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**Proposal for**

**Rules for suspension and restoration of market activities in accordance with Article 36(1)**

**Rules for imbalance settlement of balancing energy in case of suspension of market activities in accordance with Article 39(1)**

**of the Commission Regulation 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration**

*Document submitted for approval*

18 December 2018

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# Contents

Whereas.....	3
CHAPTER 1 General Provisions .....	4
Article 1 Subject matter and scope.....	4
Article 2 Definitions and interpretation.....	4
Article 3 General principles .....	5
CHAPTER 2 TSO coordination and relevant market activities .....	5
Article 4 Coordination by the TSO .....	5
Article 5 Market activities .....	6
CHAPTER 3 Procedure for suspension of market activities.....	7
Article 6 General principles .....	7
Article 7 Roles and responsibilities.....	8
Article 8 Capacity calculation and allocation.....	9
CHAPTER 4 Restoration of market activities.....	9
Article 9 General Principles .....	9
CHAPTER 5 Communication procedure.....	11
Article 10 General Principles .....	11
CHAPTER 6 Rules for imbalance settlement of balancing energy during suspension of market activities.....	13
Article 11 General .....	13
Article 12 Applied principles in case of TSO Controlled Dispatch .....	13
CHAPTER 7 Imbalance settlement during automatic or manual load shedding procedures .	16
Article 13 Principles.....	16
CHAPTER 8 Contractual arrangements .....	16
Article 14 General provisions.....	16
CHAPTER 9 Final provisions.....	17
Article 15 Implementation.....	17
Article 16 Language .....	17
Annex.....	18

THE BELGIAN TRANSMISSION SYSTEM OPERATOR, TAKING INTO ACCOUNT THE FOLLOWING,

**Whereas**

- (1) Commission Regulation 2017/2196 establishing a network code on electricity emergency and restoration (hereinafter referred to as the “Regulation 2017/2196”), which entered into force on 24 November 2017;
- (2) The goal of the Regulation 2017/2196 is the development of a common set of minimum requirements and principles for the procedures and actions to be carried out specifically when in the emergency, blackout and restoration states;
- (3) This document is a proposal by ELIA System Operator NV (hereinafter referred to as “ELIA”) regarding rules for suspension and restoration on market activities in accordance with Article 36 of Regulation 2017/2196 and rules for imbalance settlement of balancing energy in case of suspension of market activities in accordance with Article 39 of Regulation 2017/2196 (hereinafter “Rules”);
- (4) ELIA is responsible for the operation of the Belgian transmission system over which it has a property right or at least a user right. ELIA has been appointed as TSO, in accordance with the law of 29 April 1999 concerning the liberalisation of the electricity market and supervises the safety, reliability and efficiency of the Belgian transmission system;

SUBMITS THE FOLLOWING PROPOSAL TO THE CREG:

## **CHAPTER 1**

### **General Provisions**

#### **Article 1**

##### **Subject matter and scope**

1. This document is the proposal regarding:
  - a) the principles the TSO has to follow in case it needs to suspend temporarily one or more market activities in accordance with Article 35,
  - b) the procedure the TSO will apply for the restoration of suspended market activities in accordance with Article 37, and
  - c) the communication procedure the TSO will apply during the suspension and restoration of market activities in accordance with Article 38; and
  - d) the rules for imbalance settlement and settlement of balancing capacity and balancing energy which shall be applicable for imbalance settlement periods during which the market activities were suspended in accordance with Article 39 of Regulation 2017/2196.
2. This proposal is subject to approval in accordance with Article 4(3) of Regulation 2017/2196.
3. According to Article 4(7) of Regulation 2017/2196, ELIA may request amendments to these Rules. ELIA will consult on any amendment to these Rules under the procedure described in Articles 5 and 7 of Regulation 2017/2196.

#### **Article 2**

##### **Definitions and interpretation**

1. For the purposes of these Rules, terms used shall have the meaning of the definitions included in Article 3 of the Regulation 2017/2196, Article 3 of Regulation 2017/1485, Article 2 of Regulation 2017/2195 and Article 2 of Regulation 2015/1222.

In addition, the following definitions shall apply:

‘CIPU contract’<sup>1</sup>: a contract listing the procedures for the coordination of assets starting from year-ahead to intraday and that specifies the modalities listed in the Federal Grid Code regarding the related information exchanges and the possibilities for both ELIA and the contracting party to modify outage and scheduling plans;

‘DSO’: Distribution System Operator. Where DSO is used in this document, it is to be understood as the operator of a public distribution system. For the avoidance of doubt, transmission or distribution connected Closed Distribution Systems are not to be interpreted as a sub category of a DSO in this document.

‘Federal Grid Code’: the Royal Decree of 19 December 2002, as amended where necessary, establishing a technical regulation for the management of the electricity transmission grid and the access to it;

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<sup>1</sup> The CIPU-contract template is available on ELIA’s website : <http://www.elia.be/en/products-and-services/ancillary-services/production-coordination>

‘TSO Controlled Dispatch’<sup>2</sup>: a way to operate the transmission system in which TSO-connected grid users execute without undue delay the instructions issued by the TSO.

2. In these Rules, unless the context requires otherwise:
  - a) the singular indicates the plural and vice versa;
  - b) the table of contents, headings and examples are inserted for convenience only and do not affect the interpretation of these Rules;
  - c) any reference to legislation, regulations, directive, order, instrument, code or any other enactment shall include any modification, extension or re-enactment of it then in force.

### **Article 3** **General principles**

1. In accordance with Whereas (9) of Regulation 2017/2196, the TSOs should ensure the continuity of energy transactions during emergency, blackout or restoration state and only suspend market activities and market's accompanying processes as a last resort. Clear, objective and harmonised conditions under which energy transactions could be suspended and subsequently restored should be established.
2. Given the exceptional nature of situations when market activities could be suspended, the main approach is to define general principles on simple and transparent processes and to make use of existing procedures, tools and contractual arrangements.
3. In case new processes and procedures must be deployed, these should be easy and efficient to implement.

## **CHAPTER 2** **TSO coordination and relevant market activities**

### **Article 4** **Coordination by the TSO**

1. In the event of emergency situations, in order to handle such situations in an efficient and effective manner, ELIA sets up crisis teams which are charged with:
  - a) the general management of the emergency plan (i.e. determine the overarching strategy),
  - b) the follow-up and diagnosis of the state of the grid,
  - c) setting the priorities for restoring the connection of the customers,
  - d) deciding upon the suspension and restoration of market activities,
  - e) deciding upon the communication towards the external stakeholders in accordance with the communication procedures as referred to in Chapter 5 of these Rules,
  - f) recording the rules, decisions and actions taken.

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<sup>2</sup> Within Elia, this situation is commonly referred to as ‘Central Dispatch’. However in order to avoid confusion with the definition ‘central dispatching model’ of Regulation 2017/2195, the term ‘TSO Controlled Dispatch’ is used in these Rules.

2. In accordance with Article 35(5) of Regulation 2017/2196, when suspending and restoring market activities, ELIA will coordinate with the following parties:
  - a) the TSOs of the capacity calculation regions of which ELIA is a member, in accordance with Article 15 of Regulation 2015/1222 and as defined in Article 10.2;
  - b) the TSOs with which ELIA has arrangements for the coordination of balancing;
  - c) the designated and passported NEMOs in Belgium and other entities assigned or delegated to execute market functions in accordance with Regulation 2015/1222 within its control area;
  - d) the TSOs of a load-frequency control block of which ELIA is a member<sup>3</sup>; and
  - e) the appointed coordinated capacity calculator of the capacity calculation regions of which ELIA is a member.
3. In accordance with Article 36(4) of Regulation 2017/2196 ELIA shall convert the situations referred to in Article 35(1) of Regulation 2017/2196 into objectively defined parameters. These parameters, proposed by ELIA, are available in Annex of these Rules.
4. In accordance with Article 36(6) of Regulation 2017/2196 ELIA will assess in real-time these parameters and will take into account the time delay as allowed according to Article 36(5) of Regulation 2017/2196, prior to starting the procedure for suspension of market activities. The final decision remains at ELIA before starting the suspension of market activities.

## **Article 5**

### **Market activities**

1. Article 35(2) of Regulation 2017/2196 lists the market activities that may be suspended by the TSO. For the avoidance of doubt, there is no obligation to suspend all these market activities simultaneously, ELIA has the right to decide which market activity(ies) should be suspended according to the specific situation and for how long. ELIA will decide which market activities will be suspended or not, in coordination with the relevant parties, as listed in Article 4.2.
2. The points (a) to (e) in this Article 35(2) of Regulation 2017/2196 relate to transfer of data from one entity to another:
  - a) the provision of cross zonal capacity for capacity allocation for the Single Day-Ahead Coupling and/or the Single Intraday Coupling on the corresponding bidding zone borders for each market time unit where it is expected that the transmission system shall not be restored to the normal or alert state;
  - b) the submission by a balancing service provider (hereinafter “BSP”) of balancing capacity and balancing energy bids;
  - c) the provision by a balance responsible party (hereinafter “BRP”) of a balanced position at the end of the day-ahead timeframe if required by the terms and conditions related to balancing;
  - d) the provision of modifications of the position of BRPs;
  - e) the provision of generation schedules, consumption schedules, internal commercial trade schedules and external commercial trade schedules by the Scheduling Agent referred to in Article 111(1) and (2) of Regulation 2017/1485.

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<sup>3</sup> ELIA is the only TSO of its load-frequency control block.

3. The other relevant market activities which can be suspended as referred to in Article 35(2)(f) of Regulation 2017/2196 relate to
  - a) the allocation of long-term transmission rights, in accordance with Chapter 3 of Regulation 2016/1719;
  - b) the organisation of the Single Day-Ahead Coupling, in accordance with Articles 44 to 50 of Regulation 2015/1222;
  - c) the organisation of the Single Intraday Coupling, in accordance with Articles 58 to 63 of Regulation 2015/1222;
  - d) The local intraday trading on a NEMO platform within a Bidding Zone;
  - e) The procurement of Balancing Services in accordance with Articles 29 to 35 of Regulation 2017/2195;
  - f) The publication of the imbalance prices on ELIA's website in line with the ELIA balancing rules.

### **CHAPTER 3**

#### **Procedure for suspension of market activities**

##### **Article 6**

##### **General principles**

1. In accordance with Article 35(1) of Regulation 2017/2196 the TSO may temporarily suspend one or more market activities when
  - a) the transmission system of the TSO is in blackout state, in accordance with Article 18(4) of Regulation 2017/1485; or
  - b) the TSO has exhausted all options provided by the market and the continuation of market activities under the emergency state would deteriorate one or more of the conditions referred to in Article 18(3) of Regulation 2017/1485; or
  - c) the continuation of market activities would decrease significantly the effectiveness of the restoration process to the normal or alert state; or
  - d) tools and communication means necessary for the TSOs to facilitate market activities are not available.
2. ELIA's aim is to keep the market activities running as long as possible because they are an essential factor for normal grid operation.
3. In case ELIA decides upon a suspension of one or more market activit(y)(ies), the different stakeholders as listed in Article 10.2 will be immediately notified thereof following the communication procedure as described in Chapter 5 in these Rules.
4. In case of blackout state, ELIA will enter in a period of TSO Controlled Dispatch arrangement during which ELIA instructs, in close collaboration with other TSOs, DSOs, CDSOs, consumers to connect and/or increase their loads and generators (with and without black start services) to follow a certain set point of active and reactive power.

5. During periods of TSO controlled Dispatch while some market activities are suspended it is requested from the following parties to keep providing, if possible, information regarding:
  - a) schedules referred to in Article 111(1) and (2) of Regulation 2017/1485 by the Scheduling Agent;
  - b) balancing capacity and balancing energy bids by a balancing service provider;
  - c) provision by a balance responsible party of a balanced position at the end of the Day-Ahead timeframe if required by the terms and conditions related to balancing;
  - d) modifications of the position of balance responsible parties.

The provision of this information is given on a best effort basis by the aforementioned parties during the period of TSO Controlled Dispatch.

6. In accordance with Article 24(1) of Regulation 2017/1485 TSOs shall ensure the availability, reliability and redundancy of the following items:
  - a) facilities for monitoring the system state of the transmission system, including state estimation applications and facilities for load-frequency control;
  - b) means to control the switching of circuit breakers, coupler circuit breakers, transformer tap changers and other equipment which serve to control transmission system elements;
  - c) means to communicate with the control rooms of other TSOs and RSCs;
  - d) tools for operational security analysis; and
  - e) tools and communication means necessary for TSOs to facilitate cross-border market operations.

It is considered that ELIA may suspend market activities in case the main facility as well as the back-up of one of the above facilities is unavailable.

## **Article 7**

### **Roles and responsibilities**

1. The relevant obligations of ELIA as laid out in the Terms and Conditions BRP are suspended during a TSO Controlled Dispatch period or suspension of market activities, without prejudice to the respective parties' obligations under the present Rules.
2. In the framework of these Rules, it is considered that during a period of TSO Controlled Dispatch the BRP is not responsible to keep its portfolio in balance, because this could reduce the efficiency to restore the transmission grid to normal or alert state. ELIA will clearly communicate from which moment the BRP is not responsible to keep its portfolio in balance and then from which moment in time the BRP will be responsible again.
3. In accordance with Article 25(3) of Regulation 2017/2196 each DSO and SGU identified<sup>4</sup> pursuant to Article 23(4) of Regulation 2017/2196, as well as each restoration service provider shall execute without undue delay the restoration plan instructions issued by the TSO, pursuant to point (b) of Article 23(3) of Regulation 2017/2196 in accordance with the restoration plan procedures.

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<sup>4</sup> Transmission connected CDSOs are included in the list of SGU identified pursuant art 23.4(c) of Regulation 2017/2196 in the restoration plan of ELIA.



## **Article 8**

### **Capacity calculation and allocation**

1. Notwithstanding Elia's right as mentioned in Article 5 to suspend some or all market activities in the events listed in Article 6:
  - a) Elia will try to keep providing cross zonal capacity for capacity allocation through the Single Day-Ahead Coupling and/or the Single Intraday Coupling on the corresponding bidding zone borders for each market time unit. In case it is impossible for ELIA to compute cross zonal capacity according to the normal process and principles, ELIA will trigger the known fall-back principles in order to deliver a set of fall back cross-zonal capacity values. These fall back cross-zonal capacities might be zero MW for all bidding zone borders and each market time unit;
  - b) The allocation of long-term transmission rights should not be affected since this allocation does not affect the system state. This market activity might be postponed to a later moment in time after consultation between the Joint Allocation Office and the relevant TSOs.
2. Countries that are not affected by blackouts or emergencies will not suspend the allocation through the Single Day-Ahead Coupling. In case of blackouts or emergencies, TSOs and NEMO(s) can, after coordination between them, apply the appropriate Single Day-Ahead Coupling fall-back procedures as defined by Regulation 2015/1222. The Single Day-Ahead Coupling should not deteriorate the restoration processes.
3. Countries that are not affected by blackouts or emergencies will not suspend the allocation through the Single Intraday Coupling. In case of blackouts or emergencies, TSOs and NEMO(s) can, after coordination between them, apply the appropriate Single Intraday Coupling procedures in to reduce the cross zonal capacities or to halt the allocation on the concerned bidding zone borders. The Single Intraday Coupling should not deteriorate the restoration processes.

## **CHAPTER 4**

### **Restoration of market activities**

#### **Article 9**

##### **General Principles**

1. In accordance with Article 37(1) of Regulation (EU) 2017/2196, Elia will decide upon the restoration of the different market activities. Some market activities may be restored sequentially, some can be restored simultaneously.
2. Even if it is of common interest to restore the market activities as soon as possible, ELIA should have sufficient confidence in the grid stability before restoring the market activities and ending the phase of TSO Controlled Dispatch. ELIA will also take into consideration the readiness of the market actors and availability of communication means.
3. In accordance with Article 38 of Regulation 2017/2196 and Chapter 5 of these Rules Elia will provide updates on the process for restoration of the transmission system.

4. Elia will restore the market activities in the potential following order:
  - a) Single Day-Ahead Coupling
  - b) the provision of
    - schedules referred to in Article 111(1) and (2) of Regulation 2017/1485;
    - a balanced position at the end of the day-ahead timeframe if required by the terms and conditions related to balancing by a balance responsible party;
    - modifications of the position of balance responsible parties;
    - balancing capacity and balancing energy bids by a balancing service provider, provided that volumes were procured before the start of the market suspension period, subject to their technical feasibility;
  - c) Single Intraday Coupling;
  - d) publication of the imbalance price on ELIA's website.
5. During the restoration process ELIA will evaluate and decide if the above sequence can be respected or not.
6. When ELIA considers that all market activities may be restored, ELIA will communicate in due time or at least 6 hours in case of TSO Controlled Dispatch before returning to normal market system operations in order to let the different stakeholders sufficient time to prepare the switch from TSO Controlled Dispatch to normal market system operations.
7. In accordance with Article 37(6) of Regulation 2017/2196, ELIA shall prepare a report no later than 30 days after the market activities have been restored, containing a detailed explanation of the rationale, implementation and impact of the market suspension and a reference to the compliance with these Rules and shall submit it to the relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC, and make it available to the entities referred to in Article 38(2) of Regulation 2017/2196.

## **CHAPTER 5**

### **Communication procedure**

#### **Article 10**

#### **General Principles**

1. According to Article 38 of Regulation 2017/2196, these Rules shall contain a communication procedure detailing the tasks and actions expected from each party in its different roles during the suspension and restoration of market activities.
2. All notifications and all relevant information regarding the suspension and the restoration of market activities will be sent by ELIA as soon as possible and simultaneously to the following entities:
  - Distribution System Operators (DSOs)
  - Closed Distribution System Operators (CDSOs)
  - Restoration Service Providers (RSPs)
  - Balancing Responsible Parties (BRPs)
  - Nominated Energy Market Operators (NEMOs)
  - Regulatory Authorities
  - Public Authorities
  - Balancing Service Providers (BSPs)
  - Significant Grid Users (SGUs)
  - Coreso (Regional Security Centre)
  - TSOs of the capacity calculation regions that ELIA is member of: 50 Hertz, Amprion, APG, Creos, CEPS, ELES, HOPS, Mavir, PSE, RTE, SEPS, Tennet Germany, Tennet NL, Transelectrica, Transnet BW, National Grid
  - Fluxys Belgium (gas transmission system operator)
  - Other relevant entities
3. Regarding the Single Day-Ahead Coupling and the Single Intraday Coupling, communication procedures have been agreed between the concerned TSOs and NEMOs. These communication messages will continue to be sent out by the NEMOs and/or the concerned TSOs as defined by their communication procedures during periods of suspension and restoration of market activities. ELIA will remain in close contact with the concerned TSOs and NEMOs to discuss and decide upon the actions to be performed by the different parties.
4. In case ELIA suspends certain market activities ELIA will send the notification “Market suspension ELIA” including the following information:
  - a) The date and time that market activities have been suspended in accordance with Article 35 of Regulation 2017/2196;
  - b) Which market activities have been suspended;
  - c) Updates on the process for restoration of the transmission system;
  - d) The best estimate for the time and date for transmission system restoration;
  - e) Other information if needed.

5. All notifications shall be published on ELIA's website. In case notification or update on the website is not possible, ELIA will investigate the most appropriate communication services to inform stakeholders simultaneously. ELIA will invite the relevant entities mentioned in accordance with Article 38(2) of Regulation 2017/2196 to pre-register to such information services. ELIA will inform stakeholders in due time about practical information for registration.
6. ELIA will investigate the most appropriate communication channels to inform stakeholders simultaneously such as website, e-mail, WhatsApp, sms, iMessage or similar, rss, Twitter, ... Pre-registration to dedicated communication channels for receiving such information is required by the interested entities.
7. ELIA will send the information in due time and ELIA will not assume responsibility for the good functioning of the communication channels provided by external parties when the system is in blackout state.
8. The notification "Market Restoration ELIA" will be sent to the same entities as mentioned in Article 10.2 and will use the same communication channels as the "Market suspension ELIA" notification.
9. The notification "Market Restoration ELIA" will include the following information:
  - a) Which market activities will be restored at which time;
  - b) The notification that the market tools and communication systems from the different parties are operational;
  - c) The time on day D-1 for submitting schedules, for all 24 hours of day D;
  - d) The date and time ELIA intends to switch from TSO Controlled Dispatch situation to normal market system operations on day D, hour H;
  - e) Other information if needed.

## **CHAPTER 6**

### **Rules for imbalance settlement of balancing energy during suspension of market activities**

#### **Article 11 General**

1. In accordance with art Article 39(3) of Regulation 2017/2196 these Rules shall :
  - a) ensure the financial neutrality of each TSO and relevant third party referred to in paragraph 1 of Article 39 of Regulation 2017/2196;
  - b) avoid distortions of incentives or counterproductive incentives to BRPs, BSPs and TSOs;
  - c) incentivise BRPs to strive to be balanced or help the system to restore its balance, unless a situation as described in Article 7.2 applies;
  - d) avoid any financial penalties imposed on BRPs and BSPs due to the execution of the actions requested by the TSO;
  - e) discourage TSOs from suspending market activities, unless strictly necessary, and incentivise TSOs to restore the market activities as soon as possible; and
  - f) incentivise BSPs to offer services to the connecting TSO that helps restore the system to normal state.
  
2. The rules for imbalance settlement during suspension of market activity as described in Article 12 do only apply during a period of TSO Controlled Dispatch. These Rules shall not be applicable in all other situations of market suspension as described in Article 5 or in situations as described in Article 13.

#### **Article 12**

##### **Applied principles in case of TSO Controlled Dispatch**

1. The nominations submitted on day-ahead for the delivery day, as foreseen in the Terms and Conditions BRP, and which have been confirmed by ELIA, are cancelled for the periods of TSO Controlled Dispatch.
  
2. During a period of TSO Controlled Dispatch the BRP is not responsible to keep its portfolio in balance, in accordance with Article 7.2, because this could reduce the efficiency to restore the transmission grid to normal or alert state. ELIA will clearly communicate from which moment the BRP is not responsible to keep its portfolio in balance and then from which moment in time the BRP will be responsible again. This does not mean that the BRP is released from its non-impacted obligations under the Federal Grid Code as implemented in the Terms and Conditions BRP, including but not limited to the obligation to dispose of the necessary communication means.
  
3. During periods of TSO Controlled Dispatch, no imbalances will be calculated as foreseen in the ELIA balancing rules and Terms and Conditions BRP.

4. A restoration tariff will be applied for all offtakes and injections (except for Power Generating Modules for which a power scheduling obligation exists as described in Article 12.7 below) during the period of TSO Controlled Dispatch. This restoration tariff is calculated ex-ante for each hour of the day by means of this formula :

$$73 \% * 1/3 (\text{Cal Y}+2 + \text{Cal Y}+1 + \text{M}+1) + 27 \% * \text{AVG (EPEX spot BE DAM)}$$

Where

- CAL Y + 2 = the average of the daily quotations for the baseload product published by ICE INDEX two years preceding the year of the TSO controlled Dispatch period,
- CAL Y + 1 = the average of the daily quotations for the baseload product published by ICE INDEX in the course of the year preceding the year of the TSO Controlled Dispatch period,
- M + 1 = the average of the daily quotations for the baseload product published by ICE INDEX in the course of the month preceding the month of the TSO Controlled Dispatch,
- AVG (EPEX spot BE DAM) = the hourly average of the day-ahead prices of EPEX SPOT Belgium over the last 28 calendar days prior to the day on which the TSO Controlled Dispatch period started.

This restoration tariff for each corresponding hour of the day will remain fixed during the period of TSO Controlled Dispatch and will be published daily on ELIA's website.

5. This restoration tariff will be invoiced to/by the BRPs for the energy offtaken and/or injected associated to their perimeter, during the periods of TSO Controlled Dispatch. This energy offtaken or injected is the result of the physical injections and offtakes at the ELIA connection points and/or at the ELIA interconnection points with the DSOs and/or their injection or offtake allocation within a CDS.
6. For the injections and offtakes at the Elia interconnection points with the DSOs, the energy volumes during the periods of TSO Controlled Dispatch shall be allocated in accordance with specific allocation procedures. The allocation within the CDS shall be determined by the concerned CDSO conform the dispositions foreseen in the access contract.
7. For the injected energy by the Power Generating Modules for which a power scheduling obligation exists<sup>5</sup>, a financial compensation is payable to the BRP. The remuneration is calculated as the remuneration applicable for the starting day of the TSO Controlled Dispatch period in accordance with the payments for the Nomination procedure as foreseen in the Art 13.2.5 of the CIPU contract, updated with the fuel costs and/or CO2 costs as the case may be. For limited coordinable or non-coordinable units, the restoration tariff will be applied.
8. In order to ensure the financial neutrality of ELIA in accordance with Article 39(3)(a) of Regulation 2017/2196, the difference between the sum of all energy purchase costs (all injected energy by the PGMs as referred to in Articles 12.4 and 12.7 and, as the case may be, the imported energy as a result of a top-down re-energisation strategy as referred to in Article 27 of Regulation 2017/2196 and further referred to in Article 15.1.b of these Rules) and the sum of all energy sales revenues for

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<sup>5</sup> As defined in the iCaros design note of Scheduling and Redispatching :

<http://www.elia.be/~media/files/Elia/About-Elia/Publication/iCAROS/iCAROSDesignNoteSchedulingRedispatchingWithTrackChanges12042018.pdf>

the entire period of TSO Controlled Dispatch, as described in Articles 12.4 to 12.6 above, will be recoverable through the transmission tariffs.

9. The invoicing and settlement are done according to the invoicing and settlement rules as set in, as the case may be, the Terms and Conditions BRP or CIPU-contract.

## **CHAPTER 7**

### **Imbalance settlement during automatic or manual load shedding procedures**

#### **Article 13 Principles**

1. During moments of automatic or manual load shedding procedures as defined in the System Defence Plan of ELIA, it is expected that market activities will not be suspended.
2. In such situation, ELIA will send a notification to BRPs and BSPs with instructions to follow up, depending on the situation.
3. Normal imbalance settlement in accordance with the ELIA balancing rules and the Terms and Conditions BRP will apply.

## **CHAPTER 8**

### **Contractual arrangements**

#### **Article 14 General provisions**

1. In accordance with Article 18(2) of Regulation 2017/2195, the Terms and Conditions BSP and the Terms and Conditions BRP shall also include the rules for suspension and restoration of market activities pursuant to Article 36 of Regulation 2017/2196 and rules for settlement in case of market suspension pursuant to Article 39 of Regulation 2017/2196 once approved in accordance with Article 4 of Regulation 2017/2196.
2. Once these Rules are approved by the regulatory authority in accordance with Article 4(3) of Regulation 2017/2196, the Terms and Conditions mentioned in §1 will be modified by ELIA and submitted for approval to the regulatory authority following the formal procedure.
3. In case these Rules have an impact on other contractual arrangements between ELIA and any stakeholder, those contractual arrangements will be modified by ELIA and submitted for approval to the regulatory authority following the formal procedure.



## **CHAPTER 9**

### **Final provisions**

#### **Article 15**

#### **Implementation**

1. The implementation of these Rules is subject to:
  - a) approval by the regulatory authority of the rules for suspension and restoration of market activities and the rules for imbalance settlement in case of the suspension of market activities;
  - b) alignment with neighbouring TSOs regarding the Top-down Re-energisation Strategy (including the principles of the financial compensation thereof) which will be dealt with in bilateral contractual arrangements once these Rules have been approved by the regulatory authority;
  - c) detailed impact analysis of these Rules on IT systems of ELIA;
  - d) the investigation of ELIA related to the most appropriate communication channels to inform stakeholders simultaneously during suspension and restoration of market activities;
  - e) modifications of the contractual arrangements as described in Chapter 8 of these Rules and the related operational processes, some of which are subject to regulatory approval.
2. The overall planning is thus linked to the progress of the above mentioned developments, which are not within the sole control of ELIA, and also depend on external parties.
3. A detailed implementation plan can only be established in cooperation with all participating parties when these Rules have been approved by the regulatory authority. Elia will provide such implementation planning 6 months after the approval by the regulatory authority.

#### **Article 16**

#### **Language**

1. The reference language for these Rules shall be Dutch and French which shall be submitted to the regulatory authority in accordance with Article 36.1 of Regulation 2017/2196 and shall be published by ELIA on its website after approval by the regulatory authority in accordance with Article 36.2 of Regulation 2017/2196.
2. An English version shall also be published on ELIA's website. For the avoidance of doubt, in the event of inconsistencies between the English version published by ELIA with any version in a national language, the versions in the national languages shall prevail.

### Annex

**NC ER Article 35.1.a. the Transmission system of TSO is in black-out state (in accordance with Article 18(4) of Regulation 2017/1485, i.e. more than 50% of load is disconnected)**

Factors that should be taken into account when developing rules for suspension and restoration of market activities according to NC ER Article 36.4		Market activities that may be suspended (and restored) according to NC ER Article 35.2					
		a. the provision of cross zonal capacity for capacity allocation	b. the submission by a balancing service provider of balancing capacity and balancing energy bids	c. the provision by a balance responsible party of a balanced position at the end of the day-ahead timeframe	d. the provision of modifications of the position of balance responsible parties	e. the provision of schedules mentioned in GLSO Article 111(1) and 111(2)	f. other relevant market activities the suspension of which is deemed necessary to preserve and/or restore the system
a. percentage of load disconnection in the LFC area corresponding to:	i. the inability of a significant share of balancing responsible parties to maintain their balance ii. the necessity for the TSO not to follow the usual balancing processes to perform an efficient re-energization	CONTINUE except for IDCC. Stop IDCC as from 50% load disconnected, as soon as blackout is detected.	STOP as from 50% load disconnected, as soon as blackout is detected.	CONTINUE possibility to submit nominations, but no requirement to be balanced.	STOP as from 50% load disconnected, as soon as blackout is detected.	CONTINUE except for intraday schedules. STOP provision of intraday schedules as from 50% load disconnected, as soon as blackout is detected.	Imbalance price and ID: STOP DA: CONTINUE unless restoration cannot be reasonably achieved for the next day. In that case stop DA as from 50% load disconnected, as soon as detected
b. percentage of generation disconnection in the LFC area corresponding to:	the inability of a significant share of balancing responsible parties to maintain their balance	Independent from the percentage of generation disconnected in the LFC area, as soon as 50% of load is disconnected (assumed in this scenario), the same criteria as mentioned in the previous row apply for each market activity.					

<b>c. share and geographic distribution of unavailable transmission system elements corresponding to</b>	i. the desynchronization of a significant part of the LFC area rendering the usual balancing processes counterproductive ii. the reduction to zero of cross zonal capacity on a bidding zone border(s)	Independent from the share and geographic distribution of unavailable transmission system elements, as soon as 50% of load is disconnected (assumed in this scenario), the same criteria as mentioned in the previous rows apply for each market activity.					
<b>d. inability of the following affected entities to execute their market activities for reason(s) outside their control:</b>	i. balance responsible parties ii. balancing service providers iii. NEMOs iv. transmission connected DSOs	CONTINUE except for IDCC. Stop IDCC as from 50% load disconnected, as soon as blackout is detected.	STOP as from 50% load disconnected, as soon as blackout is detected.	STOP if 50% of BRPs is affected.  CONTINUE possibility to submit nominations, but no requirement to be balanced.	STOP as from 50% load disconnected, as soon as blackout is detected.	STOP if 50% of BRPs is affected STOP if 50% of BSPs is affected CONTINUE except for intraday schedules. STOP provision of intraday schedules as from 50% load disconnected, as soon as blackout is detected.	Imbalance price and ID: STOP DA: CONTINUE unless restoration cannot be reasonably achieved for the next day. In that case stop DA as from 50% load disconnected, as soon as detected. DA: STOP if 50% of BRP or 50% of BSPs or at least 1 NEMO are unable to execute market activities for reasons outside their control.
<b>e. absence of properly functioning</b>	i. the Single Day-Ahead or Intraday Coupling or any	STOP	STOP as from 50% load	CONTINUE possibility to submit	STOP as from 50% load	CONTINUE except for intraday	DA, ID, Imbalance price: STOP

<b>tools and communication means necessary to perform:</b>	explicit capacity allocation mechanism	CONTINUE except for IDCC. Stop IDCC as from 50% load disconnected, as soon as blackout is detected.	disconnected, as soon as blackout is detected.	nominations, but no requirement to be balanced.	disconnected, as soon as blackout is detected	schedules. STOP provision of intraday schedules as from 50% load disconnected, as soon as blackout is detected.	ID, Imbalance price: STOP DA: CONTINUE
	ii. the frequency restoration process			STOP		STOP	Imbalance price, DA, ID: STOP
	iv. the provision by balance responsible party of a balanced position in day-ahead and the provision of change of its position			CONTINUE		CONTINUE	Imbalance price, DA, ID: STOP
	v. the provision of schedules mentioned in GLSO Article 111(1) and 111(2)						



**NC ER Article 35.1.b. the TSO has exhausted all options provided by the market and the continuation of market activities under the emergency state would deteriorate one or more of the conditions referred to in GL SO Article 18(3)**

In case of activation of automatic load shedding plan: Elia will send notification to BRPs and BSPs with instructions to follow up, depending on the situation.

In case a specific market process could be identified that deteriorates the emergency state, Elia will decide ad hoc if the process will be stopped or not.

**NC ER Article 35.1.c. the continuation of market activities would decrease significantly the effectiveness of the restoration process to the normal or alert state**

In case of a restoration process after a blackout, the markets will be suspended according to the provisions in the above mentioned table.

In case of a restoration process after a system split, the markets will not be suspended.

**NC ER Article 35.1.d. tools and communication means necessary for the TSOs to facilitate market activities are not available**

The affected market activities will be suspended if necessary tools or communication means and the backup processes are unavailable for at least 30 minutes.