

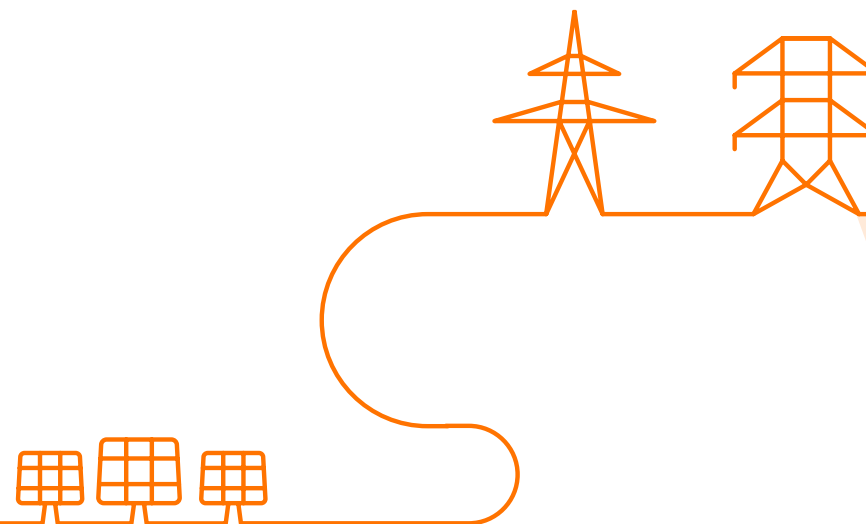
WG Adequacy #26

31/01/2024

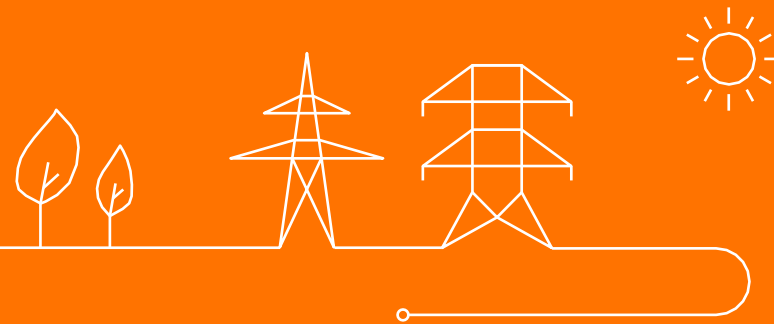


Agenda

- Welcome
- Implementation Workshops AM & PB
- Reactions to the Public Consultation on the FR
- Regulatory framework update – Cabinet
- Obligation to Prequalify – FOD Economie
- AOB
- Next meetings



Implementation Workshops on AM & PB



Business & IT Workshops with Community of Experts in 2024



General Support

- CRM design info session
 - General session (Business): **23/02** or **15/03**
 - Detailed session (Business) **01/03** or **22/03**
- More info about agenda & subscription to the sessions via taskforce.crm@elia.be

Implementation Support

- UX design session (Business): **29/03 AM at Elia Office**
- Launch of the monthly Implementation Q&A sessions (Business & IT): **16/04, 21/05, 18/06 & 17/09: from 15h to 16h30. Online meeting via Teams**
- B2B implementation (IT): Workshop process flow **16/05 at Elia Office**
- → **Dedicated Invitations to the Community of Experts will be sent by Elia**

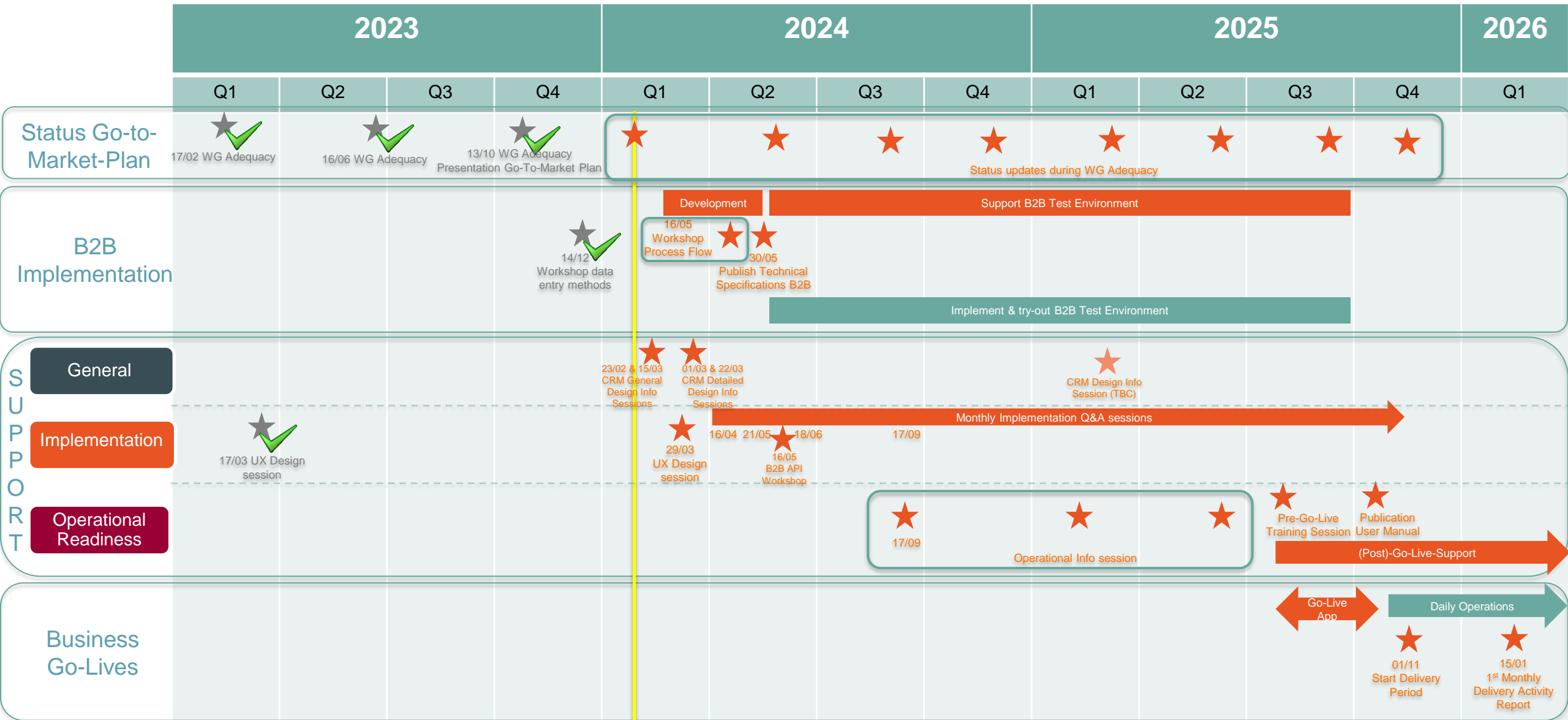
Operational Readiness Support

- Operational info sessions (Business): **17/09 PM at Elia Office**
- → **Dedicated Invitation to the Community of Experts will be sent by Elia**

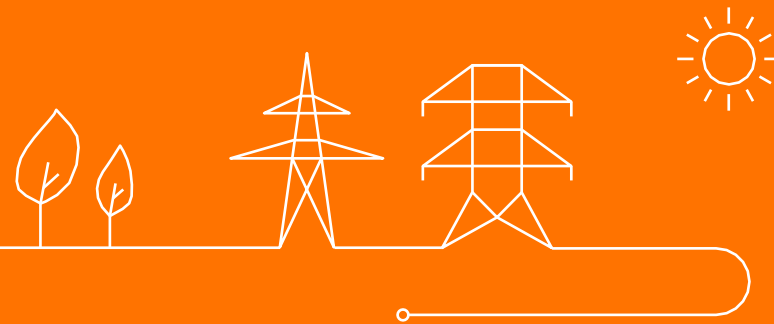
For any additional needs of support regarding the implementation of Availability Obligation and Payback Obligation, please contact us via taskforce.crm@elia.be

Please save the dates for the proposed info-sessions & workshops. We look forward to your participation

Reminder: Availability Monitoring & Payback – Go-to-Market Planning



Reactions to the Public Consultation on the FR



Reactions to the Public Consultation on the FR

We have received 7 official responses from the public consultation :



THERMVAULT



Zandvliet Power N.V.

Confidential

Non-confidential

- Reactions discussed in next slides are not exhaustive and are meant to what Elia considers to be the main comments on the public consultation or where Elia has made changes to its proposal.
- Public consultation report with feedback on all reactions will be published by mid-February
- Elia will submit the amended version of the FR v4 following the public consultation by February 1st.



Opt-out & New Build CMU classification also in Fast Track

- *“**Febeliec** considers this new approach of Elia to be overly conservative as this unduly excludes a significant volume of capacity from the Belgian electricity system which can be counted upon for system adequacy”*
- **Zandvliet Power & Febeg** support. **Febeg** questions whether scope of New Build classification in Fast Track should not be extended: *“wondering if reference to all relevant regional permits is sufficient” & “any CMU for which the installation are not built or not yet in construction phase as a new-built”*
 - All feedback is of course welcome. Elia would like to remind however that it always tries to find the right **balance in terms of classifying capacities that do not want to participate in the CRM Auction in terms of their contribution to adequacy**. These rules are updated on a yearly basis and transparently discussed with the CREG and other relevant Belgian authorities if needed.
 - Further Elia would like to point out that the introduction of New Build in the Fast Track process should not be seen as a change in approach, but rather as a **further refinement of the categorization of the different projects based on the best available information**. It allows all capacities to be correctly classified, also the ones that wish not to participate to the CRM (and therefore do not have to submit the connection capacity waiver).

Connection capacity waiver

- **Elia agrees to reintroduce the waiver exemption for Delivery Points that are already associated to a Capacity Contract**, as requested by **Febeg**. Its deletion was not on purpose.
- **Elia will however not change the rule with respect to the continuance of the waiver in case a capacity drops out of the Standard Prequalification process (e.g. when PQ file is archived or rejected)**, as also requested by **Febeg**, for the following reasons:
 - This clarification of continuance does not alter the initial rule;
 - It confirms/clarifies the consequence of a decision to participate to the Standard Prequalification Process (as for instance opposed to a participation to the Fast Track Prequalification Process);
 - Elia can however confirm that once the result of the auction is known, the candidate will be informed of whether and to which extent the connection capacity is affected.



Low voltage

- **Noven, Thermovault & Fluvius** raised questions on the need to Prequalify low voltage capacity as Additional Capacity.
 - Elia agrees with the fact that all capacities should have the same possibilities to participate to the PQ Process. Elia wants to clarify that the goal of the proposal was not to exclude capacities to prequalify as Unproven. **Elia will thus adapt** the rule in order to allow it. In addition, Elia wants to point out that a PQ for low voltage capacities as Existing will **not likely be feasible by May** due to (very) important technical requirements to be implemented following the discussions with DSOs. However, the PQ of Existing LV capacities will be foreseen in the longer term.
- **Noven & Thermovault** question the limit to have low voltage Delivery Points from the same DSO in the same Low Voltage Delivery Point Group
 - Elia wants to insist again on the fact that such rule is not foreseen to limit the participation of low voltage capacities to the CRM. Elia wants to point out that **calculations of DSO connected capacities are done by the DSO**. Therefore, foreseeing low voltage Delivery Points connected to different DSOs within the same Low Voltage Delivery Point Group will complexify operations linked to such calculations. Elia also wants to add that it is always possible for such capacities to **create different Low Voltage Delivery Point Groups** gathering LV Delivery Points from different DSOs and to put them in the same CMU.
- **Noven & Thermovault** question the limitation of participating to the CRM via the Access Point level and under the condition of having a digital meter
 - Elia understands the comments raised and would like to refer to the fact that the metering of capacities connected to the low voltage Grid represent important implementation & technical challenges which seem impossible to be implemented against the next PQ Process. Elia wants to add that discussions are ongoing between Elia & the DSOs on that matter.
- **Thermovault & Noven** raises the fact that the current baselining methodology foreseen in the CRM (x of y) does not seem to make sense for low voltage consumers
 - Elia thanks Thermovault & Noven for their inputs on the matter and understands that the method foreseen might not be relevant for household purposes. As baselining remains a complicated topic, **Elia is working on it and will further consider alternative baselining methods in the future.**



CO2 requirements

- **FEBEG** complains about the differentiated treatment applicable to CO2 emission limits (350 kg/y >< 306 kg/y) for Y-1 & Y-4 auctions for the first Delivery Period.
 - As FPS is the entity responsible for this topic, here's the answer received by Elia on the matter: *'the FPS Economy indicates that determining CO2 emission thresholds by auction (as an objective criterion) and not by delivery period does not imply any difference in treatment. Nevertheless, in the light of consistency and previous communication with market participants, in regards to the thresholds for auction Y-1 of delivery year 2025-2026, an annual emission limit of 350 kg/kWe is chosen instead of the initial 306 kg/kWe. Consequently, the same thresholds applies in auctions Y-4 and Y-1 of delivery year 2025-2026'*.
- **FEBEG** wonders whether CO2 related information cannot remain valid from one PQ process to another.
 - Elia aims at simplifying, where possible, the PQ Process of the CRM (inputs to provide, process, ...) without losing content needed. As CO2 is managed by FPS, Elia has reached out to FPS to see whether data provided for a PQ Process could be reused for a subsequent PQ Process if they weren't subject to any modification(s). Unfortunately, it seems that, for emission related things, ACER guidelines require that data used must remain up to date.

Simplification

- **FEBEG** asks whether other information required for the PQ Process cannot remain valid from a process to another in order to simplify the PQ Process.
 - Elia thanks FEBEG for the request and understands such need. Elia has been working on such simplification process and will further the proposed changes for the future. Proposed modifications will be:
 - Provide a simulation tool to assess NRP before going through PQ Process;
 - Reduce where possible the inputs required
 - **Foresee that some documents, if unchanged, can automatically be resubmitted (eg. Permits)**



Auction Process

Dynamic 200h correction

- **Febeliec** does not understand the working principles reading the Functioning Rules. **Febeg** supports the dynamic correction but questions the cap of 50%
 - Principles will be described in **RD Methodology**. Elia invites market parties to react to the changes when they are consulted upon in the framework of the amended RD Methodology.
 - Functioning Rules will build further on the RD Methodology

Y-2 auction & volume split

- **Febeliec** is opposed to splitting volumes further to allow for the introduction of a Y-2 auction, in particular when this would mean almost no volume is left over for the Y-1 auction.
 - Principles will be described in **RD Methodology**. Elia invites market parties to react to the changes when they are consulted upon in the framework of the amended RD Methodology.
 - Functioning Rules will build further on the RD Methodology

Pre-delivery Monitoring

Permitting Milestone

- **FEBEG** expresses its concerns with regards to Elia's proposal to embed the Permitting Milestone in the Pre-delivery Monitoring rather than the Prequalification Process
 - Elia that the legal definition of the Permitting Milestone did not change. From a process point of view it makes sense to more emphatically include the Permitting Milestone in the Pre-delivery Monitoring, seeing as this caused confusion in the past.

Infrastructure Works

- **FEBEG** suggests that a delay in Infrastructure Works should not by default lead to a postponement of the contract by 1 year, and that just a couple of months should also be a possibility
 - Elia understands where the suggestion comes from. However, the duration of the postponement of the contract is made on purpose in order to be able to contract a compensatory capacity in the Y-1 Auction. Elia can't contract a capacity for a couple of months, which rules out FEBEG's suggestion

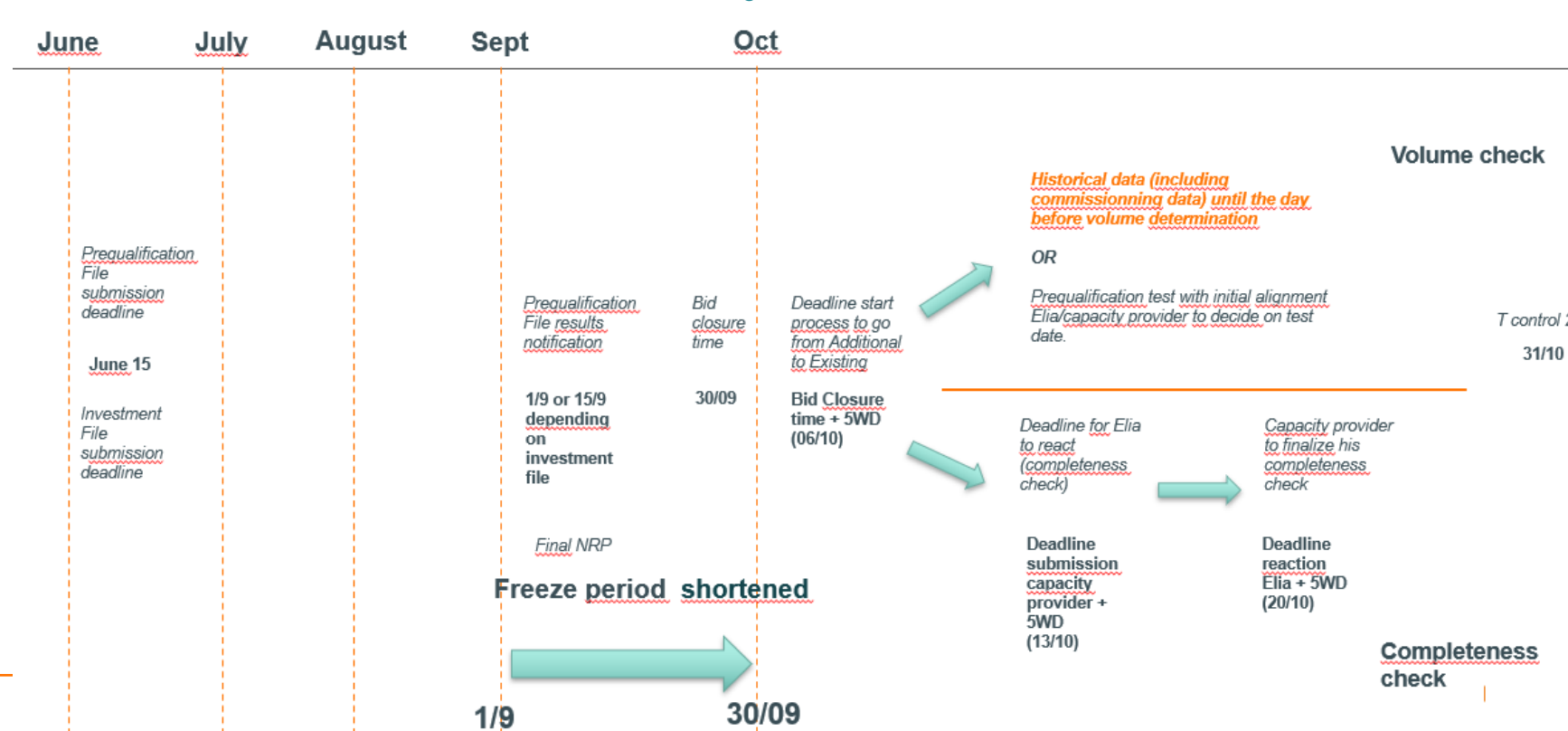


Pre-delivery Monitoring

Additional to Existing

Evolution from Additional to Existing

- **FEPEG** welcomes the clarifications brought by Elia on the process to evolve from Additional to Existing but remains concerned about 2 specific points:
 - ‘why the organization of a Prequalification test cannot be used to contest the NRP determined following the use of historical data’
 - ‘The CRM actor should be allowed to request to use these historical data for the NRP determination next to the use of the organization of a prequalification test, or the use commissioning data’
- Elia thanks FEPEG for their inputs and understands the need to consider a broader time window of historical data for the NRP determination :Elia proposes to extend the historical data considered up to the last day before NRP determination. Moreover, Elia is not keen to foresee a PQ test as contestation measure of the NRP determined based on historical data due to the timing constraint. Elia is not convinced it would deliver a different result.



Availability Obligation

Quarter-hourly MTUs

- **FEBEG** expresses its concerns with regards to the evolution to quarter-hourly MTUs for both the Availability Monitoring and the Payback obligation. The former could be triggered excessively due to flexibility and intra-hour profiling issues, the latter could in specific circumstances increase.
- Elia notes that by means of the Smart Testing methodology, it only carries out the Availability Monitoring on a subset of the observed AMT Moments. Elia will select Moments based on their relevance for adequacy
- For the sake of simplicity Elia finds it not opportune to develop more complex design. The market will indeed change from hourly to quarter-hourly, but the underlying merit order does not, which will ceteris paribus not lead to a price surge. Short-term price effects when QH market goes live will be mitigated by the time the Delivery Period starts.

Unavailable Capacity & Scheduled Maintenance

- **FEBEG** and **Zandvliet** comment that 20 days of Scheduled Maintenance is insufficient and suggest other methods
- **Febeliec** does not agree with the design of Announced Unavailable Capacity, seeing as it would allow units to avoid their Availability Obligation
- Elia notes that for the sake of simplicity a singly number of Scheduled Maintenance days for all technologies is the preferred option, and highlights that should units exceed this they can resort to the Secondary Market or Announced Unavailable Capacity. The Scheduled Maintenance is meant to cover the yearly maintenance and not major overhauls that take place every couple of years.
- Announced Unavailable Capacity does not release Capacity Providers from their Availability Obligation, it only partially reduces the penalty. As a result, an incentive remains for the Capacity Provider.

Proven Availability for Daily Schedule CMUs

- **FEBEG** is concerned that Proven Availability for Daily Schedule CMUs will impact the Secondary Market



Availability Obligation & Secondary Market

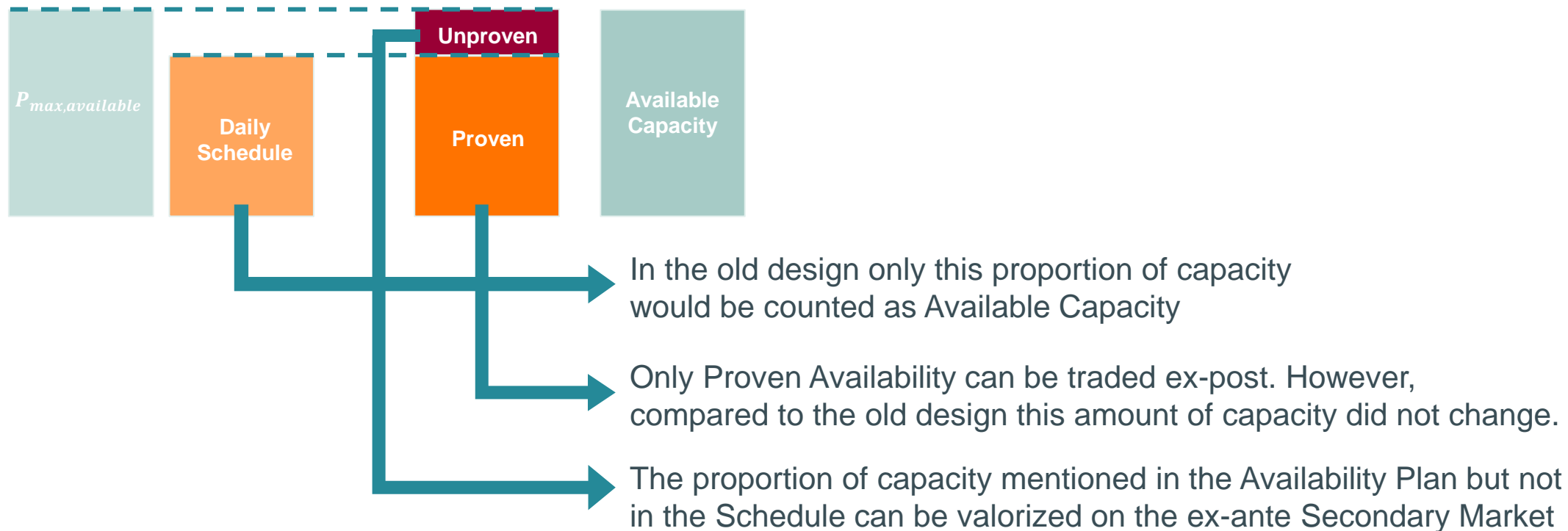
Proven Availability for ex-post Secondary Market Transactions

- *FEPEG expresses its concerns that requiring Proven Availability for ex-post Transactions will limit possibilities on the Secondary Market*
- Elia notes that the requirement of Proven Availability has always been present in the Functioning Rules since v1
- Elia has introduced Proven/Unproven Availability for Daily Schedule CMUs; in this design evolution, particular attention was paid so that the Proven Availability for ex-post Transactions did not decrease
- Allowing Unproven Availability for ex-post Transactions could open a gaming risk (“bad bank”)



Elia proposes to use the Availability Plan for the Available Capacity

- The $P_{max,available}$ from the Availability Plan can serve to represent the Available Capacity, and in combination with the Daily Schedule a distinction can be made between **Proven and Unproven Availability**



Remaining MEC

- **Febeg** asks to replace 'Auction' by 'Pre-Auction' in the calculation

- The Remaining MEC is an additional **volume constraint regarding the obligations that can be acquired by a Foreign CMU, when taking over an obligation from a CMU in another country** (Belgium or another foreign country in which CMUs participate in the BE CRM).
 - Exchanges between Foreign CMUs in the same country are not impacted by the Remaining MEC constraint

- The Remaining MEC per border between BE & the foreign country is calculated as:
 - Volume of Bids from Foreign CMUs selected in Auction – maximum TCC of Foreign CMUs*
 - Elia does not agree with **Febeg**'s proposed change to replace Auction by Pre-Auction. It is a deliberate choice to use the volume of the bids selected in the Auction.
 - Remaining MEC is zero before the Y-1 Auction
 - Remaining MEC is zero as long as Foreign CMUs have not traded away obligations to CMUs abroad (in Belgium or another Foreign country)



Payback exemption for DSM

- **Febeliec & Thermovault** advocate in favor of the introduction of a Payback exemption for DSM in the context of the CRM for different motives.
 - Elia welcomes Febeliec & Thermovault for their input on the matter. Elia reminds that such exemption is a topic that will be discussed between the Belgian State and the European Commission within the framework of the CRM renotification.
 - Elia already reintroduced the required changes to the rules on the matter and added a new component to account for DSM capacity in an aggregated CMU to deal with such exemption (see next slide).

Update of the actualized strike price and link with market fundamentals

- **FEBEG** asks to adapt the mechanism of the actualization of the strike price to apply the same filters to the fixed & variable components. FEBEG would also like to keep a better link between market fundamentals and such actualization mechanism.
 - Elia takes note of the comment. However, given the very lengthy discussions leading to a compromise in 2023, Elia is not too keen to re-open discussions on the matter as they imply the consideration of other aspects (eg. Retroactivity). On the need to keep a strong link with market fundamentals, Elia understands the comment but repeats that the actualization mechanism foreseen seems to fulfill such purpose as DA prices lie behind the such actualization.

Activation Ratio

- **FEBEG** is of the opinion that the Activation Ratio should also account for (partial) activation of Daily Schedule units.
 - Elia thanks FEBEG for its comments but wants to stress out mainly 2 elements:
 - The calibration of the strike price already takes into account the variable costs of daily schedule technologies.
 - A new actualization mechanism of the strike price was introduced last year and should strike the right balance between the possible payback events and the possibility to still capture inframarginal rents.



Reintroduction of a Payback exemption for DSM

- Elia has reintroduced the concept of Payback exemption for DSM in the Functioning Rules V4 to be submitted by February 1.
- The proposed solution to tackle the Payback exemption for DSM in an aggregated CMU is based on the same **ratio** principle than for the Opt-out consideration

- Payback Obligation for an energy-constrained CMU ex-ante would occur as follows:

$$\text{Payback Obligation } (CMU_{id}, \text{Transaction}_{id}, t) = \left(\text{Reference Price } (CMU_{id}, t) - \text{Calibrated Strike Price } (CMU_{id}, \text{Transaction}_{id}, t) \right) * \frac{\text{Contracted Capacity } (CMU_{id}, \text{Transaction}_{id}, t)}{\text{Derating Factor } (\text{Transaction}_{id})} * \left(\frac{\text{Nominal Reference Power } (CMU_{id}, \text{Transaction}_{id}, t) - \sum_{i=1}^n \text{Nominal Reference Power DSM DP}_i (CMU_{id}, \text{Transaction}_{id}, t)}{\text{Nominal Reference Power } (CMU_{id}, \text{Transaction}_{id}, t)} \right) * \text{Min}(\text{Availability Ratio } (CMU_{id}, t); \text{Activation Ratio } (CMU_{id}, t))$$

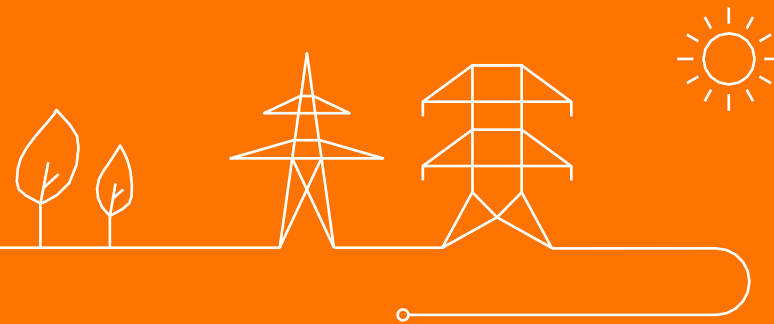
- Payback Obligation for an energy-constrained CMU ex-post would occur as follows:

$$\text{Payback Obligation } (CMU_{id}, \text{Transaction}_{id}, t) = \left(\text{Reference Price } (CMU_{id}, t) - \text{Calibrated Strike Price } (CMU_{id}, \text{Transaction}_{id}, t) \right) * \text{Contracted Capacity } (CMU_{id}, \text{Transaction}_{id}, t) * \left(\frac{\text{Nominal Reference Power } (CMU_{id}, \text{Transaction}_{id}, t) - \sum_{i=1}^n \text{Nominal Reference Power DSM DP}_i (CMU_{id}, \text{Transaction}_{id}, t)}{\text{Nominal Reference Power } (CMU_{id}, \text{Transaction}_{id}, t)} \right) * \text{Min}(\text{Availability Ratio } (CMU_{id}, t); \text{Activation Ratio } (CMU_{id}, t))$$

- Elia realises that more advanced solutions might be more precise and will consider this for the future
 - Cf. previous discussions on DSM-twin/linked CMUs.

Regulatory framework update

Cabinet



Evolution of the CRM regulatory framework

WG Adequacy 31 January 2024

Evolution to the regulatory framework

Main areas of evolution (non-exhaustive)

1. Electricity Law (LDD v3)
 - LDDv3.1: Introduction of Y-2 auction, dynamic 200h rule, Art 4bis
 - LDDv3.2: Treatment of personal data
 - LDDv3.3: Formalization of CO2 competences

2. Royal Decree on Investment Thresholds
 - Introduction of multi-year contracts for existing capacity

3. Royal Decree Methodology
 - Introduction of Y-2 auction and elaboration of volume split between auctions
 - Clarifications on IPC derogation processes (1 year and multi-year contracts)
 - Improved consistency between IPC and IPC derogation

This presentation provides a **non-exhaustive overview** of the main changes to the two Royal Decrees which will be **consulted upon by CREG / SPF / Elia from 5/02 until 23/02**

Evolution to the regulatory framework

Planning

1. Electricity Law (LDD v3)
 - December 2023: The Council of Ministers adopt the proposal at the first reading
 - January 2024: Advisory of the Council of State
 - April 2024: Entry into force
2. Royal Decree on Investment Thresholds
 - 05/02/2024 – 23/02/2024: Public consultation
 - March 2024: Council of Ministers
 - April 2024: Entry into force
3. Royal Decree Methodology
 - 05/02/2024 – 23/02/2024: Public consultation
 - March 2024: Council of Ministers
 - April 2024: Entry into force
4. Royal Decree X-Border
 - January 2024: The Council of Ministers adopt the proposal at the first reading
 - End of March 2024: Entry into force

Royal Decree on Investment Thresholds

Main elements for consultation

- Addition of a chapter to the Royal Decree on the granting of multi-year contracts for existing capacity
- Possibility of classifying capacity in two capacity categories: either 8 years or one year (depending on whether or not the investment exceeds the threshold)
- If the capacity is classified in the "8 years" category, the maximum duration of the contract is set according to the amortisation period of the investment – cf. RD “Methodology”
- Eligible costs: CAPEX, if:
 - decided to maintain, bring into compliance or extend the capacity;
 - not dedicated to increase the production or storage of other goods, any other investment whose primary purpose is not to make capacity available to the Belgian system.
- Proposed threshold: €30/kW installed
- Procedure: ex-ante / ex-post

Royal Decree Methodology

Main elements for consultation

AR méthodo	Concernant	Compétence
Chapitre 2 (Art 2-5)	Détermination du scénario de référence et des valeurs intermédiaires pour calculer la quantité de capacité à acheter et les paramètres des enchères	CREG
Chapitre 3 (Art 6-7)	Rapport du gestionnaire de réseau	Elia
Chapitre 4 (Art 8-11)	Paramètres qui déterminent la quantité de capacité à acheter	CREG
Chapitre 5 (Art 12-14)	Facteurs de réduction	Elia
Chapitre 6 (Art 15-20)	Prix maximum intermédiaire	Elia
Chapitre 7 (Art 21-22)	Dérogation au prix maximum intermédiaire	SPF
Chapitre 8 (Art 23-27)	Prix de référence et prix d'exercice	Elia

- CREG, SPF and Elia have the competence for the proposal of amendments to the Royal Decree Methodology.
- There will be a single public consultation on the set of changes introduced to the Royal Decree Methodology through the SPF.
- This public consultation will run from 5/02 until 23/02 (3 weeks).

Royal Decree Methodology

General changes

Several changes in the Royal Decree impact more than one chapter:

- Introduction of the Y-2 auction
- Slight change in the calendar to improve the process flow
- Clarification of the volume split between auction

In addition, several minor changes are introduced which are not listed here.

Royal Decree Methodology

Evolution to the IPC calculation

Following the feedback from Compass Lexecon and based on the study of ENTRAS, the following changes will be proposed to the IPC calculation :

- Addition of cost categories such as overheads or stand-by electricity costs
- Clarification of the coherence between costs and revenues for missing money calculation
- The cost categories will be listed exhaustively for the determination of the IPC.

Royal Decree Methodology

Evolution to the IPC derogation

Following the feedback from Compass Lexecon, the following changes will be proposed to the IPC derogation :

- Clarification of the consistency between the derogation procedure and the IPC for missing money calculations
 - The IPC derogation will be based on the exhaustive list of cost categories for the determination of the IPC and will explicitly list the additional cost categories relevant for the derogation procedure.
- Addition of a cost category applicable only to the IPC derogation: cost of renting the site to a third party
- The economic life of each investment is set at 5 years. However, the CREG may reduce this period on the basis of any external factor, such as a limit on CO2 emissions, invoked by the applicant that would limit the economic life of the investment.

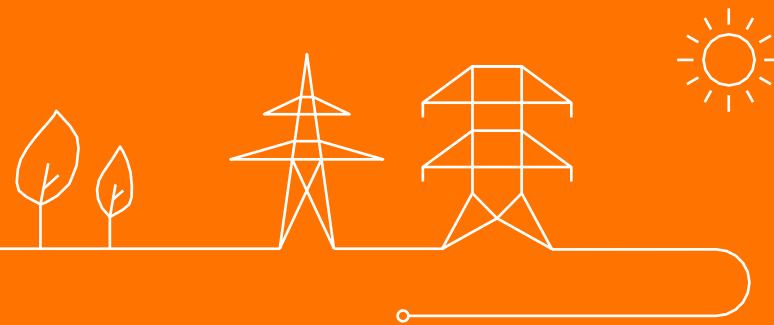
Royal Decree Methodology

Additional changes

- Ex-post control: same provision as already consulted;
- Maximum entry capacity: same provision as existing, but another place in the Royal Decree

Obligation to Prequalify

FOD Economie



Prequalification obligation

FPS Economy

January 31st, 2024



Obligation to prequalify: Electricity law basis (29/09/1999)

✓ Article 7undecies, §8

Iedere houder van productiecapaciteit gelokaliseerd in de Belgische regelzone die voldoet aan de ontvankelijkheidscriteria bedoeld in het eerste lid, is verplicht om een prekwalificatiedossier in te dienen.

Tout détenteur d'une capacité de production située dans la zone de réglage belge qui répond aux critères de recevabilité visés à l'alinéa 1^{er}, est tenu d'introduire un dossier de préqualification.

✓ Article 7undecies, §14

§ 14. Le Roi désigne les fonctionnaires du Service public fédéral Économie, PME, Classes moyennes et Énergie qui sont chargés du contrôle du respect et de la sanction du non-respect des obligations suivantes:

1° les conditions dans lesquelles les détenteurs de capacité bénéficiant ou ayant bénéficié de mesures de soutien ont le droit ou l'obligation de participation à la procédure de préqualification;

2° l'obligation pour tout détenteur d'une capacité de production située dans la zone de réglage belge et qui répond aux critères de recevabilité visés au paragraphe 8, d'introduire un dossier de préqualification.

Le gestionnaire du réseau fournit à la Direction générale de l'énergie toutes les informations en sa possession qui sont nécessaires pour permettre ce contrôle. Le Roi fixe également les modalités de ce contrôle ainsi que les règles en matière de paiement et de perception des amendes.

Sans préjudice à l'obligation de remboursement des aides illégalement octroyées y inclus le taux d'intérêt, sont punis ceux qui ne respectent pas les obligations visées à l'alinéa 1^{er}, 1°, d'une amende administrative qui ne peut être inférieure à 1 240 euros ni supérieure à 50 000 euros ou si elle s'avérait plus élevée que 50 000 euros: dix pour-cent du chiffre d'affaires que la personne en cause a réalisé sur le marché belge de l'électricité au cours du dernier exercice clôturé. En cas de recouvrement, le taux d'intérêt de référence européen pour le recouvrement des aides d'État illégalement octroyées s'applique dès le moment d'octroi de l'aide.

§ 14. De Koning duidt de ambtenaren van de Federale Overheidsdienst Economie, kmo, Middenstand en Energie aan die belast zijn met de controle van de naleving en sanctiëring van niet-naleving van de volgende verplichtingen:

1° de voorwaarden waaronder de capaciteitshouders die genieten of genoten hebben van steunmaatregelen het recht hebben tot deelname aan de prekwalificatieprocedure;

2° de verplichting voor iedere houder van productiecapaciteit gelokaliseerd in de Belgische regelzone en die voldoet aan de ontvankelijkheidscriteria bedoeld in paragraaf 8, tot indiening van een prekwalificatiedossier.

De netbeheerder verstrekt aan de Algemene Directie Energie alle informatie in haar bezit die nodig is om deze controle mogelijk te maken. De Koning bepaalt de nadere regels van die controle en stelt de wijze vast van betaling en inning van de administratieve geldboetes.

Onverminderd de verplichting tot terugbetaling van de onrechtmatig verkregen subsidies inclusief rente, worden degenen die de verplichtingen bepaald in het eerste lid, 1°, niet naleven bestraft met een administratieve boete die niet lager mag zijn dan 1 240 euro, noch hoger mag zijn dan 50 000 euro of indien dat hoger zou zijn dan 50 000 euro: tien procent van de omzet die de betrokken persoon heeft gerealiseerd op de Belgische elektriciteitsmarkt tijdens het laatste afgesloten boekjaar. In geval van terugvordering wordt de Europese referentierentevoet voor terugvordering van onrechtmatig verleende staatssteun toegepast vanaf het tijdstip van toekenning van de steun.

Royal Decree on the eligibility criteria (21/05/2021)

✓ 1 MW derated threshold (Installed capacity * Derating factor)

Art. 2. § 1^{er}. Le seuil minimal visé à l'article 7undecies, § 8, alinéa 1^{er}, 2°, de la loi du 29 avril 1999, est fixé à 1 MW, mesuré au point de livraison.

Au plus tard avant le cinquième anniversaire de l'entrée en vigueur du présent arrêté et ensuite avant l'échéance de chaque période consécutive de cinq ans, la Direction générale de l'Énergie établit un rapport, après consultation des acteurs de marché, sur l'opportunité de revoir le seuil minimal fixé en l'alinéa 1^{er}.

§ 2. Sont éligibles à participer à la procédure de préqualification, les détenteurs de capacité, dont la capacité individuellement ou agrégée est au moins égale au seuil minimal.

Art. 2. § 1. De minimumdrempel bedoeld in artikel 7undecies, § 8, eerste lid, 2°, van de wet van 29 april 1999 wordt vastgesteld op 1 MW, gemeten op het leveringspunt.

Uiterlijk vóór de vijfde verjaardag van de inwerkingtreding van dit besluit en daaropvolgend vóór het verstrijken van iedere hiernavolgende periode van vijf jaar, stelt de Algemene Directie Energie, na raadpleging van de markspelers, een rapport op over de wenselijkheid van de herziening van de in het eerste lid vastgestelde minimumdrempel.

§ 2. Komen in aanmerking voor deelname aan de prekwalficatieprocedure, de capaciteitshouders, wiens capaciteit individueel of geaggregeerd, minstens gelijk is aan de minimumdrempel.

✓ No double subsidisation

Art. 3. § 1^{er}. Un détenteur de capacité ne peut participer à la procédure de préqualification avec une ou plusieurs capacités pour lesquelles il dispose, pendant une ou plusieurs période(s) de fourniture de capacité considérée(s), d'un droit à l'aide au fonctionnement qu'à la condition que le dossier de préqualification comporte un engagement exprès à renoncer au droit à l'aide au fonctionnement pour la capacité concernée pendant la ou les période(s) de fourniture de capacité considérée(s), sous la condition suspensive de la sélection de cette capacité lors de la mise aux enchères et de la conclusion d'un contrat de capacité au sens de l'article 7undecies, § 11, de la loi du 29 avril 1999.

Cet engagement de renonciation est repris dans un formulaire dont le modèle est établi et publié par la Direction générale de l'Énergie. Ce formulaire mentionne toutes les mesures d'aides au fonctionnement auxquelles s'applique l'engagement de renonciation ainsi que l'engagement de ne pas demander d'aide au fonctionnement qui se rapporte à la ou aux période(s) de fourniture de capacité considérée(s) si la capacité concernée est sélectionnée lors de la mise aux enchères et si un contrat de capacité est conclu pour la ou les période(s) de fourniture de capacité concernée(s). Ce formulaire est annexé au contrat de capacité et fait partie intégrante du contrat de capacité qui est conclu à l'issue de la mise aux enchères, conformément à l'article 7undecies, § 11, de la loi du 29 avril 1999.

Art. 3. § 1. Een capaciteitshouder kan enkel deelnemen aan de prekwalficatieprocedure met een of meer capaciteiten waarvoor gedurende één of meerdere van de betrokken periode(n) van capaciteitslevering een recht op exploitatiesteun bestaat, op voorwaarde dat het prekwalficatie dossier een uitdrukkelijke verbintenis bevat tot verzaking aan het recht op de exploitatiesteun voor de betrokken capaciteit tijdens de betrokken periode(n) van capaciteitslevering onder de opschortende voorwaarde van de selectie van deze capaciteit binnen de veiling en het sluiten van een capaciteitscontract als bedoeld bij artikel 7undecies, § 11, van de wet van 29 april 1999.

Deze verbintenis tot verzaking wordt opgenomen in een formulier, waarvan het model door de Algemene Directie Energie wordt opgesteld en gepubliceerd. In dat formulier worden alle maatregelen voor exploitatiesteun vermeld waarvoor de verbintenis tot verzaking geldt, alsook de verbintenis om geen exploitatiesteun aan te vragen die betrekking heeft op de betrokken periode(n) van capaciteitslevering indien de betrokken capaciteit geselecteerd wordt in de veiling en een capaciteitscontract wordt gesloten voor de betrokken periode(n) van capaciteitslevering. Dat formulier wordt als bijlage bij het capaciteitscontract gevoegd en maakt integraal deel uit van het capaciteitscontract dat na afloop van de veiling overeenkomstig artikel 7undecies, § 11, van de wet van 29 april 1999 wordt gesloten.

Summary of the eligibility criteria for which there is a sanctioning process

✓ Minimum threshold

➔ **1 MW derated** (Installed capacity * Derating factor)

✓ Subsidies Cumulation

➔ If you **have a right to subsidies** during the delivery period, you need to fill in the commitment to renounce to any other subsidies



Sanction methodology (as indication)

Installed capacity (MW)	Fine (euros/MW)
[1,5]	1240 euros
[5,10]	1240 euros + 100 euros/MW
[10,200]	1240 euros + 500 euros/MW
[200,800]	1240 euros/MW (max 50 000)

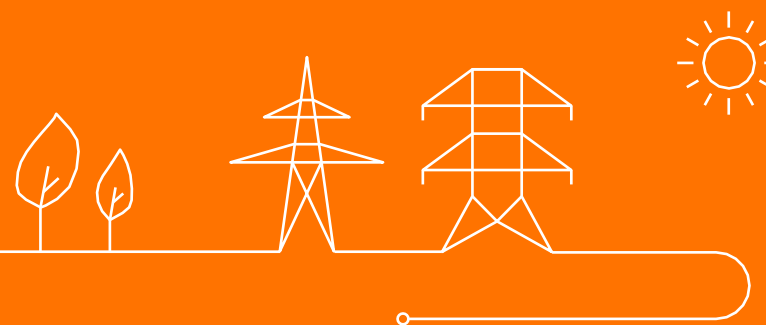


Important information

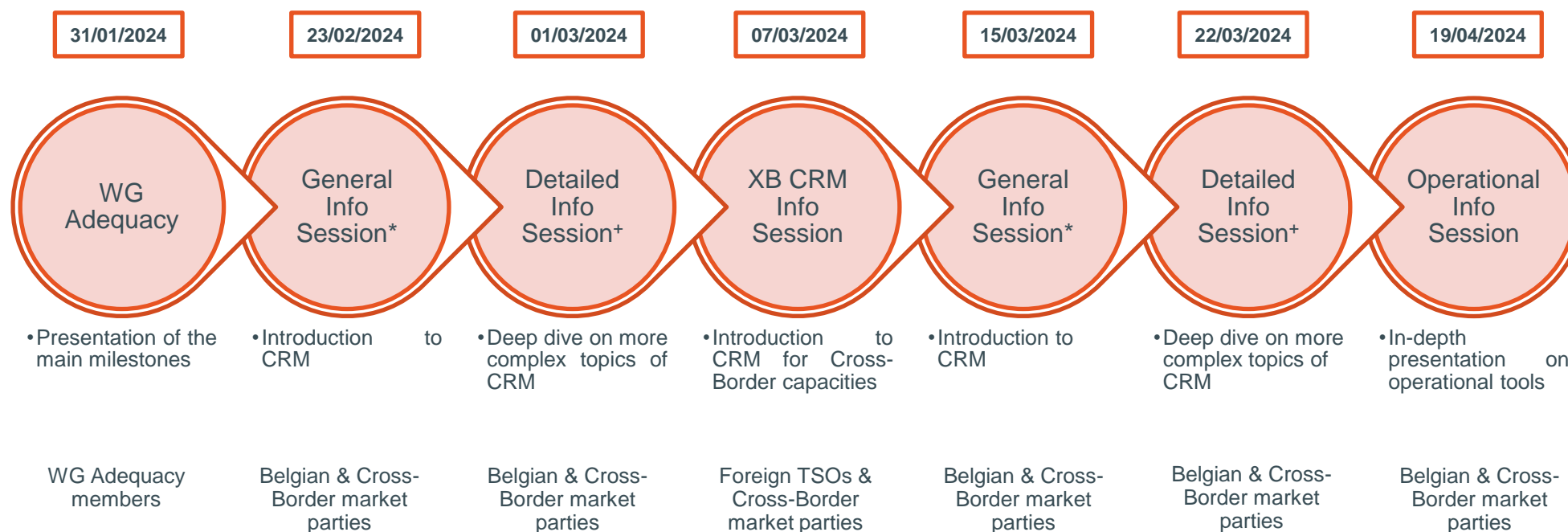
- The notices and therefore sanctions are always **related to delivery periods**
- Defenses must be as exhaustive and complete as possible
- As a reminder, the deadline for submitting a defense has been fixed on **February 8th, 2024**
- Examples of proofs we require:
 1. Green certificates (and prolongations) decisions coming from Regional authorities for the auction-related **delivery period** (e.g.: T-4 2022 → nov. 2026 – oct. 2027)
 1. Closure notification **already introduced** can be submitted as proof as well
 2. If disagreeing with the Derating factor, it should be **argued and explained** based on the classification in the Auction Ministerial Decree of 30/03/2022
- Please find more information on the FPS Economy website:
<https://economie.fgov.be/fr/themes/energie/securite-dapprovisionnement/electricite/mecanismes-de-capacite/mecanisme-de-remuneration-de/conditions-afin-de-participer>
<https://economie.fgov.be/nl/themas/energie/bevoorradingzekerheid/elektriciteit/capaciteitsmechanismen/capaciteitsremuneratiemechanis/voorwaarden-om-aan-het>
- **Main contact point → energy-crm-preob@economie.fgov.be**

Questions

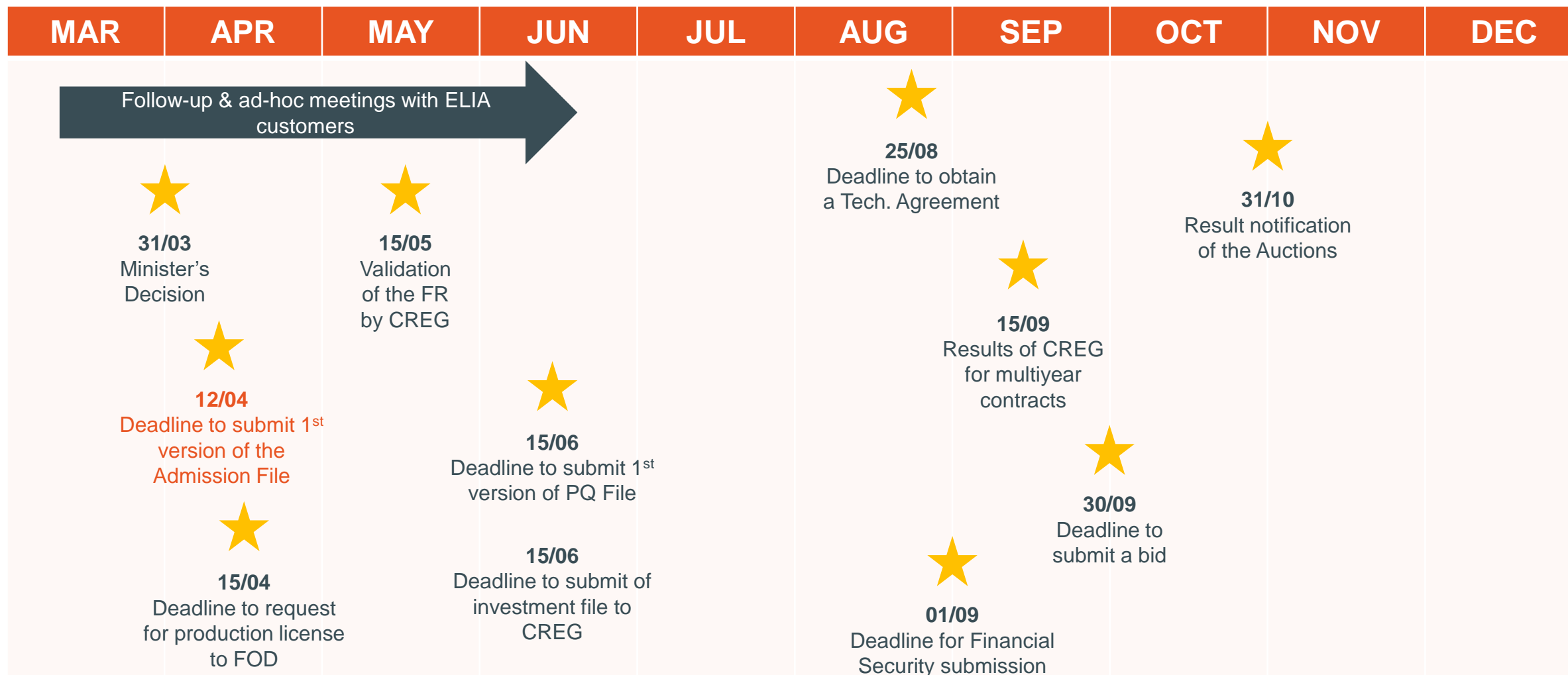
AOB



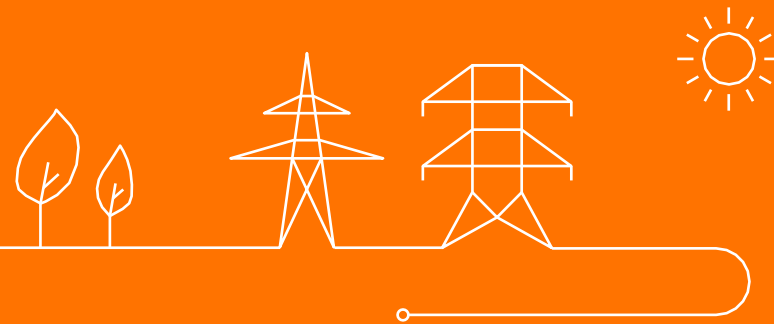
Key meetings in Q1 & Q2 2024



CRM auction - key dates in 2024



Next meetings



Next meetings

WG Adequacy

- **27/02/2024: WG Adequacy**
 - 9:30 AM to 12:30 PM
- **29/03/2024: WG Adequacy**
 - 1:00 PM to 4:00 PM
- **12/04/2024: WG Adequacy**
 - 9:30 AM to 12:30 PM

Please find further information on the next meetings through the [WG Adequacy webpage](#)

Info Sessions

- **23/02/2024: General Info Session**
 - 1:00 PM to 4:00 PM
- **01/03/2024: Detailed Info Session**
 - 9:30 AM to 12:30 PM
- **15/03/2024: General Info Session**
 - 1:00 PM to 4:00 PM
- **22/03/2024: Detailed Info Session**
 - 1:00 PM to 4:00 PM

Please note that you can register for any of the above by sending an email to taskforce.CRM@elia.be



Thank you.

