

Subject: FEBEG response to the Elia consultation on the proposal for amendment to the T&C BSP FCR
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Contact: Chris Celis
Telephone: +32 492 25 87 22
Mail: chris.celis@febeg.be

General feedback

FEBEG would like to thank Elia for conducting this public consultation. The answers are not confidential.

Specific feedback

Invoicing & settlement

All in all, FEBEG welcomes the initiative to improve invoicing and settlement. We consider that these are interesting evolutions although other topics (e.g. improve the design of penalties) have higher priorities for FEBEG.

While faster settlement is desirable in most of the cases, FEBEG wants to highlight that T&C's should not strictly impose inflexible deadlines and processes. There will always be specific cases which require ad-hoc (and sometimes more time-consuming) exchanges and FEBEG believes that it should remain possible to have bilateral discussions TSO- BSP in order to allow for a mutual understanding and to avoid undue payments. In this spirit, we do not support the following sentence which pleads for a very strict and inflexible guideline irrespective of the situation "If no agreement is found however, Elia will notify the CREG of the failed negotiation and will issue self-bills, self-bill credit notes and Elia invoices based on the initial report figures."

FEBEG proposes to include the following track change and asks:

"If no agreement is found however, Elia may notify the CREG of the failed negotiation and may issue self-bills, self-bill credit notes and Elia invoices based on the initial report figures. Elia will notify the CREG automatically, only if it considers the negotiations are unreasonably taking too much time"

As far as the payment terms, FEBEG supports the willingness to align T&C's BSP with T&C BRP. In a vast majority of the cases, the proposed term of 15 calendar days will not be an issue. However, FEBEG wants to pay specific attention to the specific cases which require

bilateral exchanges and thorough investigations. Each party should remain flexible to account for the specificity of a situation.

Lastly, FEBEG wishes to remind that faster settlement and shorter payment terms rely on tools being state of the art and no IT bugs. In reality, there is always something which can explain why it takes more time than expected. Here we think about the first days following a go-live, an IT release, the correct understanding of updated T&C's, new behaviors of dispatching, etc. This makes that a pragmatic approach and mindset is often required._

Amendments about the introduction of a mandatory declarative baseline

FEBEG understands the need to move to a declarative baseline which will bring more accuracy in general. We only fear that this will come with costly mandatory implementation and ask Elia to keep the requirements as light as possible and do not impose inflexible and tight deadlines to the market participants (see also remarks on implementation plan below). Also, FEBEG asks Elia to keep the door open for a grace period in case of communication issues.

Amendments about Monitoring, Activation Control & Incentives

FEBEG understands the need to monitor the accuracy of the service and considers it is a logical evolution. At this stage, it is complex to say whether the activation control and Incentives evolution are correctly designed, not leading to an unjustified increase of penalties (Elia referring to "Incentives"). In multiple consultations, WG and ad-hoc discussions, FEBEG members have consistently expressed their concerns about the penalty regime which can be inappropriate and create barriers to participate. While we cannot express the clear impacts those evolutions will have, we want to ask Elia to remain open for changes in the future would those evolutions bring undesired effects in general. Here, we mainly think about leaving the possibility to lower the penalty factor (currently proposed at 1.2).

Amendments of the prequalification tests

FEBEG takes note of the proposed evolution of the prequalification test. While we understand the need to take a prequalification test, we ask Elia to avoid complexity certainly in the transition phase from old to new test. Concretely, assets which aim to be prequalified in the coming months had to/ will have to make the necessary developments following the current requirements. They should not be asked to take the new prequalification test (and implement the associated requirements) if they succeeded the 'old' prequalification test. This remark is also to be included in the larger discussions about barriers to participate to explicit flexibility.

Implementation Plan

FEBEG understands some changes are required but calls the attention of Elia for a high need of planification and large enough lead time to implement those necessary changes (e.g. declarative baseline does not exist today in FCR). We would like to emphasize that IT resources are already allocated to other developments and new requirements cannot be

put with the highest priority at the expense of other projects. Hence, we do ask for a swift and pragmatic implementation plan where the co-existence of old and new requirements (more specifically for (i) the mandatory declarative baseline, (ii) the new prequalification test and (iii) ICCP/TASE2 to be replaced by RTCP/Flexhub) would be allowed during a 'transition phase'.