
PRESS RELEASE**30 April 2010****Successful precedent for E.ON Avacon concerning the feed-in of biogas**

Dusseldorf, 30 April 2010 – Network operators are permitted to restrict the range of the gas quality to be observed in feeding biogas into gas supply networks in order to be able to comply with the reference heating value within their network. In the precedent conducted by the Federal Network Agency (*Bundesnetzagentur*), E.ON Avacon AG was represented by Luther Rechtsanwaltsgesellschaft mbH.

In one of the first large misuse proceedings, the Federal Network Agency clarified a series of issues that are of fundamental importance for the growing biogas industry. In the precedent, which had been initiated by a biogas treatment plant from Lower Saxony, the Federal Network Agency decided that the requirements for gas quality set out in the network connection contracts of E.ON Avacon AG were admissible in all material respects.

Consequently,

- the requirements for the heating value and the Wobbe index may be more restrictive than the ranges provided for in the applicable rules if the reference heating value cannot otherwise be achieved, not even through measures such as adding LPG (liquid petroleum gas);
- a minimum methane content may be prescribed in order to meet the requirements for the heating value and the Wobbe index;
- prescribing a maximum silicon content is permitted; and

- network operators may demand that the biogas be technically free from microorganisms.

Furthermore, network operators may stipulate limitations of liability for their own benefit, as provided for in the Low Pressure Connection Ordinance (*Niederdruckanschlussverordnung*).

The decision is final.

On behalf of E.ON Avacon AG:

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