



# Consultation 61 report



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## 1 Introduction

From the 30<sup>th</sup> of January 2023 until the 17<sup>th</sup> of February 2023 included, Fluxys Belgium consulted the market on its proposed changes in the regulatory documents.

The proposed modifications in the regulatory documents aim at the following changes:

1. The Standard Transmission Agreement, Access Code for Transmission and Transmission Program:
  - Increasing the maximum O2 level for Domestic Point for Injection
  - Reallocation Service for Operational Capacity Usage Commitments and discontinue the offer for Operational Capacity Usage Commitment Services
  - Extend the criteria to offer interruptible capacity to match NC CAM
  - Align Attachment F “Plan for Incident management” with new federal emergency plan
  - Validity date Bank Guarantee, at least 3 months in the future
  - Technical changes
2. The Standard Connection Agreement End User:
  - Reference to SOS Regulation, implement measures provided in the new federal emergency plan and adaptations following CREG decision on new Code of Conduct
3. The Standard Connection Agreement Local Producer:
  - Technical changes

## 2 Consultation process

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 January 30<sup>th</sup> until February 17<sup>th</sup> (included), stakeholders were invited to submit their written feedback and if needed, seek additional information through bilateral contacts with Fluxys Belgium.

Taking into account the different comments received, Fluxys Belgium submits for approval to the CREG, the so amended version of the Standard Transmission Agreement, the Access Code for Transmission, the Transmission Program, the Standard Connection Agreement End User and the Standard Connection Agreement Local Producer.

## 3 Outcome of consultation process

Feedback was received from 4 individual Network Users, 2 individual End Users and 1 representing organization, Febeg. Overall feedback was rather positive, some questions were raised about the Reallocation Service for Operational Capacity Commitment Services and the Plan for Incident Management. Some parties expressed that they are still evaluating the impact of the Oxygen-level increase but taking into account their geographical location there are for the moment no changes foreseen in the gas composition they receive.

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

## 4 Appendices

- 4.1 *Appendix I: Market consultation – public material*
- 4.2 *Appendix II: Market consultation – confidential material*

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## 1. Market consultation - public material

- a. E-mail: invitation to submit comments
- b. List of documents in consultation
- c. Questions & Answers
- d. Printed copy of written comments

E-mail: invitation to submit comments

# Fluxys Belgium: Market Consultation 61: Changes in the regulatory documents for transmission

Dear customer,

From 30 January to 17 February 2023, Fluxys Belgium is organising a market consultation on the regulatory documents applicable for transmission. This market consultation will focus on:

## 1. Changes to the Standard Transmission Agreement, Access Code for Transmission and Transmission Program

- Increasing the maximum O<sub>2</sub> level for Domestic Point of Injection
- Reallocation Service for Operational Capacity Usage Commitments and discontinue the offer for Operational Capacity Usage Commitment Services
- Extend the criteria to offer interruptible capacity to match NC CAM
- Align Attachment F "Plan for Incident management" with new federal emergency plan.
- Validity date Bank Guarantee, at least 3 months in the future
- Technical changes

## 2. Changes to the Standard Connection Agreement End User

- Reference to SOS Regulation, implement measures provided in the new federal emergency plan and adaptations following CREG decision on new Code of Conduct

## 3. Changes to the annexes to the Standard Connection Agreement Local Producer

- Technical changes

The documents can be consulted on [our website](#)

You are kindly invited to send your written comments to [marketing@fluxys.com](mailto:marketing@fluxys.com) by **Friday February 17<sup>th</sup> 2023 close of Business**.

Please specify in your response, whether the content is to be treated as confidential or not. Unless otherwise mentioned, all comments will be treated as non-confidential.

Yours sincerely,



Ilse Guedens  
Marketing Manager



Hany Aouad  
Sales Manager



List of documents in consultation

The documents are available on our website: [Market Consultations in Belgium - Transmission \(fluxys.com\)](https://fluxys.com)

## Market Consultation 61: Changes in Regulatory Documents

From **30 January to 17 February**, Fluxys Belgium is organizing a market consultation on the regulatory documents applicable for transmission with a focus on:

1. Changes to the Standard Transmission Agreement, Access Code for Transmission and Transmission Program
  - a. Increasing the maximum O2 level for Domestic Point of Injection
  - b. Reallocation Service for Operational Capacity Usage Commitments and discontinue the offer for Operational Capacity Usage Commitment Services
  - c. Extend the criteria to offer interruptible capacity to match NC CAM
  - d. Align Attachment F "Plan for Incident management" with new federal emergency plan.
  - e. Validity date Bank Guarantee, at least 3 months in the future
  - f. Technical changes
2. Changes to the Standard Connection Agreement End User
  - a. Reference to SOS Regulation, implement measures provided in the new federal emergency plan and adaptations following CREG decision on new Code of Conduct
3. Changes to the annexes to the Standard Connection Agreement Local Producer
  - a. Technical changes

The following document summarizes the proposed changes: [Summary note](#)

Documents in consultation (with track changes):

- [Standard Transmission Agreement](#)
- [Transmission Program](#)
- [Access Code for Transmission Attachment A](#)
- [Access Code for Transmission Attachment B](#)
- [Access Code for Transmission Attachment C4](#)
- [Access Code for Transmission Attachment E](#)
- [Access Code for Transmission Attachment F](#)
- [Standard Connection Agreement for End User \(FR\)](#)
- [Standard Connection Agreement for End User \(NL\)](#)
- [Annexes to the Standard Connection Agreement for Local Producer \(FR\)](#)
- [Annexes to the Standard Connection Agreement for Local Producer \(NL\)](#)

## Questions & Answers

Questions and Answers

#	From	Topic	Questions / Comments by Stakeholders	Answers / Comments by Fluxys Belgium
1	BASF	O <sub>2</sub> -level	De 'BASF Antwerpen'-site is mogelijks een 'gevoelige eindgebruiker' waarbij de invloed van de verhoogde zuurstof concentratie verdere studie behoef. Mocht er ten gevolge van een nabij 'Domestic Point of Injection' een wijziging zijn in de samenstelling van het aardgas die op de 'BASF Antwerpen'-site wordt afgenomen, gelieve hiervoor tijdig het gesprek met ons aan te vatten.	Fluxys takes note of this request and refers to the CREG decision B2191 of March 11th, 2021 Article 43 and to the CREG decision B2231 of 3 February 3rd, 2022 Article 129. In decision B2191 Article 43, the CREG asks Fluxys Belgium, for each connection request submitted on the transmission network by a local producer, that Fluxys Belgium informs and consult with the relevant end customers who may be affected by the injection of new gases. For avoidance of doubt, in such case "inform and consult with the relevant end customers" means informing and entering in contact to get a good understanding and is not referring to a formal consultation and no additional approval is required. In decision B2231 this is repeated again and it is specified that this also applies to a mixture containing a maximum level of 2% H <sub>2</sub> .
2	EDF	Operational Capacity Usage Commitment	EDF appreciates the fact that the Reallocation Service for Operational Capacity Usage Commitments is offered free of charge, to the following Operational Capacity Usage Commitment and notes that it will take place during a one-off reallocation window which will be organised in June 2023. EDF would like to have the confirmation that, in case of reallocation, all the previous conditions related to the OCUC contracts will be transferred to the new Entry/Exit agreements without losing any of the rights previously defined.	In case of reallocation, if there are conditions on the Operational Capacity Usage Commitment Service, these conditions will be transferred to the new Entry/Exit Services if possible. Fluxys Belgium will consult individually holders of Operational Capacity Usage Commitment Services to clarify all open questions.
3.1	FEBEG	Zeeplatform Service	The technical import capacity at the Zeebrugge LNG terminal has been increased from 19.21 GWh/h to 22.54 GWh/h. FEBEG would like to know what would be the effective date of this technical capacity?	This is already in place.
3.2	FEBEG	OCUC	We are pleased to see that Fluxys proposes to shippers who have contracted OCUC capacity to reconvert their bundle into separate entry and exit capacity. We reiterate however our concern expressed in our response to consultation n°59, regarding OCUCs that were contacted based on interruptible capacity, notably the Virtualys OCUC. In the tariff proposal, the future tariff of this OCUC is built from the firm tariffs of the corresponding entry and exit capacities. It would be appropriate for this OCUC to give the shippers the option to (entirely or partially) <ul style="list-style-type: none"> <li>• firm the interruptible entry capacities to Virtualys</li> <li>• calculate its new tariff on the basis of the interruptible tariff of the entry capacity to Virtualys</li> </ul> Furthermore, FEBEG strongly disagrees to the used wording of the re-allocation window. As it is worded now, capacities cannot be reduced. With the discount to be annulled, shippers holding OCUC capacity beyond 1/1/2024 will simply have to pay more. This is unacceptable.	Tariffs were consulted during market consultation 59 and is not part of this consultation.  The existing Operational Capacity Usage Commitment Services are retained. Fluxys Belgium offers the possibility, without obligation, to reallocate these Services for the benefit of the Network Users under the conditions as described in the Access Code for Transmission.  The discount was consulted during market consultation 59 and is not part of this consultation.
3.3	FEBEG	Interruptible Capacity	We would like to know what happens to contracted interruptible capacity, in the event of an increase in firm technical capacity.	The contracted interruptible capacity will remain in place, this will apply to future contracts as at the moment no long term interruptible contracts are offered.

Questions and Answers

#	From	Topic	Questions / Comments by Stakeholders	Answers / Comments by Fluxys Belgium
3.4	FEPEG	Plan for Incident Management	<p>• 3.1 Measures (p.5) Fluxys mentions amongst the possible measures the “Suspension of individual trading rights of network users”. FEPEG asks for more clarification on the conditions and modalities of this measure, especially since in the emergency plan itself, there are no further details mentioned either.</p> <p>Another measure mentioned is “Reduction of outgoing flows of an individual Network User based on the Balancing Agreement”. The emergency plan gives more details, by adding two bullet points under the heading “Reduction of outgoing flows of an individual network user based on the Balancing Agreement”, namely:                      * if a shipper deliberately creates an imbalance for commercial opportunities                      * if the financial risk of a shipper is not covered by a financial guarantee                      We request that Fluxys also includes the 2 bullets above.</p> <p>• 3.1.1. Measures (p.15) Measure nr. 6 “Constraint on Firm Capacity to non-protected customers”. FEPEG proposes to use the wording of the emergency plan rather than that proposed by Fluxys, because :                      1. It is “the competent authority that instructs the TSO to notify users” (no TSO initiative) and                      2. The measure does not apply to strategically important gas-fired power plants</p>	<p>It will be applied according the terms in the Standard Transmission Agreement attachment 2 article 16.</p> <p>The two bullet points are added in the documents that are submitted to the CREG.</p> <p>The Plan for Incident Management is not copying the entire text of Annex II of the Federal Emergency Plan for Security of Supply of Natural Gas but is referring to it. This means everything of Annex II applies.</p>
4	PZEM	OCUC	<p>PZEM has contracted OCUC's up to September 2028. The decision to contract OCUC's, and not the underlying separate Entry &amp; Exit, was explicitly made on the notion that OCUC's reflected better the specific transit need of PZEM. The OCUC cost, relative to booking separate Entry &amp; Exit, was a leading commercial argument.</p> <p>Having OCUC's in place is also supportive of the notion that these provide Fluxys with certainty that the Transit Shipper only uses a very limited part of the national grid. Entry &amp; Exit might technically provide the same services to the shipper, albeit at a far greater cost. These unforeseen changes are detrimental to commercial decisions made by the shipper on the basis of OCUC usage &amp; cost, having provided a commitment to those services towards Fluxys on a long term basis. In addition, as already briefly mentioned, losing OCUC would oblige Fluxys to implicitly reserve more capacity throughout the grid, as Transit flows become far more elusive to predict. In the Consultation Documents, we did notice a reference to specific “One-Off Allocation Mechanism” next June. However, in anticipation of this yet unknown structure, we would strongly urge Fluxys to retain the OCUC services.</p>	<p>The existing Operational Capacity Usage Commitment Services are retained. Fluxys Belgium offers the possibility, without obligation, to reallocate these Services for the benefit of the Network Users. This reallocation service will be offered during a subscription window in June 2023, more information can be found in the Access Code for Transmission. Subscription of new OCUC services will not be possible anymore as from July 1<sup>st</sup>, 2023.</p>
5	RWE S&T	OCUC	<p>In the proposed ‘Changes in the Regulatory Documents’ a reallocation window is described in which the holders of LT OCUC are NOT offered the option to reduce capacity in order not to pay more. Following our earlier comment to consultation 59 we cannot agree to the proposed changes in the regulatory documents as consulted.</p> <p>We believe market parties (us) should be entitled to annul a long term OCUC contract for a product that is essentially cancelled. And is essentially cancelled by annulling the discount.</p> <p>More specifically it says in 3.7. of Attachment A to the STA, Fluxys for the reallocation service for OCUC will a.o. apply the following condition:                      * The reallocated hourly capacity of the new Entry Transmission Service and the new Exit Transmission Service must be the same as the initially subscribed OCUC hourly capacity.                      We argue this condition should be amended to read:                      * The reallocated hourly capacity of the new Entry Transmission Service and the new Exit Transmission Service must be the same as or lower than the initially subscribed OCUC hourly capacity.                      We could consider accepting Fluxys to add a condition stating a reallocation should be revenue-neutral to Fluxys but that combination of adjusted- and added conditions would be the absolute minimum for us to accept.</p>	<p>The discount was consulted during market consultation 59 and is not part of this consultation.</p> <p>The existing Operational Capacity Usage Commitment Services are retained. Fluxys Belgium offers the possibility, without obligation, to reallocate these Services for the benefit of the Network Users under the conditions as described in the Access Code for Transmission.</p>

Questions and Answers

#	From	Topic	Questions / Comments by Stakeholders	Answers / Comments by Fluxys Belgium
6.1	SEFE M&T	Interruptible Capacity	<p>Fluxys proposes to offer interruptible capacity not only when firm capacity is sold out but also when an auction premium was paid or when firm capacity was not offered.</p> <p>SM&amp;T is in support for greater triggers to release interruptible capacity since at present it is limited to Day-ahead. This amendment is favoured as would allow the sale of interruptible capacity for product with different time lengths.</p>	<p>Indeed, thereby Fluxys applies the modalities for offering interruptible capacity as written in the NC CAM.</p>
6.2	SEFE M&T	Proactive measures at Interconnection Points	<p>Fluxys mentions when Firm Transmission Services are available in limited quantity over a period and/or in line with article 14.7 of Council Regulation (EU) 2022/2576, interruptible services are temporarily offered at an Interconnection Point. We support this approach.</p> <p>We note art.14.7 of Council Regulation (EU) 2022/2576 refers to the possibility for the TSO to make available mechanisms which are alternative to that detailed in article 14.1-6, such as (i) a firm day ahead use-it-or lose-it mechanism , (ii) oversubscription and buy-back scheme (iii) offer not nominated Day-ahead and Within-day capacity allocated as interruptible.</p> <p>We strongly support Fluxys in this approach as we believe such substitute mechanisms are a more viable alternatives for both shippers and the TSO to manage congestion, than the implementation of provision included in art 14.1-6. In case regulatory approval or validation is required, we suggest Fluxys to ensure that is granted as soon as reasonably possible.</p>	<p>Indeed, Fluxys already applies Overnomination.</p>
6.3	SEFE M&T	OCUC	<p>Fluxys proposes to have one window in June 2023 to allow shippers to reallocate their OCUC booked services into Entr/Exit services. We agree that, given the current set up and tariffs this is a sensible approach. We suggest Fluxys notifies shippers who booked OCUC services shortly before the window opening (5th June)</p>	<p>Fluxys Belgium will consult individually the Network Users who have Operational Capacity Usage Commitment Services to clarify all open questions. Fluxys Belgium will evaluate if a notification shortly before the window is necessary.</p>

Printed copy of written comments

All reactions			
Company	First Name	Last Name	Confidential
BASF	Stijn	Cuypers	No
EDF	Anne-Elisabeth	Granier	No
FEBEG	Luc	Huysmans	No
PZEM	Jeroen	Risseeuw	No
RWE S&T	Ton	den Bieman	No
SEFE M&T	Samuele	Repetto	No



Feedback BASF: Market Consultation 61: Oxygen level increase, reallocation for OCUC's and update incident management plan



Stijn Cuypers <stijn.cuypers@basf.com>

To marketing@fluxys.com

Cc Frederic Viaene; Dries Vanden Bussche; Wim Gorleer; Hanot Ludo



Reply



Reply All



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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Beste,

In navolging van de marktconsultatie 61 melding wij graag proactief onze feedback op het eerste punt: Increasing the maximum O2 level for Domestic Point of Injection.

De 'BASF Antwerpen'-site is mogelijks een 'gevoelige eindgebruiker' waarbij de invloed van de verhoogde zuurstof concentratie verdere studie behoeft. Mocht er ten gevolge van een nabij 'Domestic Point of Injection' een wijziging zijn in de samenstelling van het aardgas die op de 'BASF Antwerpen'-site wordt afgenomen, gelieve hiervoor tijdig het gesprek met ons aan te vatten.

Kind regards

Stijn Cuypers

## EDF SA answers on Fluxys Belgium's Consultation 61 on Changes in Regulatory Documents

(February 17th 2023)

### Comments of EDF S.A.

EDF has taken note of the various changes proposed by FLUXYS related to its Regulatory documents.

Regarding the **“Reallocation Service for Operational Capacity Usage Commitment”**:

One of the adjustments of the new Fluxys proposal to be applied by 2024, is the removal of the OCUC's discount, as this discount was the result of reduced use of the flexibility of the network for OCUC services which seems no longer to be the case.

Consequently, Fluxys offers to Network User holding Operational Capacity Usage Commitments the possibility to reallocate its existing Contracts into the respective Entry Transmission Service and Exit Transmission Service.

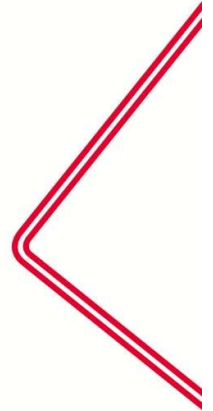
EDF appreciates the fact that the Reallocation Service for Operational Capacity Usage Commitments is offered **free of charge**, to the following Operational Capacity Usage Commitment and notes that it will take place during a one-off reallocation window which will be organised in June 2023.

**EDF would like to have the confirmation that, in case of reallocation, all the previous conditions related to the OCUC contracts will be transferred to the new Entry/Exit agreements without losing any of the rights previously defined.**

ooOoo

Subject: FEBEG reaction to Fluxys market consultation 61  
Date: 17 feb 2023

Contact: Luc Huysmans  
Telephone: +32 496 59 54 15  
Mail: Luc.huysmans@febeg.be



## Introduction

FEBEG thanks Fluxys for the opportunity to react to Market Consultation 61: oxygen level increase, reallocation for OCUC's and update incident management plan. The deadline for this consultation is 17 February 2023, EOB.

The remarks and suggestions of FEBEG are not confidential.

## Remarks on the content

### Attachment A: Transmission Model

- 3.2.2. Zee Platform Service (p.20)

The technical import capacity at the Zeebrugge LNG terminal has been increased from 19.21 GWh/h to 22.54 GWh/h.

FEBEG would like to know what would be the effective date of this technical capacity?

- 3.7. Reallocation Service for Operational Capacity Usage Commitments (p.27)

We are pleased to see that Fluxys proposes to shippers who have contracted OCUC capacity to revert their bundle into separate entry and exit capacity.

We reiterate however our concern expressed in our response to consultation n°59, regarding OCUCs that were contacted based on interruptible capacity, notably the Virtualys OCUC. In the tariff proposal, the future tariff of this OCUC is built from the firm tariffs of the corresponding entry and exit capacities. It would be appropriate for this OCUC to give the shippers the option to (entirely or partially)

- firm the interruptible entry capacities to Virtualys
- to calculate its new tariff on the basis of the interruptible tariff of the entry capacity to Virtualys

Furthermore, FEBEG strongly disagrees to the used wording of the re-allocation window. As it is worded now, capacities cannot be reduced. With the discount to be annulled, shippers holding OCUC capacity beyond 1/1/2024 will simply have to pay more. This is unacceptable.

## Attachment B: Subscription & Allocation of Services

- 3.7.1.3.1 Telemetered Final Customers AMR (p.24):

There is a reference error in the first paragraph.

## Attachment E: Congestion Management

- 2.2.1. Interruptible Capacity (p.6)

FEBEG takes note of the proposed text changes, most notably the suppression of

~~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 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.~~

We would like to know what happens to contracted interruptible capacity, in the event of an increase in firm technical capacity.

## Attachment F: Plan for Incident Management

- 3.1 Measures (p.5)

Fluxys mentions amongst the possible measures the “Suspension of individual trading rights of network users”. FEBEG asks for more clarification on the conditions and modalities of this measure, especially since in the emergency plan itself, there are no further details mentioned either.

Another measure mentioned is “Reduction of outgoing flows of an individual Network User based on the Balancing Agreement”.

The emergency plan gives more details, by adding two bullet points under the heading “Reduction of outgoing flows of an individual network user based on the Balancing Agreement”, namely:

- if a shipper deliberately creates an imbalance for commercial opportunities
- if the financial risk of a shipper is not covered by a financial guarantee

We request that Fluxys also includes the 2 bullets above.

- 4.3.1. Measures (p.15)

Measure nr. 6 “Constraint on Firm Capacity to non-protected customers”. FEBEG proposes to use the wording of the emergency plan rather than that proposed by Fluxys, because :

1. It is “the competent authority that instructs the TSO to notify users” (no TSO initiative) and

2. The measure does not apply to strategically important gas-fired power plants

## Comments on Market Consultation 61



Risseeuw, Jeroen <jrisseeuw@pzem.nl>  
To: marketing@fluxys.com  
Cc: Meerman, Vincent

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Dear Sir, Madame,

PZEM has contracted OCUC's up to September 2028.

The decision to contract OCUC's, and not the underlying separate Entry & Exit, was explicitly made on the notion that OCUC's reflected better the specific transit need of PZEM. The OCUC cost, relative to booking separate Entry & Exit, was a leading commercial argument.

Having OCUC's in place is also supportive of the notion that these provide Fluxys with certainty that the Transit Shipper only uses a very limited part of the national grid.

Entry & Exit might technically provide the same services to the shipper, albeit at a far greater cost.

These unforeseen changes are detrimental to commercial decisions made by the shipper on the basis of OCUC usage & cost, having provided a commitment to those services towards Fluxys on a long term basis.

In addition, as already briefly mentioned, losing OCUC would oblige Fluxys to implicitly reserve more capacity throughout the grid, as Transit flows become far more elusive to predict.

In the Consultation Documents, we did notice a reference to specific "One-Off Allocation Mechanism" next June.

However, in anticipation of this yet unknown structure, we would strongly urge Fluxys to retain the OCUC services.

Best Regards,

Jeroen Risseeuw

## RWE response to Fluxys consultation 61



ton.den.bieman@rwe.com  
To: marketing@fluxys.com  
Cc: Luyts Werner; Jasmin.Blei@rwe.com

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Fri 17/02/2023 13:01

Fluxys consultation 59  
Outlook item

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Dear,

Hereby RWE Supply & Trading responds to the proposed 'Changes in Regulatory Documents', consultation 61. We welcome the invitation to react.

These changes built on the initial 'proposal for the transmission tariffs 2024-2027', consultation 59 to which we commented enclosed.

In the proposed 'Changes in the Regulatory Documents' a reallocation window is described in which the holders of LT OCUC are NOT offered the option to reduce capacity in order not to pay more.

Following our earlier comment to consultation 59 we cannot agree to the proposed changes in the regulatory documents as consulted.

We believe market parties (us) should be entitled to annul a long term OCUC contract for a product that is essentially cancelled. And is essentially cancelled by annulling the discount.

More specifically it says in 3.7. of Attachment A to the STA, Fluxys for the reallocation service for OCUC will a.o. apply the following condition:

- The reallocated hourly capacity of the new Entry Transmission Service and the new Exit Transmission Service must be the same as the initially subscribed OCUC hourly capacity

We argue this condition should be amended to read:

- The reallocated hourly capacity of the new Entry Transmission Service and the new Exit Transmission Service must be the same as or lower than the initially subscribed OCUC hourly capacity.

We could consider accepting Fluxys to add a condition stating a reallocation should be revenue-neutral to Fluxys but that combination of adjusted- and added conditions would be the absolute minimum. For us to accept.

We hope you will adjust the proposal for the 'Changes in Regulatory Documents' taking this response into consideration and are always open for a dialogue.

Please send us a confirmation we responded to your consultation in time.

Regards

Ton

SEFE Marketing & Trading Limited UK  
20 Triton St. London NE1 3BF

17 February 2023

**RE: Fluxys Market Consultation 61: Changes in Regulatory Documents ( reallocation of OCUC & interruptible capacity offering)**

Dear Fluxys colleagues,

Thank you for the opportunity to respond to the consultation covering the amendments to regulatory documents on Fluxys Operational Capacity Usage Commitments services and extend the criteria to offer interruptible capacity. SEFE M&T Limited (SM&T) would like to use this opportunity to outline our observations on the proposed changes.

**General comments**

SM&T welcomes efforts Fluxys is putting in to adapt its offering in order to align with current NC CAM provisions. In principle, SM&T supports increased offering on interruptible basis.

**Views on specific points:**

**Extend the criteria to offer interruptible capacity to match NC CAM**

Fluxys proposes to offer interruptible capacity not only when firm capacity is sold out but also when an auction premium was paid or when firm capacity was not offered.

SM&T is in support for greater triggers to release interruptible capacity since at present it is limited to Day-ahead. This amendment is favoured as would allow the sale of interruptible capacity for product with different time lengths.



## 2.2. Proactive measures at Interconnection Points

Fluxys mentions when Firm Transmission Services are available in limited quantity over a period and/or in line with article 14.7 of Council Regulation (EU) 2022/2576, interruptible services are temporarily offered at an Interconnection Point. We support this approach.

We note art.14.7 of Council Regulation (EU) 2022/2576 refers to the possibility for the TSO to make available mechanisms which are alternative to that detailed in article 14.1-6, such as (i) a firm day ahead use-it-or lose-it mechanism , (ii) oversubscription and buy-back scheme (iii) offer not nominated Day-ahead and Within-day capacity allocated as interruptible.

We strongly support Fluxys in this approach as we believe such substitute mechanisms are a more viable alternatives for both shippers and the TSO to manage congestion, than the implementation of provision included in art 14.1-6. In case regulatory approval or validation is required, we suggest Fluxys to ensure that is granted as soon as reasonably possible.

### **b. Reallocation Service for Operational Capacity Usage Commitments and discontinue the offer for Operational Capacity Usage Commitments Services**

Fluxys proposes to have one window in June 2023 to allow shippers to reallocate their OCUC booked services into Entr/Exit services. We agree that, given the current set up and tariffs this is a sensible approach. We suggest Fluxys notifies shippers who booked OCUC services shortly before the window opening (5<sup>th</sup> June)

Please do not hesitate to contact us if you have any queries.

Yours sincerely,

Sam Repetto

**Samuele Repetto | Regulatory Affairs Manager**



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