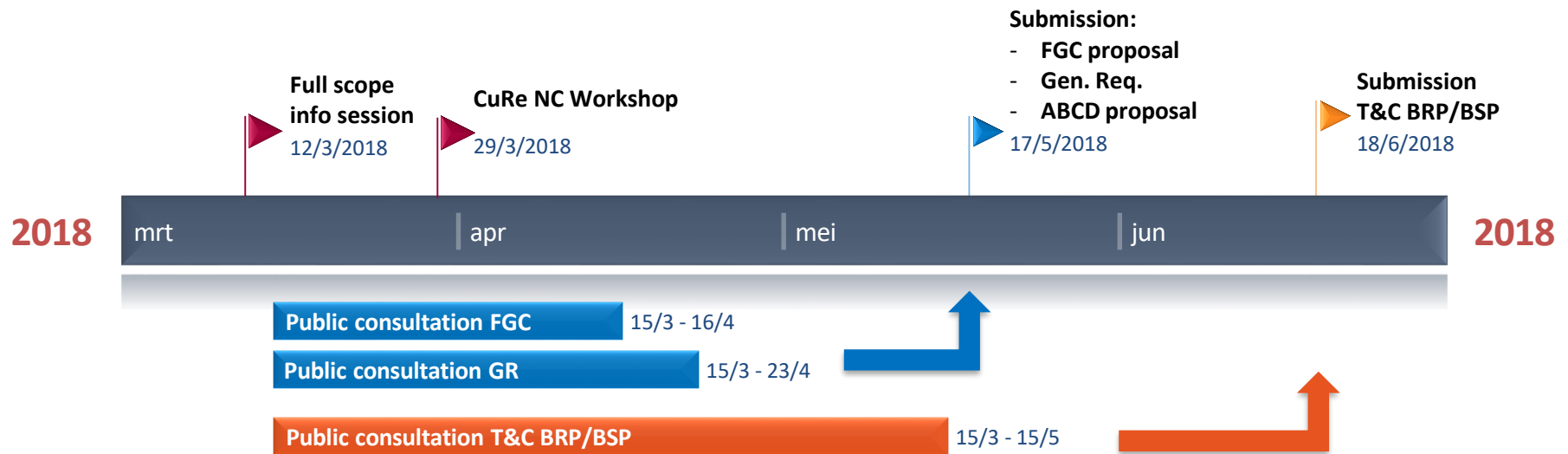


Implementation Network Codes: status update

WG Belgian Grid
14/06/2018

Status public consultation and submission



17 May 2018 =



Proposal	Public consultation	Submission
Federal Grid Code	FRA + NED	FRA + NED (report FR/NL)
General Requirements	ENG	FRA + NED (+ ENG)
T&C BRP	FRA + NED	FRA + NED
T&C BSP	ENG	FRA + NED

All final proposals Federal Grid Code and General Requirements published on [Elia website](#) (see page WG Belgian Grid)

Next steps proposals Federal Grid Code, General Requirements and ABCD thresholds (*)

- Federal Grid Code = **Royal Decree** which implies a formal procedure of on average **6 months** to approve it.



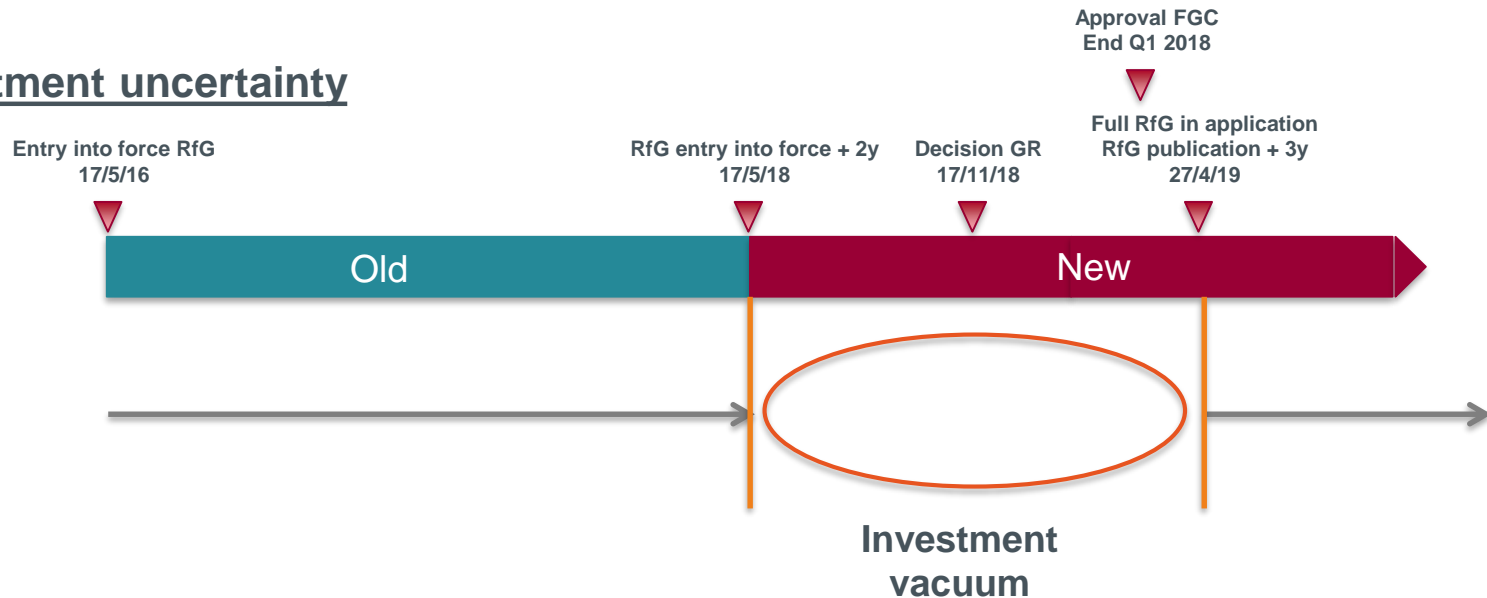
Ongoing activities:

- Discussions with grid operator
- Discussions with Regions (ENOVER)
- FOD/SPF analyses the proposal and submits an amended version for advice to CREG

(*) Timeline, activities and milestones based on presentation by FOD/SPF in Plenary UG meeting 25 April '18

Legal uncertainty 'New vs. Existing'

Investment uncertainty



- Art. 4.2 RfG:
 - “For the purposes of this Regulation, a power-generating module shall be considered existing if:
 - (a) it is already connected to the network on the date of entry into force of this Regulation; or
 - (b) the power-generating facility owner has concluded a final and binding contract for the purchase of the main generating plant by two years after the entry into force of the Regulation.
- Art. 7.4 RfG
 - The relevant system operator or TSO shall submit a proposal for requirements of general application, or the methodology used to calculate or establish them, for approval by the competent entity within two years of entry into force of this Regulation.
- On 17 May 2018, several investments considered as “new” while no decision by competent authorities on the applicable requirements → **Investment vacuum**
- Mitigation possibility in Art. 4.2: postponing the date for a GU to become “new” with 1 year (as France and UK already did)
 - A Member State may provide that in specified circumstances the regulatory authority may determine whether the power-generating module is to be considered an existing power-generating module or a new power-generating module.

Recap article 4(2) of the NC RfG

Article 4(2) of the NC RfG:

For the purposes of this Regulation, a power-generating module shall be considered existing if:

- (a) it is already connected to the network on the date of entry into force of this Regulation; or
- (b) the power-generating facility owner has concluded a final and binding contract for the purchase of the main generating plant by **two years** after the entry into force of the Regulation.

The power-generating facility owner must notify the relevant system operator and relevant TSO of conclusion of the contract within **30 months** after the entry into force of the Regulation.

The notification submitted by the power-generating facility owner to the relevant system operator and to the relevant TSO shall at least indicate the contract title, its date of signature and date of entry into force and the specifications of the main generating plant to be constructed, assembled or purchased.

A Member State may provide that in specified circumstances the regulatory authority may determine whether the power-generating module is to be considered an existing power-generating module or a new power-generating module.

Extract of general comments received during the public consultation FGC and GR

COGEN: “COGEN vraagt dat installaties pas als bestaand worden beschouwd voor zover ze geen detailstudie hebben aangevraagd voor de inwerkingtreding van het FTR.”

BOP: “Om de rechtszekerheid voor de projecten in ontwikkeling te verbeteren dient de mogelijkheid te bestaan om een verlenging van de 2 jarige periode toe te staan, zodat alle huidige windparken op zee onder de definitie van ‘bestaande installatie’ vallen.”

Niet-gereguleerde netgebruikers: “De netgebruikers roepen alle betrokken dan ook om deze onzekerheid zo snel mogelijk weg te nemen zodat het investeringsklimaat niet negatief wordt beïnvloed. Artikel 4.2, laatste zin, van de NC RfG biedt daartoe de mogelijkheid. [...]

Deze mogelijkheid werd reeds gebruikt in Frankrijk en het Verenigd Koninkrijk door de datum vanaf wanneer een installatie in principe als nieuw moet worden beschouwd met een jaar te verschuiven. In België zou de datum vanaf wanneer een installatie als nieuw wordt beschouwd – thans 17 mei 2018 - eveneens kunnen aangepast worden zodat die samen valt met de inwerkingtreding van het FTR. Gelijkwaardige bepalingen gelden voor de DCC en de netgebruikers vragen dan ook dat ook voor de installaties die onder de DCC vallen van dergelijke mogelijkheid gebruik wordt gemaakt om te vermijden dat er een negatieve impact zou zijn op investeringsbeslissingen door onnodige onzekerheid en risico's.

'Kapstok' has been created in proposal FGC

Art. 1 § 3 of the amendment proposal Federal Grid Code:

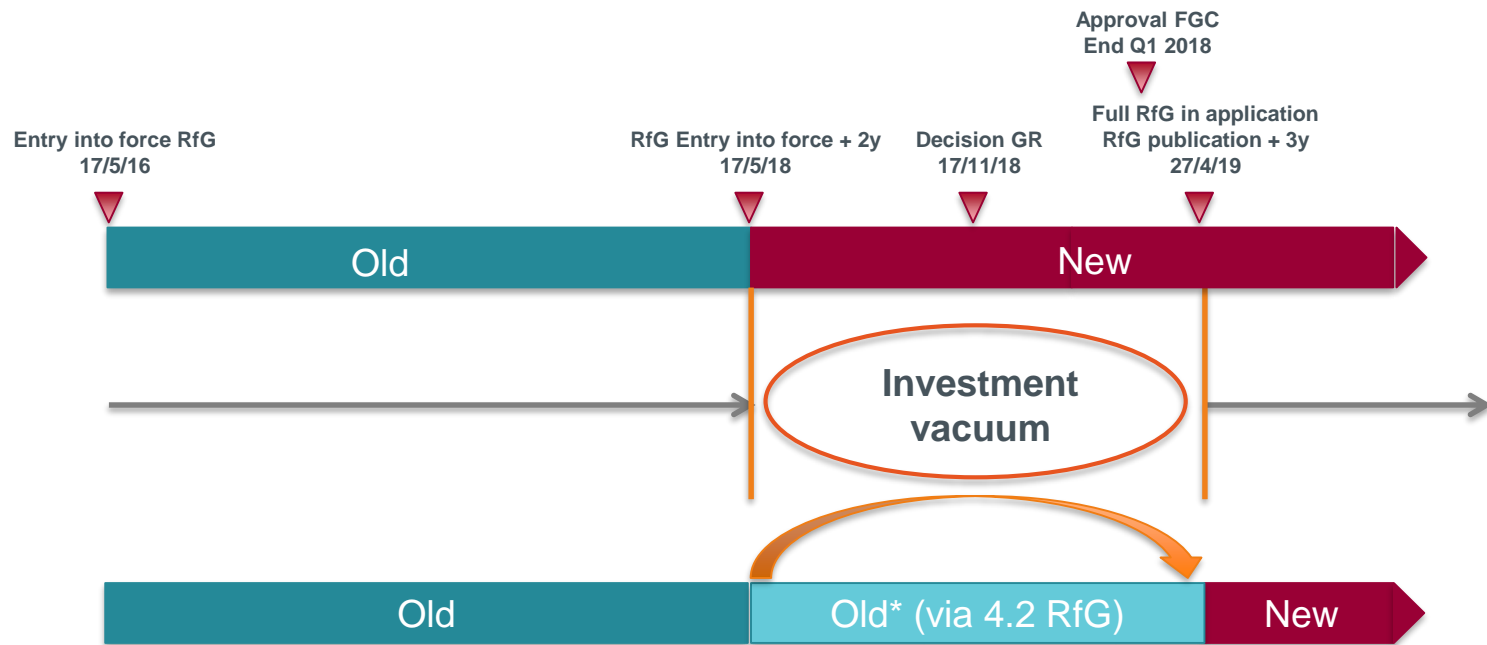
§ 3. Krachtens de respectieve artikelen 4.2 van de Europese netcodes RfG, DCC en HVDC, bepaalt de commissie in volgende omstandigheden [...] wanneer de in deze netcodes bedoelde installaties, elektriciteitsproductie-eenheden en systemen als nieuw worden beschouwd.

Voor asynchrone opslag treden de bepalingen van dit besluit in werking op ..., met uitzondering van de bepalingen van Titel III, welke in werking treden op de datum bepaald door de commissie voor de elektriciteitsproductie-eenheden krachtens onderhavig § 3. Titel III doet geen afbreuk aan van toepassing contractuele afspraken voor de bestaande asynchrone opslag.

§ 3. En vertu des articles 4.2 respectifs des codes de réseau européens RfG, DCC et HVDC, la commission détermine dans les circonstances suivantes [...] quand les installations, unités de production d'électricité et systèmes visés dans ces codes de réseau européens sont considérés comme nouveaux.

Pour les parcs non-synchrones de stockage, les dispositions du présent arrêté entrent en vigueur le ... , à l'exception des dispositions du Titre III, lesquelles entrent en vigueur à la date déterminée par la commission pour les unités de production d'électricité en vertu du présent § 3. Le Titre III ne porte pas préjudice aux dispositions contractuelles applicables aux les parcs non-synchrone de stockage existants.

Proposal for criteria: bridging the gap



Draft proposal criteria new vs. Existing:

2 criteria to be fulfilled on time, but regulator takes the final decision:

Owner of the production unit, consumption installation, HVDC system, PPM unit
Or DSO or CDSO

1

...concluded a final and binding contract for the purchase of the main generating plant...

2

...and, notified the conclusion of the contract to the relevant system operator and to the relevant transmission system operator...



...[1+2] before the entry into force of the relevant grid code



The relevant regulator decides if this production unit, installation or system is considered as new

Draft proposal criteria new vs. Existing:

2 criteria to be fulfilled on time, but regulator takes the final decision:

Owner of the production unit, consumption installation, HVDC system, PPM unit
Or DSO or CDSO

1

...concluded a final and binding contract for the purchase of the main generating plant...

→ « *Main generating plant* ». For example:

- *Main production component*
- *Main consumption component*
- *HVDC equipment*
- ...

Draft proposal criteria new vs. Existing:

2 criteria to be fulfilled on time, but regulator takes the final decision:

Owner of the production unit, consumption installation, HVDC system, PPM unit
Or DSO or CDSO

1

...concluded a final and binding contract for the purchase of the main generating plant...

2

...and, notified the conclusion of the contract to the relevant system operator and to the relevant transmission system operator...

→ « *Notification* » including for example:

- *Administrative details: contracted parties, signature date, entry into force date*
- *Specifications about the main component of production, consumption, HVDC system, etc. that will be constructed/assembled/bought*

Draft proposal criteria new vs. Existing:

2 criteria to be fulfilled on time, but regulator takes the final decision:

Owner of the production unit, consumption installation, HVDC system, PPM unit
Or DSO or CDSO

1

...concluded a final and binding contract for the purchase of the main generating plant...

2

...and, notified the conclusion of the contract to the relevant system operator and to the relevant transmission system operator...

→

...[1+2] before the entry into force of the relevant grid code

*Entry into force
regional grid codes
to be determined*



Draft proposal criteria new vs. Existing:

2 criteria to be fulfilled on time, but regulator takes the final decision:

Owner of the production unit, consumption installation, HVDC system, PPM unit
Or DSO or CDSO

1

...concluded a final and binding contract for the purchase of the main generating plant...

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...and, notified the conclusion of the contract to the relevant system operator and to the relevant transmission system operator...



...[1+2] before the entry into force of the relevant grid code



The relevant regulator decides if this production unit, installation or system if considered as new

→ Regulators determine, based on individual request, whether installation can be considered as existing.

Draft proposal criteria new vs. Existing:

Additional comments:

- **Interpretation “specific circumstances” in Art. 4.2**
 - all RfG, DCC and HVDC installations, units and systems, for which the owner has not yet (full set of) requirements until EIF grid codes (both federal and regional).
- **The proposal is without prejudice to art 4.2 a) and first two paragraphs of b)**
- **Storage: “kapstok” already provided in FGC:**
 - Reste inchangé : « *Pour les parcs non-synchrones de stockage, les dispositions du présent arrêté entrent en vigueur le ... , à l’exception des dispositions du Titre III, lesquelles entrent en vigueur à la date déterminée par la commission pour les unités de production d’électricité en vertu du présent § 3. Le Titre III ne porte pas préjudice aux dispositions contractuelles applicables aux les parcs non-synchrone de stockage existants.*»