



## **ACCESS CODE FOR TRANSMISSION**

### **Attachment E: Congestion Management**

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## 1. Definitions

All definitions used in this Attachment without being explicitly listed refer to the definitions listed in Attachment 3 of the Standard Transmission Agreement. The following definitions are not listed in Attachment 3 of the Standard Transmission Agreement, but shall have the following meaning in this Attachment E:

<i>BBCT</i>	Buy-Back Closure Time, i.e. the moment that all capacity buy-back offers should be received by the TSO, which is at the latest 2 full hours before the start of buy-back as provided for in section <a href="#">3.1.2.23-1.2.2</a> .
<i>Contractual Congestion</i>	The situation meant in section 2.1(21) of Regulation (EC) No 715/2009
<i>CU<sub>d</sub></i>	Daily capacity utilization rate of the Subscribed Transmission Services per <del>Grid User</del> <a href="#">Network User</a> per Point as provided for in section <a href="#">2.1.32-1.3</a> .
<i>EA<sub>h</sub></i>	Energy (final) Allocation – hourly value per <del>Grid User</del> <a href="#">Network User</a> and per Connection Point; expressed in kWh; as provided for in section 4.5 of Attachment A of this Access Code
<i>Physical Congestion</i>	The situation meant in section 2.1(23) of Regulation (EC) No 715/2009
<i>Impacted <del>Grid User</del><a href="#">Network User</a></i>	<del>Grid User</del> <a href="#">Network User</a> who, at the moment that Contractual Congestion is identified by the TSO, has Firm Transmission Services on a Point.
<i>MBBP</i>	Maximum Capacity Buy-Back Price against which the TSO can proceed to Buy-Back as provided for in section <a href="#">3.1.2.23-1.2.2</a> .
<i>M<sub>TSR</sub><sub>d,f,2mo</sub></i>	Part of the <i>M<sub>TSR</sub><sub>f</sub></i> – daily – offered on the secondary market platform, as provided for in section <a href="#">2.1.32-1.3</a> .
<i>M<sub>TSR</sub><sub>d,f,used</sub></i>	Used Firm Transmission Services – daily – part of the <i>M<sub>TSR</sub><sub>f</sub></i> , as provided for in section <a href="#">2.1.32-1.3</a> .
<i>M<sub>TSR</sub><sub>d,f,unused</sub></i>	Unused Firm Transmission Services – daily – part of the <i>M<sub>TSR</sub><sub>f</sub></i> , as provided for in section <a href="#">2.1.32-1.3</a> .
<i>M<sub>TSR</sub><sub>d,i</sub></i>	Maximum Transmission Services Right – Interruptible – daily – part of the <i>M<sub>TSR</sub><sub>i</sub></i> , as provide for in section 2.1.3.
<i>M<sub>TSR</sub><sub>d,io</sub></i>	Maximum Transmission Services Right – Interruptible Operational – daily – part of the <i>M<sub>TSR</sub><sub>i</sub></i> , as provide for in section 2.1.3.

*MTSR<sub>h,f,BB,o</sub>* Capacity Buy-Back Offer used to offer Firm Transmission Services for Buy-Back – hourly – as provided for in section [3.1.2.23-1.2.2](#).

*Regulation (EC) No 715/2009* Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005

## 2. Proactive congestion management policy

### 2.1. General proactive congestion management policy

#### 2.1.1. *Obligations of the Transmission System Operator*

The Transmission System Operator applies a proactive congestion management policy as set out in the Code of Conduct, aiming at an optimal and maximal utilization of the usable capacities and the prevention of congestion situations, through:

- offering the maximum Transmission Services to [Grid-User/Network Users](#), taking into account system integrity and operation and within the actual exploitation boundaries;
- offering and developing Transmission Services that are aligned with the market needs;
- adopting non-discriminatory and transparent Service Allocation Rules as set forth in the Attachment B of this Access Code for Transmission;
- encouraging the “use or sell” principle for Transmission Services by both actively monitoring the utilization rate of the [Grid-User/Network Users](#)’ subscribed Transmission Services, as set forth in section [2.1.32-1.3](#), and facilitating the transfer of Transmission Services via the Secondary Market, as set forth in [2.1.42-1.4](#);
- offering Interruptible Services which allow the [Grid-User/Network Users](#) to use the capacity not used by other [Grid-User/Network Users](#) on an interruptible basis.

#### 2.1.2. *Obligations of the [Grid-User/Network User](#)*

The Code of Conduct also prescribes the obligations of the [Grid-User/Network User](#) in the framework of congestion management.

These obligations concerning congestion management are the following:

- the [Grid-User/Network User](#) holds no more Firm Transmission Services than he reasonably requires for the execution of his supply and/or delivery contracts;

- the ~~Grid-User~~Network User offers Subscribed Transmission Services he no longer requires on a market-based way on the Secondary Market;
- the ~~Grid-User~~Network User shall refrain from using the allocated Transmission Services to hamper, limit or disturb the functioning of the market;
- the ~~Grid-User~~Network User who offers Transmission Services on the Secondary Market is not allowed to stipulate conditions that may refrain the free tradability;
- the ~~Grid-User~~Network User trading Transmission Services on the Secondary Market by other means than the Secondary Market Platform, must notify (as soon as practically feasible) the TSO of each transaction. The minimum information to be communicated by the ~~Grid-User~~Network User (i.e. period, quantity of Transmission Services and price) is defined in Attachment B of the Access Code for Transmission.

### 2.1.3. Monitoring of Transmission Services

The TSO keeps the effective utilization of Transmission Services in an electronic register of the Capacity Utilization Rate ( $CU_d$ ), of Subscribed Transmission Services and by submitting such register to the CREG at least on a yearly basis, as set out in the Code of Conduct.

The Capacity Utilization Rate ( $CU_d$ ) is calculated by dividing the daily Used Firm Transmission Services ( $M TSR_{d,f,used}$ ), by the daily Subscribed Firm Transmission Services ( $M TSR_{d,f}$ ).

$$CU_d = \frac{M TSR_{d,f,used}}{M TSR_{d,f}}$$

The daily Used Firm Transmission Services ( $M TSR_{d,f,used}$ ) are equal to:

- the highest hourly Energy Allocation of the considered Day [ $maxd(EA'h)$ ];
- increased with the Subscribed Firm Transmission offered on the Secondary Market Platform for such Day  $d$  ( $M TSR_{d,f,2mo}$ ).

Without prejudice of the obligation to communicate the capacity utilization rate on the monthly invoice as stated in article 87 of the Code of Conduct, each ~~Grid-User~~Network User is also provided at the same time with part of such register concerning his individual data.

Furthermore, this electronic register contains the following information for each Interconnection Point, Installation Point, Domestic ~~Exit~~-Point, for each Day, for each ~~Grid-User~~Network User, for each Transmission Service:

- The daily Subscribed Firm Transmission Services ( $MTSR_{d,f}$ ), being understood as the sum of the  $MTSR_{d,f,1m}$  and  $MTSR_{d,f,2m}$  for such Day  $d$ ;
- The daily Subscribed Interruptible Transmission Services ( $MTSR_{d,i}$ ), being understood as the sum of the  $(MTSR_{d,i})$  and  $(MTSR_{d,io})$ ;
- The daily Subscribed Firm Transmission Services offered on the Secondary Market Platform ( $MTSR_{d,f,2mo}$ );
- The highest hourly Energy Allocation of the considered Day ( $max_d(EA'_h)$ ).

Finally, the electronic register contains for each Interconnection Point the data as meant for in article 2.2.5.4. of Annex I of Regulation (EC) No 715/2009.

#### 2.1.4. *Secondary Market*

The TSO encourages an optimal capacity utilisation by organising a Secondary Market as set out in the Code of Conduct and in Attachment B of this Access Code for Transmission.

The TSO publishes<sup>1</sup> at least on a weekly basis and on an aggregated level, the total volume and the average price of the Transmission Services traded on the Secondary Market (i.e. both trades made via the Secondary Market Platform and “over-the-counter” transactions as defined in Attachment B).

### 2.2. Proactive measures at Interconnection Points

#### 2.2.1. *Interruptible Capacity*

As a congestion measure against Contractual Congestion, Interruptible services<sup>2</sup> are temporarily offered at an Interconnection Point, when Firm Transmission Services are available in limited quantity over such period.

The details on subscription of such capacities are described in Attachment B of this Access Code for Transmission. The interruption procedures for such capacities are described in Attachment C of this Access Code for Transmission.

In case Firm Transmission Services become available during the term of any concluded Interruptible Transmission Service, the TSO will upgrade the Subscribed Interruptible Transmission Services towards Firm Transmission Services. Such upgrade will be done according to the following rules:

- Subscribed Interruptible - Transmission Services covering the full period of the available Firm Transmission Services are upgraded in priority. In case more Interruptible - covering the full period of the available Firm Transmission Services are subscribed than there are Firm Transmission

<sup>1</sup> Unless the confidentiality of information cannot be guaranteed on aggregated level

<sup>2</sup> [Interruptible Services for explicit subscription or through implicit allocation for instance through overnomination](#)

Services available, Interruptible - Transmission Services subscribed at an earlier date are upgraded before such Interruptible Transmission Services subscribed on a later date.

- The remaining available Firm Transmission Services are commercialized on the Primary Market.

If there are Firm Transmission Services available on a monthly basis, Interruptible Transmission Services covering at least the service period of a month will be upgraded on a monthly basis.

### 2.2.2. ~~Short haul Services~~ *Wheeling Services and OCUC*

~~The Short haul Services~~ *A Wheeling Services or and* OCUC consists of a commitment on the combined use of a well-defined Entry Service at an Interconnection Point with a well-defined Exit Service at another Interconnection Point, avoiding a bottleneck in the transmission grid, and without access to the Market Based Balancing model, nor to the ZTP Notional Trading Services.

The TSO determines as described in Attachment A the Entry and Exit Services that are eligible for *Wheeling s*Services or Operational Capacity Usage Commitments, in the framework of ~~this~~ proactive congestion management policy.

### 2.2.3. *Modification of the Service Allocation Rule for Capacity Services*

In the event of an expected congestion situation, the TSO may propose an adaptation of the relevant Service Allocation Rule to the CREG, through an amendment of Attachment B of the Access Code for Transmission, in accordance with the procedures set forth in the Code of Conduct.

### 2.2.4. *Surrender*

Without prejudice to the interdiction for the ~~Grid User~~ *Network User* to hold more Firm Transmission Services than he reasonably requires for the execution of his supply and/or delivery contracts and the obligation for the ~~Grid User~~ *Network User* to offer unused Transmission Services on the Secondary Market as stated in the Code of Conduct and in section ~~2.1.22.1.2~~, the ~~Grid User~~ *Network User* has the possibility to give to the TSO unused Firm Transmission Services he no longer needs on Interconnection Points and for a duration of more than one day in accordance with the following procedure and conditions:

1. A ~~Grid User~~ *Network User* sends a surrendering request to the TSO specifying amongst others the quantity, period, Interconnection Point and flow direction on Firm Transmission Services he wants to surrender. The period must be longer than one day.

If the surrendering request concerns Firm Transmission Services that are auctioned through PRISMA, the request must be sent to the TSO (directly or via PRISMA) and must be aligned with one of the standard capacity products of the CAM Network Code (yearly, quarterly and monthly).



In case ~~Grid User~~Network User posts Transmission Services to surrender, ~~Grid User~~Network User is bound to withdraw its offer for the same Transmission Services on the Secondary Market, in order to avoid that the Transmission Services would be sold twice through the surrender process and the Secondary Market.

Transmission Services that are assigned with retained payment obligation cannot be surrendered by the assignor nor the assignee.

2. In case the surrendering request concerns Firm Transmission Services that are auctioned on PRISMA and in case this request meets the specific requirements of point 1, first and second paragraphs and is received by TSO at the latest 2 Business Days before the publication of the upcoming auction, the capacities meant in the surrendering request are added to the capacity quantity offered by the TSO in the framework of the auction.

In case the surrendering request concerns Firm Transmission Services that are not auctioned on PRISMA and in case this request meets the specific requirements of point 1, first paragraph and is received by TSO at the latest 2 Business Days before the start date of the period to which the surrendering request refers, the capacities meant in the surrendering request in case of Contractual Congestion are added to the capacity quantity offered by the TSO.

The TSO registers the surrendering request and informs the ~~Grid User~~Network User hereof.

3. Without prejudice of the determination in point 2.2.4 of Annex I to Regulation (EC) No 715/2009 concerning the allocation priority of the available capacity with regard to the surrendered capacity, a surrendering request can be partially or fully reallocated as far as the quantity is concerned. The concerned ~~Grid User~~Network User is informed by the TSO of the magnitude of the reallocated capacity by EDI@ message (as from November 2017) and a Service Confirmation within 2 Business Days following the closure of the concerned auction.
4. In case several ~~Grid User~~Network Users surrender their capacity and this capacity cannot be fully reallocated, the ~~Grid User~~Network Users who surrender first will have their capacity reallocated first. Surrender Requests received or deemed to be received simultaneously will have their capacity reallocated pro-rata to the requested quantity.

The ~~Grid User~~Network User keeps the rights and obligations as defined in the capacity contract to the extent that the surrender has not been accepted by the TSO.

The acceptance by the TSO of the surrendered capacity has the consequences as described in point 2.2.4 of Annex I of Regulation (EC) No 715/2009, i.e. the ~~Grid~~

~~UserNetwork User~~ keeps its rights and obligations as defined in the capacity contract until the accepted surrendered capacity is reallocated by the TSO and to the extent the accepted surrendered capacity is not reallocated to the TSO.

The ~~Grid-UserNetwork User~~ is credited by the TSO for the auction premium that is potentially generated during the reallocation, while deducting an administrative fee as meant for in Attachment A of this Access Code for Transmission.

## **2.3. Proactive Congestion Management at End User Domestic ~~Exit-Points~~**

### **2.3.1. Capacity release at End User Domestic ~~Exit-Point~~**

In case a Service Request for Firm Transmission Services at a power plant (CE) or an industrial client (CI) directly connected on the Transmission Grid cannot be confirmed, the TSO allocates the Firm Transmission Services to the ~~Grid-UserNetwork User~~(s) indicated by the End User. , As far as the corresponding level of Firm Transmission Services is subscribed by the ~~Grid-UserNetwork User~~(s) indicated by the End User, the TSO releases the Subscribed Transmission Services at the concerned End User Domestic ~~Exit-Point~~ for the other ~~Grid-UserNetwork User~~(s).

In case the level of Firm Transmission Services initially subscribed by the other ~~Grid-UserNetwork User~~(s) is higher than the level of Firm Transmission Services subscribed by the ~~Grid-UserNetwork User~~(s) indicated by the End User, the remaining Transmission Services remain allocated to the other ~~Grid-UserNetwork User~~(s).

### **2.3.2. Voluntary downgrade from Firm to Interruptible**

In case the capacity release based on the feedback of the End User did not enable the TSO to fully confirm the Requested Firm Transmission Services at the End User Domestic ~~Exit-Point~~, the TSO will, as far as possible:

- propose the ~~Grid-UserNetwork User~~, in cooperation with the involved End User, to subscribe to Interruptible Transmission Services instead of the Requested Firm Transmission Services at the End User Domestic ~~Exit-Point~~;
- propose other ~~Grid-UserNetwork User~~(s), in cooperation with the involved End User, a voluntary downgrade of their Subscribed Firm Transmission Services to Interruptible Transmission Services, as far as such a voluntary downgrade helps to confirm the Requested Firm Transmission Services;
- propose other ~~Grid-UserNetwork Users~~, in cooperation with End Users at other End User Domestic ~~Exit-Points~~, a voluntary downgrade of their Subscribed Firm Transmission Services to Interruptible Transmission Services, as far as such a voluntary downgrade helps to confirm the Requested Firm Transmission Services<sup>3</sup>.

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<sup>3</sup> Note that only End User Domestic ~~Exit-Points~~ for which the downgrade from Firm to Interruptible Transmission Services contributes to the confirmation of a Service Request for Firm Transmission Services are eligible for such a voluntary downgrade of Transmission Services.

The process of such a voluntary downgrade is as follows:

- ~~Grid-User~~Network User confirms its binding agreement to a voluntary downgrade, mentioning the period and the quantities of the downgrade;
- as far as such quantities and period of this voluntary downgrade helps to confirm a corresponding Service Request for Firm Transmission Services by another ~~Grid-User~~Network User<sup>4</sup>, the TSO will confirm the corresponding Firm Transmission Services to the other ~~Grid-User~~Network User, by a Services Confirmation Form;
- after having received the signed Services Confirmation Form by the other ~~Grid-User~~Network User, the TSO will confirm the voluntary downgrade to ~~Grid-User~~Network User.

### 2.3.3. *Voluntary capacity release at other End User Domestic ~~Exit~~-Points*

In case a capacity release based on the feedback of the End User and a voluntary downgrade to Interruptible Transmission Services have not enabled the Confirmation of the requested Firm Transmission Services, the TSO will, as far as possible, propose ~~Grid-User~~Network Users (in cooperation with End Users, if applicable), to reduce their Subscribed Transmission Services at other End User Domestic ~~Exit~~-Points, as far as such a voluntary capacity release helps to confirm the Requested Firm Transmission Services.

The process of such a voluntary capacity release is as follows:

- ~~Grid-User~~Network User confirms its binding agreement to a voluntary capacity release, mentioning the period, the quantities and the End User Domestic ~~Exit~~-Point of the capacity release;
- as far as such quantities and period of this voluntary capacity release help to confirm a corresponding Service Request for Firm Transmission Services by another ~~Grid-User~~Network User<sup>5</sup>, the TSO will confirm the corresponding Firm Transmission Services to the other ~~Grid-User~~Network User, by a Services Confirmation Form;
- after having received the signed Services Confirmation Form by the other ~~Grid-User~~Network User, the TSO will confirm the voluntary capacity release to ~~Grid-User~~Network User.

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<sup>4</sup> In case the quantities and period of the voluntary downgrade proposed by ~~Grid-User~~Network User do not help to confirm a requested Firm Transmission Service, the TSO will refuse the proposed voluntary downgrade.

<sup>5</sup> In case the quantities and period of the voluntary capacity release proposed by ~~Grid-User~~Network User do not help to confirm a requested Firm Transmission Service, the TSO will refuse the proposed voluntary capacity release.

## 2.4. Proactive Congestion Management at Distribution Domestic ~~Exit~~ Points

Capacities towards the Public Distribution are allocated by the TSO as set out in Attachment B. This methodology ensures that the peak capacity is dynamically allocated to ~~Grid User~~[Network Users](#) based on their market share.

## 3. Congestion Management Procedures

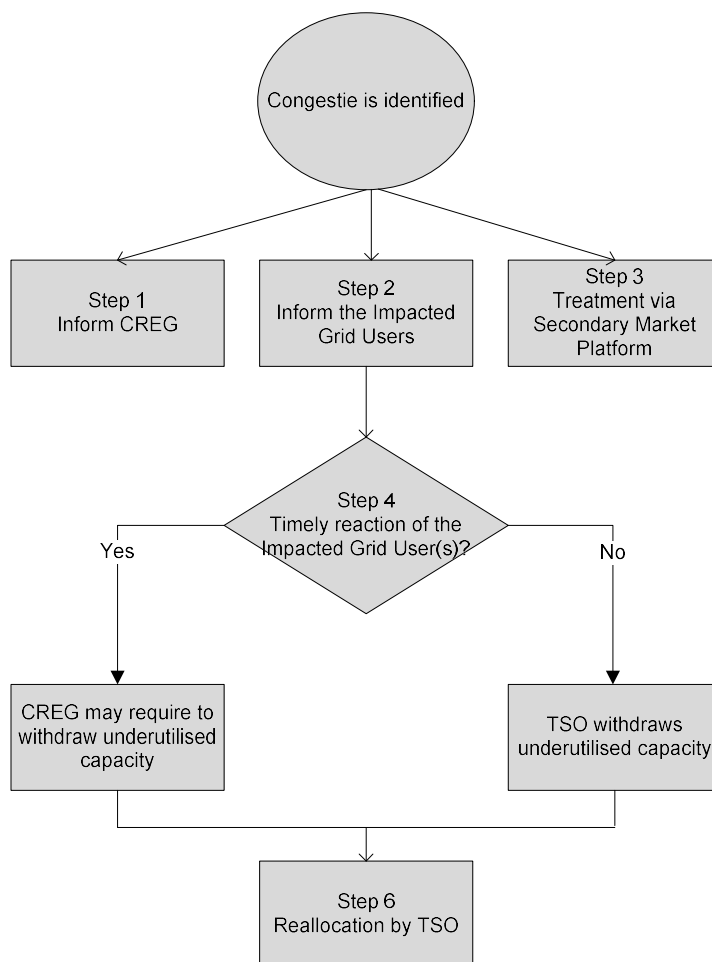
### 3.1. Congestion Management Procedures at Interconnection Points

In consequence of Regulation (EG) No 715/2009, three (3) specific congestion management procedures are applicable at Interconnection Points, in particular:

- “Surrender”, as a congestion measure against Contractual Congestion, bringing unused capacity back to the market as described in section [2.2.42.2.4](#)
- “Long-term use-it-or-lose-it mechanism” in order to bring unused capacity back to the market upon decision of CREG as described in section [3.1.13.1.1](#) and
- create additional Firm capacity through the “oversubscription and buy-back scheme” as described in section [3.1.23.1.2](#).

#### 3.1.1. Long-term use-it-or-lose-it mechanism

The following process outlines the steps of Long-term use-it-or-lose-it:



### 3.1.1.1. Step 1: Inform CREG

- If congestion is observed, the following information will be provided to the CREG: The concerned Interconnection Point;
- The estimated duration of the congestion;
- An indication on the type of congestion, being Contractual Congestion or Physical Congestion;
- The [Grid User/Network Users](#) that are impacted by the congestion;
- The electronic register for monitoring the Capacity Utilization by [Grid User/Network Users](#) (cfr. [2.1.32-1.3](#));
- The measures already taken by the TSO to reduce the congestion;
- The measures proposed by the TSO in order to solve the congestion.

**3.1.1.2. Step 2: Inform the Impacted ~~Grid User~~Network Users**

The TSO informs the Impacted ~~Grid User~~Network User(s) by e-mail and by registered mail, and provides the following information:

- The concerned Interconnection Point;
- The estimated duration of the congestion;
- An indication on the type of congestion, being contractual or physical<sup>6</sup>;
- The measures already taken by the TSO to reduce congestion;
- On an aggregated basis, the requested quantity of Firm or Backhaul Transmission Services that cannot be allocated and the duration for which these Transmission Services cannot be allocated.

The above mentioned information is also published on the website of the TSO, hence making the congestion situation and its estimated impact publically known.

In addition to the above mentioned information, the TSO also asks the Impacted ~~Grid User~~Network User(s) to demonstrate in writing within the timing as set out in the Code of Conduct, the effective intended use of its Transmission Services and why the Transmission Services were underutilized in the past.

**3.1.1.3. Step 3: Treatment via Secondary Market Platform**

In accordance with article 20 §5 of the Code of Conduct, from the moment the TSO has informed the Impacted ~~Grid User~~Network User(s) of the observed congestion and as soon as the information is published on the website of the TSO, the ~~Grid User~~Network Users are bound to trade anonymously their Transmission Services via the Secondary Market Platform (i.e. trading over the counter is no longer allowed).

**3.1.1.4. Step 4: Response of Impacted ~~Grid User~~Network User(s)**

Following article 15 §1 of the Code of Conduct; within the timeframe of 10 Business Days as from the receipt of the request from the TSO, each Impacted ~~Grid User~~Network User must demonstrate in writing to the TSO and to the CREG its intended use of the concerned Transmission Services. The Impacted ~~Grid User~~Network User can demonstrate this on the basis of historical data concerning the utilization of the allocated Transmission Services, its activities on the Secondary Market and in any case on the basis of its delivery contracts. The TSO provides the CREG with a copy of the received information from the ~~Grid User~~Network User(s).

**3.1.1.5. Step 5: Withdrawal systematically underutilised capacity**

Based on the electronic register referred to in section ~~2.1.32.1.3~~ and the information received as an application of section ~~3.1.1.43.1.1.4~~, the CREG evaluates as to whether subscribed capacity remains systematically underutilised.

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<sup>6</sup> Contractual and physical congestion are definitions set by the Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009

In consequence of Annex 1 of Regulation (EG) No 715/2009, the contracted capacity is considered to be systematically underutilised in particular if the [Grid-User/Network User](#) uses less than on average 80 % of its contracted capacity both from 1 April until 30 September and from 1 October until 31 March with an effective contract duration of more than one year for which no proper justification could be provided.

Based upon the assessment, CREG may, in case of Contractual Congestion, require TSO to partially or fully withdraw systematically underutilised contracted capacity on an Interconnection Point by a [Grid-User/Network User](#) where that [Grid-User/Network User](#) has not sold or offered under reasonable conditions its unused capacity through the Secondary Market as described in Attachment B of this Access Code for Transmission.

In case the TSO did not receive any answer from the Impacted [Grid-User/Network User](#) within the term as specified in 4.1.2.4, the TSO partially or fully withdraws systematically underutilised contracted capacity on an Interconnection Point by a [Grid-User/Network User](#) where that [Grid-User/Network User](#) has not sold or offered under reasonable conditions its unused capacity through the Secondary Market as described in Attachment B of this Access Code for Transmission .

In case of Contractual Congestion and in order to avoid abuse (i.e. in case the CREG identifies that Transmission Services remain unused) the price of the concerned Transmission Services exchanged on the Secondary Market Platform is capped up to the Regulated Tariffs.

The concerned [Grid-User/Network Users](#) are informed by CREG about such a release and all [Grid-User/Network Users](#) are informed about the cap on the price of the Transmission Services made available on the Secondary Market Platform. [Grid-User/Network Users](#) may impeach such decisions by the CREG by applying the procedures as described in the Gas Act.

#### **3.1.1.6. Step 6: Reallocation by TSO**

As an application of point 2.2.1.3 of Annex I to Regulation (EC) No 715/2009, the withdrawn capacities are offered by the TSO through the regulated allocation process, i.e. on the primary market.

In accordance with article 15 of the Code of Conduct, in the absence of written answer by the concerned [Grid-User/Network User](#) within the term as stated in article ~~3.1.1.43-1.1.4~~ the TSO shall offer the withdrawn capacity for a period of at least 2 months.

The [Grid-User/Network User](#) keeps its rights and obligations as defined in the capacity contract to the extent the capacity has not been withdrawn. The withdrawal of capacity has some consequences for the [Grid-User/Network User](#), as defined in point 2.2.5.3 of Annex I of Regulation (EC) No 715/2009, i.e.:

- The [Grid-User/Network User](#) fully or partially loses its contracted capacity during a defined period or during the remaining period of the contractual term;



- The [Grid-UserNetwork User](#) keeps its rights and obligations as defined in the capacity contract until the withdrawn capacity is reallocated by the TSO and to the extent the capacity has not been reallocated.

The [Grid-UserNetwork User](#) whose withdrawn capacity is reallocated by the TSO keeps the obligation to pay to the TSO the Monthly Capacity Fee of the reallocated capacity. The [Grid-UserNetwork User](#) is credited by the TSO for the reallocated capacity at the Regulated Tariff, while deducting an administrative fee as meant for in Attachment A of this Access Code for Transmission.

### **3.1.1.7. Modification of the Service Allocation Rule for Capacity Services**

In the event of a sustained congestion, the TSO proposes an adaptation of the relevant Service Allocation Rule to the CREG, through an amendment of Attachment B of the Access Code for Transmission, in accordance with the procedures set forth in the Code of Conduct.

## **3.1.2. Capacity increase through oversubscription and buy-back scheme**

### **3.1.2.1. Capacity increase through oversubscription**

In order to solve Contractual Congestion TSO can create additional Firm Transmission Services on top of the technical capacity in accordance with the provisions as specified in point 2.2.2 of Annex I of Regulation (EC) No 715/2009 and with the distribution key of the costs and incomes of the oversubscription and buy-back between the TSO and the [Grid-UserNetwork Users](#). The TSO informs CREG about the quantity of additional capacity.

### **3.1.2.2. Buy-back scheme**

Where necessary to maintain system integrity, TSO applies a market-based buy-back scheme in which [Grid-UserNetwork Users](#) can offer Firm Transmission Services. The application of the buy-back procedure is without prejudice to the applicable emergency measures.

When the TSO cannot accept the nominations of the [Grid-UserNetwork Users](#), then the TSO determines the quantity of capacity to be bought back and initiates the following Buy-Back procedure:

- TSO informs [Grid-UserNetwork User\(s\)](#) who are holding Firm Transmission Services ( $MTSR_{d,f}$ ) on that Interconnection Point that buy-back is required and informs the [Grid-UserNetwork User\(s\)](#) about the quantity, direction, period of Transmission Services sought by sending a “Notification of Buy-Back” using the appropriate Form as published on the Fluxys Belgium website and this with a minimum Buy-Back Lead time of next full hour +4;
- the [Grid-UserNetwork Users](#) are invited to enter Capacity Buy-Back Offers ( $MTSR_{h,f,BB,o}$ ) using the appropriate Form as published on the Fluxys Belgium website by offering to sell Firm Transmission Services ( $MTSR_{d,f}$ ) back to the TSO specifying the price and the quantity before the Buy-Back Closure Time ( $BBCT$ );

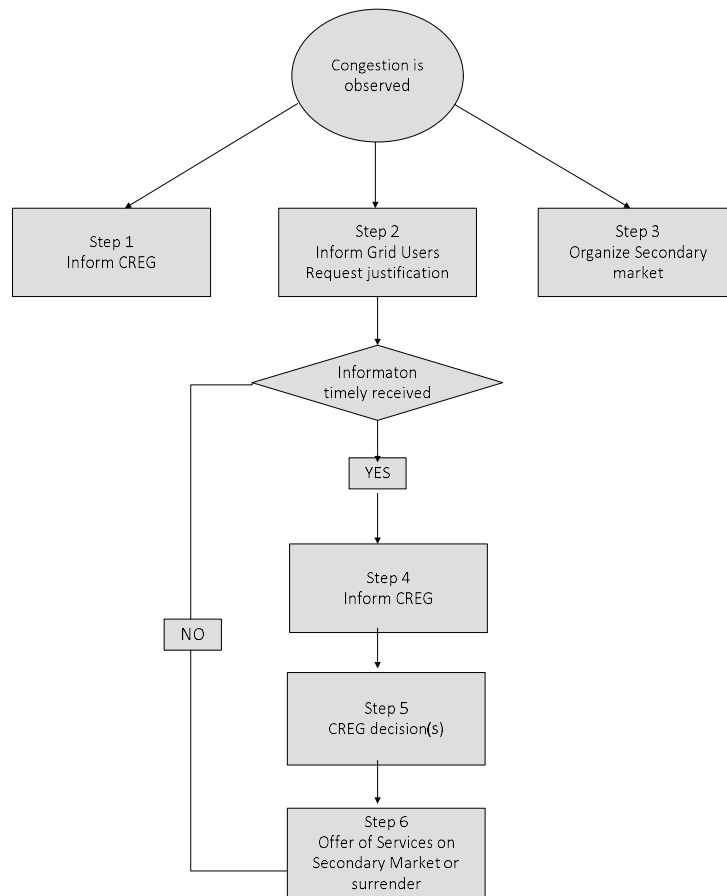


- TSO classifies the Capacity Buy-Back Offers ( $MTSR_{h,f,BB,o}$ ) received at the Buy-Back Closure Time ( $BBCT$ ) from the lowest to the highest bid price limited to a Maximum Capacity Buy-Back Price ( $MBBP$ );
- TSO informs ~~Grid User~~[Network Users](#) of the decision of the TSO of the Capacity Buy-Back; this Capacity Buy-Back Offer can be fully or partially accepted or entirely rejected, using the appropriate Form as published on the Fluxys Belgium website;
- ~~Grid User~~[Network User](#) will be credited for the Transmission Services bought back through the Buy-Back Procedure as described in Attachment A of the Access Code for Transmission;
- In case insufficient Capacity Buy-Back Offers could be fully or partially accepted, the TSO can in order to safeguard the system integrity revise the hourly Confirmed Quantities on the Interconnection Point by applying a Constraint on the Interconnection Point in accordance with Annex C1. This Constraint shall be applied in priority to the Transmission Services with a duration of one day which are subscribed the day before.

### **3.2. Congestion Management Procedures at End User Domestic ~~Exit~~ Points and Installation Points**

#### **3.2.1. Long-term use-it-or-lose-it mechanism**

The following process outlines the steps taken in case congestion is observed.



### 3.2.1.1. Step 1: Inform CREG

If congestion is observed, the following information will be provided to the CREG:

- The concerned End User Domestic [Exit](#)-Point or Installation Points;
- The estimated duration of the congestion;
- An indication on the type of congestion, being contractual or physical<sup>7</sup>;
- The [Grid User/Network Users](#) that are impacted by the congestion;
- The electronic register for monitoring the Capacity Utilization by [Grid User/Network Users](#) (cfr. [2.1.32-1.3](#));
- The measures already taken by the TSO to reduce the congestion;
- The measures proposed by the TSO in order to solve the congestion.

<sup>7</sup> Contractual and physical congestion are definitions set by the Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009

**3.2.1.2. Step 2: Inform the Impacted ~~Grid-User~~Network Users**

The TSO informs the Impacted ~~Grid-User~~Network User(s) by e-mail and by registered mail, and provides the following information:

- The concerned End User Domestic ~~Exit~~-Point or Installation Points;
- The estimated duration of the congestion;
- An indication on the type of congestion, being contractual or physical<sup>8</sup>;
- The measures already taken by the TSO to reduce congestion;
- On an aggregated basis, the requested quantity of Firm or Backhaul Transmission Services that cannot be allocated and the duration for which these Transmission Services cannot be allocated.

The above mentioned information is also published on the website of the TSO, hence making the congestion situation and its estimated impact publically known.

In addition to the above mentioned information, the TSO also asks the Impacted ~~Grid-User~~Network User(s) to demonstrate in writing within the timing as set out in the Code of Conduct, the effective intended use of its Transmission Services.

**3.2.1.3. Step 3: Organize Secondary Market**

In accordance with article 20 §5 of the Code of Conduct, from the moment the TSO has informed the Impacted ~~Grid-User~~Network User(s) of the observed congestion and as soon as the information is published on the website of the TSO, the ~~Grid-User~~Network Users are bound to trade anonymously their Transmission Services via the Secondary Market Platform (i.e. trading over the counter is no longer allowed).

**3.2.1.4. Step 4: Response of Impacted ~~Grid-User~~Network User(s)**

Following article 15 §1 of the Code of Conduct; within the timeframe of 10 Business Days as from the receipt of the request from the TSO, each Impacted ~~Grid-User~~Network User must demonstrate in writing to the TSO and to the CREG its intended use of the concerned Transmission Services. The TSO provides the CREG with a copy of the received information from the ~~Grid-User~~Network User(s).

**3.2.1.5. Step 5: CREG decision**

The CREG evaluates the information received from the concerned ~~Grid-User~~Network Users as to whether the effective use of the Transmission Services is sufficient or insufficient. Based upon the assessment, the CREG decides whether the unused subscribed Transmission Services of the concerned ~~Grid-User~~Network Users are to be released to the market, either in part or in full, or not.

In case of Contractual Congestion in order to avoid abuse (i.e. in case CREG determines that Transmission Services stay unused), the price of the unused

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<sup>8</sup> Contractual and physical congestion are definitions set by the Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009

Transmission Services made available on the Secondary Market Platform will be capped at the level of the Regulated Tariff.

~~Grid-User~~Network Users are informed by CREG about such a release and cap on the price of the Transmission Services made available on the Secondary Market Platform. ~~Grid-User~~Network Users may impeach such decision by applying the procedures as described in the Gas Act.

**3.2.1.6. Step 6: Publication by TSO**

Based on the CREG decision, the TSO will make available the part of the unused Subscribed Transmission Services released on behalf of the ~~Grid-User~~Network User(s) indicated by the CREG on the Secondary Market Platform, under the condition however that these Transmission Services have not been proposed already by the relevant ~~Grid-User~~Network User itself on the Secondary Market Platform, with a price equal to the Regulated Tariff.

In case the TSO does not receive an answer from the Impacted ~~Grid-User~~Network User in due time, the TSO will make available all unused Subscribed Transmission Services released on behalf of such ~~Grid-User~~Network User on the Secondary Market Platform, under the condition however that these Transmission Services have not been proposed already by the relevant ~~Grid-User~~Network User itself on the Secondary Market Platform, with a price equal to the Regulated Tariff. In accordance with article 15 of the Code of Conduct, those unused Subscribed Transmission Services are released by the TSO on behalf of the ~~Grid-User~~Network Users per periods of 2 months.

**3.2.1.7. Modification of the Service Allocation Rule for Capacity Services**

In the event of a sustained congestion, the TSO will propose an adaptation of the relevant Service Allocation Rule to the CREG, through an amendment of Attachment B of the Access Code for Transmission, in accordance with the procedures set forth in the Code of Conduct.