



# APPENDIX B

## Negotiation plan

Contract on subsidy for carbon capture,  
transport and Storage



## 1. TOPICS AND SCHEDULE FOR THE NEGOTIATION MEETINGS

The Danish Energy Agency ("the DEA") has listed below the topics that the DEA finds it particularly relevant to discuss with the tenderers:

- Tenderer's Project Description, Project Schedule, Authority Approval Plan and Risk Management Plan with an emphasis on the key strategic choices that the Tenderer has made regarding the value chain
- Tenderer's proposed Contracted Quantity (Appendix 6, Offered Rate, Contracted Quantity & baselines)
- Tenderer's project budget (Appendix H) and the Offered Rate per tonne for the Contracted Quantity of CO<sub>2</sub> (Appendix 6, Offered Rate, Contracted Quantity & baseline)
- Commercial and legal terms of the Contract, such as changes in the Operator's project, risk allocation for delays and conditions for extension of time (e.g. in case of delays related to authority approvals or permits and other circumstances), liabilities of the Parties, including changes to the level of limitations of liability and exceptions to such limitations, termination rights, including causes for termination and termination fee
- Other aspects of risk allocation and new / alternative risk mitigation measures that may address and balance the risks of the Parties
- The penalties regime of the Contract, including penalty structure, penalty levels and exceptions from the applicability of penalties (Appendix 5, Subsidy and economy scheme)
- The envisaged performance and warranty guarantee and the need for and appropriateness of such security and / or alternative security measures as well as the terms for such guarantees

These are topics where the DEA, at the time of publishing the tender documents, considers that there is a particular need to discuss both the offers received and the DEA's requirements to the tenderers to address whether different solutions, terms, etc. would be more beneficial, appropriate, etc.

The DEA may in the course of the negotiation phase add or change the topics that the DEA wishes to discuss with the tenderers. For example, the indicative offers, changes in the DEA's needs, external circumstances, etc. may give rise to further topics being added to those listed above.

In addition, the tenderers may (and are encouraged to) in Appendix C, Template for the tenderer's comments to the tender documents, propose topics for the negotiations. Reference is made to paragraph 9 of the Tender specifications.

The final agenda for the negotiation meetings will be submitted to the tenderers well in advance of the negotiation meetings.



It is emphasised that the negotiations may lead to significant changes to the tender documents, including – but not limited to – changes related to the potential negotiation topics listed above. As further described in the Tender specifications paragraphs 3 and 14.1, the DEA may choose to change the content of the General Requirements and/or waive one or more General Requirement(s) and the DEA may also add new General Requirements. As an example, the DEA may both reduce coverage amounts for guarantees, change other terms for guarantees and withdraw requirements for guarantees in their entirety.

The DEA expects that one negotiation meeting will be held with each tenderer separately between 6 October and 7 November 2025. However, the DEA may change the plan, including e.g. the number of meetings. All tenderers will be given the same amount of time for negotiations with the DEA.

The DEA will provide information on the allocation of the negotiation meetings to the tenderers in the electronic tendering system.

## **2. LOCATION AND PARTICIPANTS**

The negotiation meetings will be held at the following address:

Poul Schmith/Kammeradvokaten

Kalvebod Brygge 32, 1560 København V.

The tenderers are advised to participate in the negotiations with experts and key persons with the required expertise. If some of the tenderer's representatives wishes to participate in the meeting online, this will be possible.

For practical reasons, the tenderer is asked to inform the DEA how many representatives will participate on behalf of the tenderer and the name of the participants. The tenderer is also asked to inform whether some of the representatives are participating online, and if the tenderer prefers the negotiation meeting to be conducted in Danish or English. The DEA requests that the information is submitted via the electronic tendering system as early as possible and not later than 3 working days before the meeting.

The DEA will in advance of the negotiations communicate the participants from the DEA's side.

## **3. ADDITIONAL NEGOTIATION MEETINGS**

The DEA may convene more negotiation meetings than those set out in the time-schedule in paragraph 1 if it should prove necessary.



If the DEA decides to hold additional negotiation meetings, the time-limit for submission of any subsequent, revised indicative offers will be notified as soon as possible after the negotiation round.

Reference is also made to paragraphs 12 and 14.1 of the Tender specifications.

#### **4. MINUTES OF MEETING AND FEEDBACK**

The DEA will draw up minutes of meeting after each negotiation meeting. As stated in the Tender specifications, paragraph 14.1, the minutes of meeting will be drawn up in English regardless of whether the meeting was conducted in English or Danish.

The minutes of meeting will not be made publicly available, and each minute of meeting will therefore only be submitted to the tenderer concerned. If questions of a general nature were discussed at a negotiation meeting, the reply to such questions will be submitted via the electronic tendering system, in anonymised form, to all tenderers participating in the procedure. Reference is also made to the Tender specifications, paragraph 16, regarding confidential information in the offers and during negotiations.

The minutes of meeting cannot be given any independent legal significance for the submission of offers, as the offers must be based solely on the revised/final tender documents.

To avoid unnecessary use of the tenderers' resources, the DEA will endeavour to notify the tenderers through the negotiation meetings and in the minutes of meeting if there are aspects of the tenderer's indicative offers that do not fulfil the requirements, including Minimum Requirements, of the tender documents. However, absence of such notification cannot be construed to mean that there are no reservations of this nature. It is the sole responsibility of the tenderer to ensure that the Best and Final tender complies with all Minimum Requirements, General Requirements and fundamental elements in the tender documents.

During the negotiation meetings, the tenderers will be given feedback on strong and weak points in the indicative offers. The feedback is given to ensure the optimisation of the tenderers' offers in the further process.