeatedly amended. The currently applicable Federal Act on Energy Intervention Measures to safeguard energy supplies (Energy Intervention Powers Act 2012 - EnLG 2012), Federal Law Gazette I No. 41/2013, as last amended by Federal Law Gazette I No. 68/2022, entered into force in 2013.

The Energy Intervention Powers Act 2012 is one of the economic intervention laws (laws whose enforcement only begins in a crisis situation). It includes energy intervention measures for solid and liquid energy products as well as securing the supply of electricity and natural gas.

I. Goals and application of energy intervention measures

Section 4 (2) EnLG 2012 lists the objectives of the energy intervention measures as follows:

- to safeguard the fulfillment of essential energy requirements (including those for national military defence purposes) are met, to maintain undisturbed production of goods and provision of services, and to supply the general public and other consumers
- permit the fulfillment of obligations under international law to take emergency measures pursuant to decisions by the governing bodies of international organisations
- ensuring fulfillment of the obligation under Union law to provide solidarity measures or support in the form of regional or bilateral measures in the gas or electricity sector, respectively.

Pursuant to Section 4 (1) EnLG 2012, intervention measures are provided in the following cases:

- to avert an imminent disruption or to overcome actual disruptions of Austria's energy supplies, insofar as these disruptions do not represent seasonal shortages or cannot be averted or overcome by market measures, or cannot be averted or remedied in time or only by disproportionate means
- to the extent necessary to comply with obligations under international law to enforce emergency measures based on resolutions of bodies of international organizations
- to the extent that there is an obligation under Union law to provide solidarity in the gas sector or an obligation to provide support in the form of regional or bilateral measures in the electricity sector.

II. Enactment and implementation of energy intervention measures

Energy intervention measures shall be provided for by order of the Federal Minister for Climate Action, the Environment, Energy, Mobility, Innovation and Technology and shall require the approval of the Main Committee of the National Council unless their sole purpose is to repeal intervention measures. In case of imminent danger, orders requiring the approval of the Main Committee of the National Council may be issued simultaneously with the application for the approval of the Main Committee of the National Council. They shall be announced publicly in an appropriate manner (federal, provincial law gazettes, newspapers, media, radio, etc.).

Energy intervention measures may only be taken for a period of six months. If a disruption of energy supply has already occurred, an extension of up to six months is possible with the approval of the Main Committee of the National Council. Upon cessation of the circumstances justifying them, the orders shall be repealed without delay.

The implementation of the issued orders shall be the responsibility of the authorities of the general state administration and the local authorities within the scope of the powers conferred on them, unless this falls within the direct competence of the Federal Minister for Climate Action, the Environment, Energy, Mobility, Innovation and Technology. The tasks to be performed by the various authorities shall be assigned regarding to the expediency, simplicity, expeditiousness, economy and effectiveness of implementation.

III. Energy Intervention Council

The Energy Intervention Council shall be established to advise the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology and to prepare and assess energy intervention measures, and shall be consulted in particular prior to the issuance of intervention orders. The Minister may waive consultation of the Energy Intervention Council in case of urgency. However, the matter concerned shall be placed before the Council retroactively without delay.

The members of the Energy Intervention Council shall be:

- three representatives of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, one representative each of the Federal Chancellery, the Federal Ministries for European and International Affairs, for Finance, for the Interior, for National Defence, for Agriculture and Forestry, Regions and Water Management, and for Labour and Economics
- two representatives each of the Austrian Federal Economic Chamber, the Austrian Federal Chamber of Agriculture, the Austrian Federal Chamber of Labour, the Austrian Federation of Trade Unions and the Federation of Austrian Industries
- one representative of E-Control
- one representative from each of the federal provinces
- one expert each from the oil industry, energy trading and gas and heat supply
- one representative of Austria's electricity industry
- one representative of each of the parties represented in the Main Committee of the National Council.

3.1.2 Scope and nature of energy intervention measures for solid and liquid energy products

The Department of Crisis Management and Energy Intervention Directorate- General VI (Climate Action and Energy) of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology prepares data and information in close cooperation with representatives of the oil industry in the event of an imminent or existing disruption in the supply of crude oil or petroleum products to Austria. Based on this, proposals for measures are drawn up to counteract this disruption in the best possible way. Data and proposals are made available to the Federal Minister for Climate Action, the Environment, Energy, Mobility, Innovation and Technology as well as to the members of the Energy Intervention Council. These serve as the basis for discussion at the Energy Intervention Council meeting. Ultimately, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology decides whether and which energy intervention measures are to be implemented.

The following intervention measures for solid and liquid energy products can be provided for energy intervention measures order:

1. Rights of disposal, access and requisition for energy products
2. Regulations governing production, transportation, storage, distribution, sale and purchase, import restrictions and export obligation
3. Transport restrictions
4. Reporting duties
5. Changes in required specifications

Rights of disposal, access, and requisition initially refer to compulsory emergency stocks established under other legislation (e.g., under the Oil Stockholding Act of 2012). They may also include transportation, storage, and distribution facilities.

Production and use regulations may provide that energy sources may be delivered, procured, and used only to a limited extent in terms of time, location, or quantity and only for priority supply purposes or to fulfill obligations under international law. Energy intervention measures may only be taken to such an extent and for such a duration as is necessary to remedy supply disruptions or to fulfill obligations under international law.

Energy products not destined for supply to third parties and held in stock for military purposes, or owned by a final consumer and held to meet his personal needs and those of

other members of his household, and energy products held to meet the needs of the stockholder's own business may not be subjected to measures.

3.1.3 Responsibilities

Within the Austrian federal government, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology is responsible for drawing up emergency plans and setting energy intervention measures in the event of energy supply crises. In the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, the Department of Crisis Management and Energy Intervention of Directorate-General VI (Climate Action and Energy) is responsible for the execution of the Oil Stockholding Act 2012 and the Energy Intervention Powers Act 2012.

3.1.4 Implementation of tasks in the event of an incident

I. Comprehension scheme

In the event of extensive or regional disruptions in the supply of crude oil or petroleum products in Austria, particularly the affected companies in the crude oil industry make notifications to their industry associations. These associations immediately inform the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology as well as their member companies, including ELG.

The Department of Crisis Management and Energy Intervention of Directorate-General VI (Climate Action and Energy) of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology immediately begins gathering data and facts and clarifies whether measures would have to be taken in accordance with the Energy Intervention Powers Act 2012 in the respective case. If this is the case, the Department of Crisis Management and Energy Intervention collects detailed information on the type and scope of the supply disruption on the one hand and immediately informs the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology on the other. Subsequently, a meeting of the Energy Intervention Council would be convened. Furthermore, the Department of Crisis Management and Energy Intervention of Directorate-General VI (Climate Action and Energy) also informs the competent bodies of the IEA Secretariat and the European Commission that an oil supply disruption is

imminent or has occurred in Austria, which may require the use of energy intervention measures.

II. Data collection, analysis and exchange in crisis situations

Pursuant to the provisions of the Energy Intervention Powers Act 2012, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology may, by order, oblige companies that produce, process, consume, store, hold for themselves or others or trade in energy sources to provide notifications and information on these activities. Inspection authorities must be granted access to the premises and storage facilities for inspections at any time.

Based on the reports submitted in accordance with these provisions, Directorate-General VI (Climate Action and Energy) may collect, process and analyse data relating to the national oil and petroleum products market in both national and international crisis situations. In times of international supply disruptions (e.g. during a Collective Action), these data flow into the "IEA data collection system in times of crisis" (e.g. into the QuE - Emergency Data Questionnaire).

III. Communication

A distinction must be made here between public communication and the communication between national and international authorities and bodies.

Public communication in times of crisis (e.g. informing the public, appeals for energy savings, communication of energy intervention measures orders) is prepared by Directorate-General VI (Climate Action and Energy). The Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology makes public appearances. Depending on the extent, scope and impact of the crisis situation, other Austrian government representatives or institutions represented in the Energy Intervention Council will participate in public communication.

Detailed content and the media to be used in public communication in crisis situations will have to be adapted to the occasion. In this regard, Directorate-General VI (Climate Action and Energy) collaborates with the communications experts of the Cabinet of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology.

Communication with

- internal ministry departments,
- the members of the Energy Intervention Council,
- the IEA and its member states
- the European Commission and EU member states,

is carried out by Directorate-General VI (Climate Action and Energy), primarily through the Department of Crisis Management and Energy Intervention.

During numerous national and international crisis exercises, communication channels, infrastructures and conditions were and are continuously tested, analyzed and, if necessary, further improved.

3.2 International Oil Supply Disruptions and Austria's National Emergency Sharing Organization (NESO)

In order to be able to fulfill the obligations of the IEP Agreement (see chapter 2.1.1), each member state is required to establish a National Emergency Sharing Organization (NESO), to implement the decisions of the IEA.

The Austrian National Emergency Sharing Organization (NESO) is embedded on a stand-by basis in Directorate-General VI (Climate Action and Energy). NESO is chaired by the Austrian member of the IEA Governing Board, i.e. the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology, who – as outlined in the previous chapter – is responsible for implementing energy intervention measures.

The operational management of the NESO is the responsibility of the General Director of the Directorate-General VI (Climate Action and Energy). In the event of a crisis, the organizational departments of Directorate-General VI (Climate Action and Energy) are assigned different roles and tasks as required. The advisory function is performed by the Energy Intervention Council, which also includes experts from the oil industry, energy trading, and gas and heat supply. The cooperation between NESO and the Energy Intervention Council to support the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology in times of crisis is very close.

3.2.1 Prerequisite for NESO activities

NESO becomes active when the IEA's crisis mechanisms (see chapter 2.1.1 III) come into effect – particularly when it comes to implementing decisions of the IEA. According to the Agreement on an International Energy Program (IEP), this occurs when there is or is expected to be a disruption in oil supply of at least 7 % of the average daily final consumption rate in the IEA member states and, according to the Initial Contingency Response Plan (ICRP), if a significant supply disruption with severe consequences for economic development is imminent or has already occurred.

3.2.2 NESO tasks and instruments

NESO is responsible for the preparation and implementation of national measures in the event of a crisis and is the link between the Member State administration and the IEA in international coordination during a supply crisis. It participates in the implementation of IEA decisions, in the fulfillment of Austria's contributions to international supply balancing, and in ensuring the smooth supply to consumers in the event of a crisis.

NESO coordinates:

- Measures taken by the oil industry to adapt to the changed market situation caused by the crisis
- Information campaigns and public appeals (voluntary speed limits, formation of car pools, checking tire pressure, increased use of public transport, voluntary renunciation of the use of motor vehicles for short distances, voluntary reduction of room temperature in private households and in public buildings, control/adjustment/maintenance of boilers and heating burners)
- Energy intervention measures based on orders issued by the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology pursuant to the Energy Intervention Powers Act 2012

The basis for the use of the respective measure is a comprehensive data system also coordinated by NESO. This information, which is available to NESO, provides an overview of Austria's supply situation, forms the basis for calculating international and national allocation rights or levy obligations, shows the type and size of crude oil and petroleum product stocks, and thus enables supply balancing within Austria in the event of national or international supply crises.

3.2.3 Implementation of NESO activities in the event of an incident

Triggers for an international crisis situation requiring action by the IEA could be:

- Conflicts/political instabilities in major oil producing countries or regions.
- Catastrophes (natural disasters, terrorist attacks, accidents, unforeseen closures, etc.) affecting major oil fields, refineries, pipelines and/or loading terminals
- Strikes affecting oil supplies to countries and regions
- coordinated actions by major supplier countries (e.g. OPEC) to reduce supply on the world market

I. Initial Assessment

As soon as the Initial Assessment of the IEA has been received, NESO (representatives of Directorate- General VI - Climate Action and Energy, the petroleum industry and the energy trade) reacts as follows:

- Immediate analysis and evaluation of the crisis situation as well as of the IEA's proposals on how and to what extent the individual member states should participate in a collective action, in particular with regard to feasibility and impact on Austria
- immediate information of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology
- flanking communication of NESO with the members of the Energy Intervention Council and the responsible bodies of the IEA and the European Commission
- immediate convening of the Energy Intervention Council

Approval (or any proposed amendments) of and support for the Initial Assessment will be communicated to IEA within 24 hours (likely in a shorter timeframe).

II. Notice of Activation and Initial Response Plan

If the initial assessment does not result in a negative reaction from the member states, the IEA Executive Director issues a Notice of Activation. This contains the general initial response plan as well as proposals which Member State and which quantities they should release in the first thirty days of a crisis. Simultaneously, each member state receives an Individual Response Form. Notice of Activation and Initial Response Plan together form the basis for action under the Energy Intervention Powers Act 2012.

In addition to a detailed analysis of the supply disruption and its effects, the NESO submits proposals of possible participation options for Austria to the Energy Intervention Council for discussion. After consulting the Energy Intervention Council, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology will make a decision on how and in which form Austria will participate in the Collective Action.

The IEA Secretariat is notified by NESO of the implementation measures intended by Austria, including their presumed effectiveness, and the completed Questionnaire of Intended Contribution is submitted. These measures must be implemented no later than 15 days after receiving the Notice of Activation. Energy intervention measures are issued by order(s) of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology (see chapter 3.1.2.).

3.2.4 Communication

Communication with IEA, the European Commission and other states is handled by NESO. NESO also advises the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology on communications in the event of supply crises. The main task of NESO is to cooperate with the communication experts of the cabinet of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology in order to develop a communication strategy. This aims to encourage that the public, take measures voluntarily to reduce energy consumption as well as gives an understanding to support for energy intervention measures prescribed by the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology.

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