Message 001

Communication from the Commission - TRIS/(2026) 1711

Directive (EU) 2015/1535

Notification: 2026/0321/DE

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261711.EN

1. MSG 001 IND 2026 0321 DE EN 30-06-2026 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie, Referat EB3

3B. Bundesministerium für Wirtschaft und Energie, Referat IIIA5

4. 2026/0321/DE - N20E - Electricity

5. Act to Safeguard Security of Electricity Supply and to Provide New Capacities and to Amend the Special Fee Ordinance of the Federal Network Agency (StromVKG)

6. This measure includes the creation of an electricity capacity market for the 2031 supply year to ensure security of electricity supply.

7.

8. The StromVKG aims to create a capacity market as an investment framework to incentivise investments in

guaranteed capacity and the provision of sufficient capacity. This capacity market is limited to the 2031 supply year. A comprehensive capacity market for the period from 2032 onwards is planned to follow, but this is not included in the draft legislation.
A capacity market involves tenders in which bidders compete for remuneration paid by the transmission system operator for providing electrical capacity.

The subsidised plants are subject to "technical requirements" for providing instantaneous reserve capacity (Section 16 StromVKG) to ensure that they operate as cost-effectively and CO2-neutrally as possible within the overall system. Since funding can only be obtained if these requirements are met, the measure is notified as a fiscal measure.
These requirements go beyond the current minimum technical requirements in the Technical Connection Rules (TAR) that exist for the respective plant types. Synchronous machines (e.g., gas-fired power plants) must be capable of phase-shifting operation (decoupling of turbine and generator), enabling them to provide their grid-stabilising functions even without active power feed-in (i.e., without fuel input). Alternatively, this can also be achieved through a parallel installation of additional equipment (e.g., converter-coupled systems such as battery storage systems) that provides this technical capability through appropriate power converter and control technology (STATCOM operation). If the funded system itself is a battery storage system, it must provide the corresponding technical capability through short-term overload capacity or by oversizing the converter

9. A secure electricity supply is of great importance to citizens and a key location factor for the German economy. Germany has traditionally had one of the highest levels of security of supply worldwide. However, the German electricity system is undergoing profound change. Conventional overcapacities have been virtually eliminated, partly due to the legally mandated phase-out of coal. At the same time, the share of renewable energies in electricity generation is increasing significantly; by 2030, it is projected to reach 80 percent of electricity consumption.

9a. Reports on monitoring security of supply at the national (see, e.g., https://www.bundesnetzagentur.de/SharedDocs/Pressemitteilungen/DE/2025/20250903_Versorgungsmonitoring.html) and European levels clearly indicate a need for action to ensure the availability of new electricity capacities from the early 2030s onward.

9b. Therefore, an expansion of dispatchable capacities of a corresponding magnitude is necessary to guarantee security of supply from the early 2030s onward. In reality, however, a wait-and-see approach to investments can be observed, particularly in the area of very large investments with refinancing periods of up to decades, such as power plants. The provision of instantaneous reserve capacity is of enormous importance for the stability of the electricity system and thus for security of supply. Future instantaneous reserve requirements significantly exceed the currently available potential. Even the market-based procurement of instantaneous reserve capacity, introduced in Germany at the beginning of 2026 as the first EU member state to do so, cannot incentivise the complete coverage of requirements. The proposed model enables the cost-efficient development of the urgently needed additional instantaneous reserve capacity. The technology-neutral commitment allows bidders considerable flexibility. Should the plant being bid on not meet the requirements at all or only partially, the instantaneous reserve capacity can also be provided in whole or in part by a plant other than the one being bid on. Any additional costs will not distort the bids but can be factored into the price. Therefore, there are no negative effects on the willingness to invest. The StromVKG mandates the capability to provide instantaneous reserve capacity and thus increases its supply.

The subsequent provision is compensated via the newly introduced instantaneous reserve market. Due to the immensely high demand, all instantaneous reserve providers currently receive a fixed-price surcharge there. Revenues from the instantaneous reserve market would be factored into bids by bidders in the StromVKG, thus reducing any potential additional costs for instantaneous reserve capacity.

9c. No excessive burden in relation to the pursued objective is apparent.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. Yes

15. No

16.
TBT aspects: No

SPS aspects: No

****

European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu