

Consultation Report 26

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1. INTRODUCTION

Between 23 November 2017 and 13 December 2017, Fluxys Belgium consulted the market on amendments of the transmission regulatory framework, i.e. the Standard Transmission Agreement (STA), the Access Code for Transmission (ACT) and the Transmission Programme (TP). The latest version of those documents has been approved by Commission for Electricity and Gas Regulation (CREG) on 17 July 2017, building upon previously approved documents. This consultation primarily aims at finalizing the transfer of the commercial balancing responsibilities from Fluxys Belgium to Balansys by:

- (i) Stripping of the Standard Transmission Agreement, Access Code for Transmission and Transmission Programme to no longer include the balancing activity.
- (ii) Alignment between the Standard Transmission Agreement and the Balancing Agreement as recently consulted by Balansys from 8 June to 10 July 2017.
- (iii) Correction of material errors and suggestions made by CREG and market parties since the previous market consultation.

2. CONSULTATION PROCESS

Fluxys Belgium, Creos Luxembourg (Luxembourgish TSO) and their respective regulators, CREG and ILR (“Institut Luxembourgeois de Régulation”), have been working together in order to integrate their national H-gas markets as of 1 October 2015. Between 2 February 2015 and 6 March 2015 Fluxys Belgium already organized a consultation (#14) on this topic. In order to finalize the transfer of the commercial balancing responsibilities from Fluxys Belgium to Balansys, Fluxys Belgium again consulted the market on its regulatory documents for transmission services late 2017.

Fluxys Belgium launched this market consultation by publishing the proposed documents on its website - at the usual location for such consultations, supported by an announcement on the homepage - and via direct e-mailing to all registered market participants and associations. During the period from 23 November 2017 until 13 December 2017 (included), stakeholders were invited to submit their written feedback and, if needed, seek additional information through bilateral contacts with Fluxys Belgium. An information session was also organised at Fluxys Belgium headquarters on 8 November 2017, where the proposed changes have been detailed and discussed with around 40 market participants.

Taking into account the different comments received, Fluxys Belgium submits for approval to the CREG, the so amended version of the STA, ACT and TP.

3. OUTCOME OF CONSULTATION PROCESS

All comments received are listed and individually treated in the “Q&A’s” included in the consultation report submitted to CREG – see appendices.

Feedback was received from 2 individual Grid Users and 1 representing organisations (FEBEG) on the following topics, knowing that one of these stakeholders considered, generally speaking, the proposed changes as minor and acceptable.

Suspension of Services

One stakeholder suggested the possibility for the shipper to directly notify the TSO of its signature of the Balancing Agreement and of its compliancy with the obligations of the balancing operator. This would avoid the suspension of the STA due to error or slow procedures of the Balancing Operator, as described in Art. 16.2.3 or Art. 16.2.4,§2.

Fluxys Belgium does not believe that notification by shipper would speed up the process as confirmation by Balansys would remain necessary. The process, as currently described in STA (Art 16.2.3) foresees a reaction time by Fluxys Belgium upon notification by Balansys of 1 business day; it is deemed to be efficient, especially given the close relation between Balansys and the TSO, and the importance of the subject.

One stakeholder suggested to clearly define ‘compliance with the obligations of the balancing operator’ and considers the actual wording being very open and leaving room for interpretation. However Fluxys Belgium does not consider it as her responsibility to define those obligations, given those stem out of the Balancing Agreement. Fluxys Belgium only reacts upon notification of Balansys of (non) compliance, and therefore does not evaluate such (non) compliance. It is not up to the Fluxys Belgium to define or restrict the obligations with regards to the Balancing Agreement concluded between the Shipper and Balansys.

Considering the comments received, the proposed changes are submitted as consulted upon.

Disputes

One respondent suggests that the adapted dispute procedure, described in Art. 20, does not allow each party to choose its member of the court which is being considered as one of the big advantages to arbitration.

However, this change was already consulted (market consult #14) and approved by CREG in 2015 ((B)150520-CDC-1420). The background of the change is to ensure that parties to the dispute cannot influence the decision by appointing colluding experts, since both the TSO and the Balancing Operator could be parties to a dispute with the same Grid User.

Considering the comments received, the proposed changes are submitted as consulted upon.

Topics outside the scope of the consultation

The following 4 topics were mentioned in the reactions, though not directly subject to the changes considered in the framework of this consultation:

- One stakeholder suggested to reduce the time the TSO is allowed to make corrections to invoiced quantities, as described in Art. 6.1.1 and 6.1.2 of the STA.
- Two stakeholders consider the wording of Art. 16 of the STA regarding the termination of services as too restrictive.
- One respondent perceives the thresholds of article 10.2.a as rather low, suggesting to consider increasing them.
- One stakeholder recommends that the conversion tariffs should reflect the cost of providing the quality conversion service $H \rightarrow L$ or $L \rightarrow H$.

Those suggestions will be evaluated at a later stage by Fluxys Belgium and, as the case may be, changes stemming out of this evaluation will be consulted with the market.

Textual corrections

Several textual errors were reported and have been corrected in the submitted documents.

4. APPENDICES

4.1 Appendix 1: Market consultation – public material

4.2 Appendix 1: Market consultation – confidential material