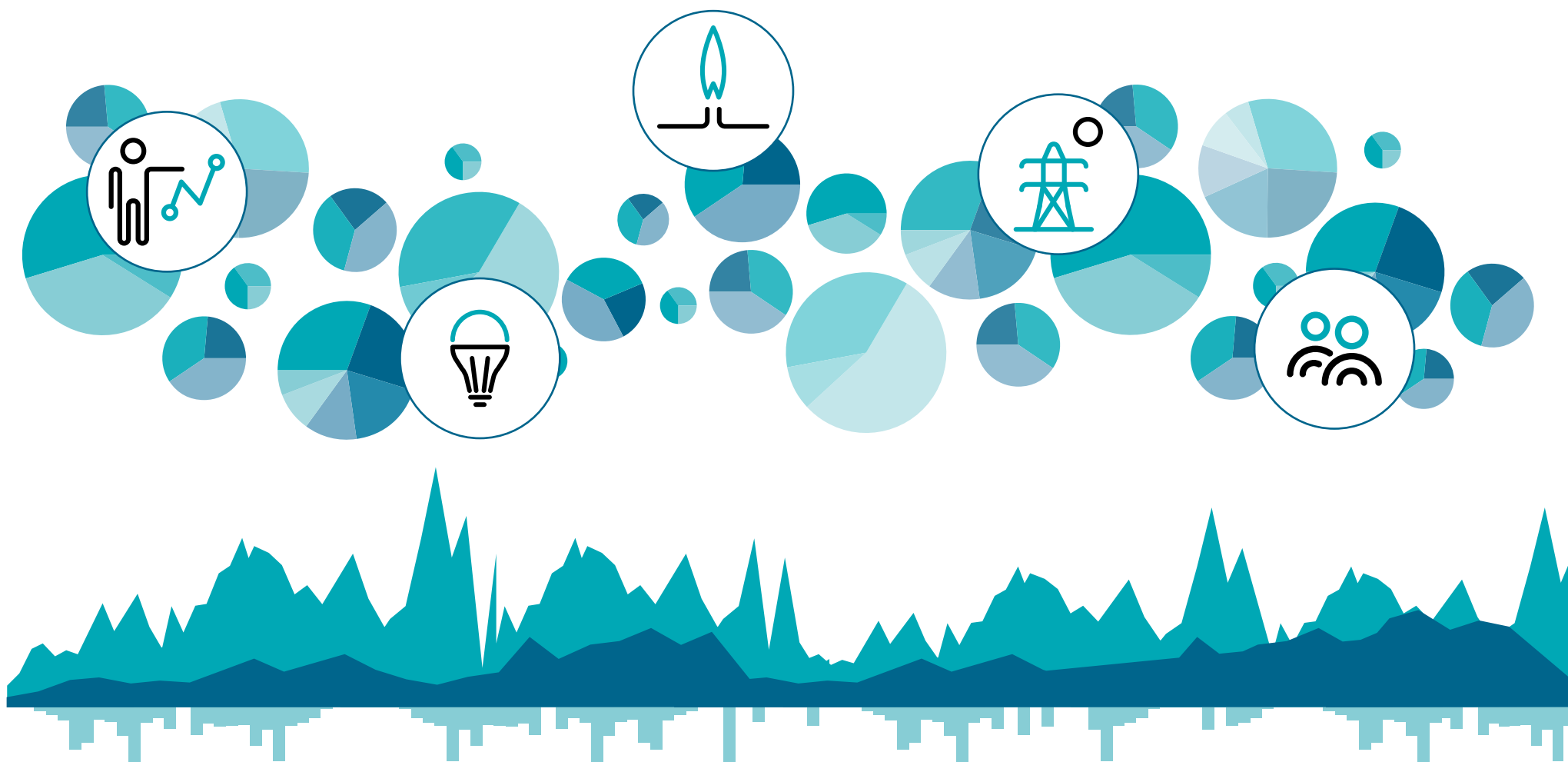


# Annual Report

2021



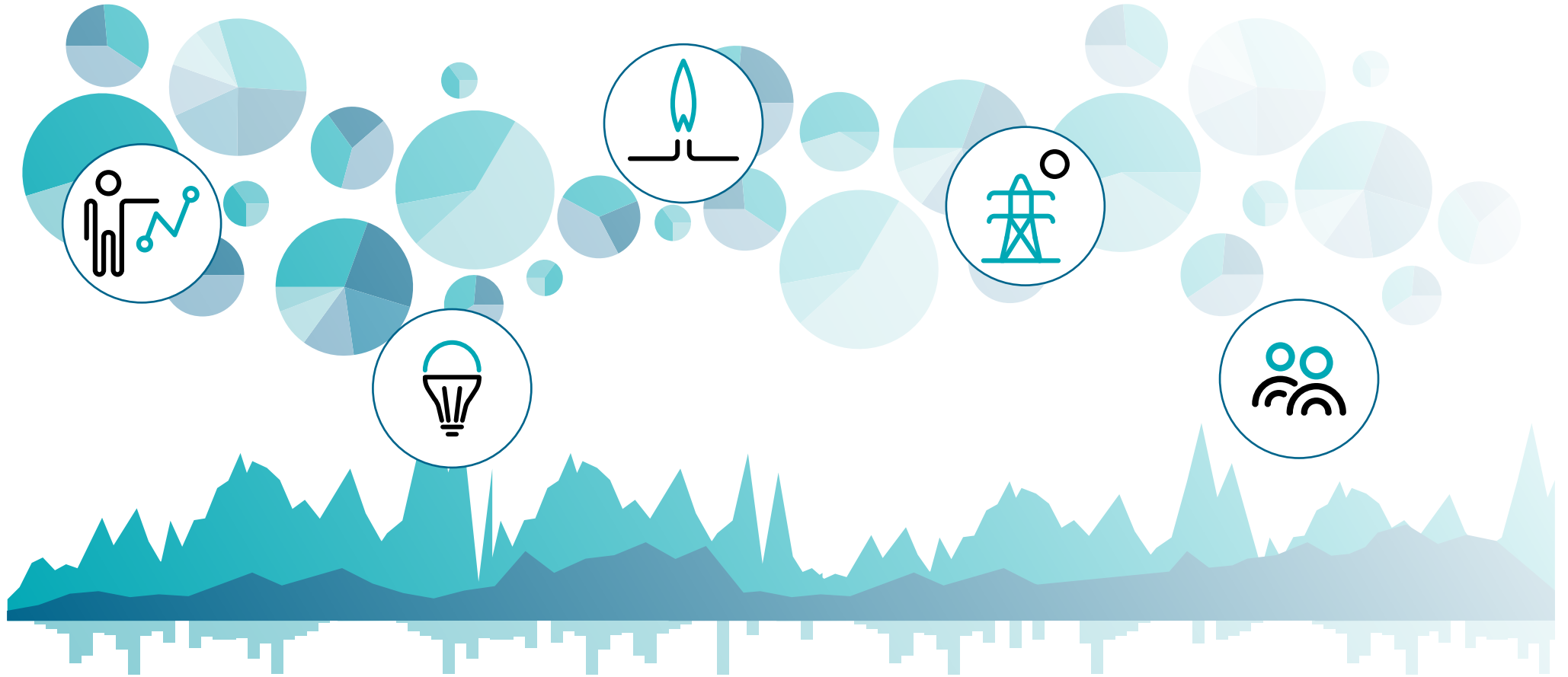
— **CREG** —

Commission for Electricity and Gas Regulation



# Annual Report

2021



— CREG —

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# 1

# Foreword



2021 was the second successive year characterised by the **Corona crisis** and by the continuation of **teleworking** that was encouraged by the optimisation of the internal processes of the CREG. In this exceptional context, the CREG has continued its efforts, in close cooperation with the different stakeholders, to ensure the **proper functioning** of the markets for electricity and natural gas, whose resilience, both at national and European level, has proven essential to maintain and support the social and economic activity of the country.

The introduction of the **capacity remuneration mechanism** was one of the most important projects of the past year, with the preparation and organisation of the capacity auction for the 2025-2026 capacity year, in October 2021. This mechanism was put in place by the federal government to ensure the country's long-term security of supply and, given its rich and complex nature, will inevitably continue to characterise the topicality and work programme of the CREG in the coming years.

The evolution of **electricity and natural gas prices**, which have risen exceptionally since late 2021, was also at the heart of the concerns, reflections and activities of the CREG, as well as its cooperation with the federal government to mitigate the negative consequences for the bills of end users, regardless of their size, and for the Belgian economy. For example, the CREG was one of the first regulators to produce a detailed analysis of the causes of the price increase and to propose measures to the federal government to limit the impact on consumers; most of these measures have been accepted by the government. The issue of energy prices and the evolution of these is all the more strategic since the cost of energy, a basic need, is also one of the decisive factors in the evolution of **energy poverty** in Belgium, which has also been the subject of specific focus by the CREG. In this

context of sharply rising energy prices, the services of the CREG also ensured enhanced and continuous monitoring with the regional regulators to anticipate and prevent possible cascading effects with regard to the risk of bankruptcy of a market participant.

In the age of the **energy transition and digital transition**, the CREG has also made anticipating **future regulatory challenges** one of its priorities. In this context, the European legislative proposals formulated in the context of the **Green Deal and Fit for 55**, which aim to accelerate the fight against climate change, were continually monitored and examined to gain insight into the consequences for the national regulatory energy framework and the functioning of the Belgian market. In this perspective and linked to the **creation of the single European energy market**, the CREG has nurtured and made use of its structural cooperation with its European counterparts within CEER and ACER.

In its endeavours to serve the **general interest** and the interests of **Belgian consumers**, the CREG has continued to make its objective expertise on specific issues available to the government, including the federal Parliament, through support in **drafting legislation** or in guiding relevant choices in the area of energy policy.

In general, in addition to the role of market watchdog traditionally assigned to the regulator, the CREG strives to promote a **dynamic, adapted and balanced regulation** that best responds to the realities on the ground and future challenges, on the basis of a **permanent and constructive dialogue** with all national and European stakeholders.

This requirement is reflected in all the acts adopted by CREG in 2021 and further elaborated in this report which is one of the **transparency levers of the regulator**. In this context, on

behalf of the Board of Directors, I would like to congratulate all staff members of the CREG for the quality of their work and their continual commitment and dedication, which burnishes the reputation of institution's regulatory activity day after day.



A handwritten signature in blue ink, appearing to read 'Koen Locquet'. The signature is stylized and fluid.

**Koen Locquet**

Acting Chairman of the Board of Directors  
February 2022



# 2 Key national legislative developments



## 2.1. Price caps

Since the outbreak of the Corona crisis, the number of households in energy poverty has risen significantly. In order to curb this increase, the federal government decided to temporarily extend the target group of individuals benefiting from the social tariff from 1 February to 31 December 2021.

To this end, the Royal Decree of 28 January 2021<sup>1</sup> amended the list of protected residential customers in the Gas Act of 12 April 1965 (hereinafter the "Gas Act") and the Electricity Act of 29 April 1999 (hereinafter the "Electricity Act") in order to include the individuals who receive higher financial support (hereinafter the "RVT status" (preferential reimbursement system)). This higher financial support is an aid granted to individuals receiving certain social benefits, most of whom are already entitled to the social tariff, and to individuals whose income is below a certain maximum threshold. To avoid an increase of the energy bill of all end customers, the funding of the extension does not come from the federal contribution, but from the state budget. The funds from the federal contribution can only be used for existing social customers, while the funds from the state budget can only be used for the new category of social customers.

The Royal Decree of 28 January 2021 also amends the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by the electricity companies

and the intervention rules for taking these costs into account. This RD provides for adjusted procedures and an advance on the reimbursement to suppliers of €88 million (€38.4 million for natural gas and €49.6 million for electricity).

In addition, the Royal Decree of 5 March 2021<sup>2</sup> amended the calculation of the reference energy component and of the contribution of renewable energy and combined heat and power. These are used to determine the energy component of the reference price to be taken into account in the context of the 'protected customer' claims to be submitted by suppliers as compensation for the application of the social tariffs.

Furthermore, at the request of the Minister for Energy, the CREG drew up an opinion<sup>3</sup> (i) on a draft Royal Decree granting a one-off fixed amount of €80 to customers benefiting from the social electricity tariff and (ii) on a draft Royal Decree amending the Royal Decrees on electricity and natural gas of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account. This last point related to the compensation of the additional costs of social tariffs for RVT customers for the year 2021. Indeed, the draft Royal Decree provides for an additional advance of €100 million to be granted to suppliers (€78 million for natural gas and €22 million for electricity) to meet the need for higher pre-financing of the social tariff in response to the widening gap between the social tariff and the

reference price caused by the rise in energy prices. In its opinion, the CREG made a number of remarks regarding these two draft Royal Decrees and, in particular, proposed taking account of a large number of protected customers when granting the fixed amount, given the minimal impact on the cost of the measure.

With the entry into force of the Royal Decree of 15 December 2021<sup>4</sup>, the granting of the additional advance of €100 million to suppliers was confirmed. This also applies to the granting of a one-off lump sum of €80 in 2022 to all household customers who, as of 30 September 2021, benefited from the application of the social electricity tariff, confirmed by the entry into force of the law of 15 December 2021<sup>5</sup> and the Royal Decree of 23 December 2021<sup>6</sup>.

Finally, the Programme Law of 27 December 2021<sup>7</sup> extended the application of social tariffs for persons with RVT status until 1 April 2022.

## 2.2. Capacity remuneration mechanism

To ensure that sufficient capacity will be available from winter 2025 to meet the demand for electricity within the territory, and taking into account the planned closure of the active nuclear power plants in Belgium by that date, a support measure for all types of capacity that can contribute to security of supply (generation, storage<sup>8</sup>, demand management) was introduced in

1 Royal Decree of 28 January 2021 supplementing the list of protected household customers referred to in Article 15/10, §2/2, first paragraph of the Act of 12 April 1965 on the transport of gaseous and other products by pipeline and in Article 20, §2/1, first paragraph of the Act of 29 April 1999 on the organisation of the electricity market and amending the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by the natural gas companies and the intervention rules for taking these costs into account and the Royal Decree of 29 March 2012 laying down the rules for determining the costs of the application of the social tariffs by the electricity companies and the intervention rules for taking these costs into account, Belgian Official Gazette of 1 February 2021. The CREG issued an opinion on the draft text on 17 December 2020 (see our 2020 Annual Report).

2 Royal Decree of 5 March 2021 amending the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by natural gas companies and the intervention rules for taking these costs into account, and the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account (Belgian Official Gazette 12 March 2021).

3 Opinion (A)2304 of 17 November 2021.

4 Royal Decree of 15 December 2021 amending the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by natural gas companies and the intervention rules for taking these costs into account, and the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account (Belgian Official Gazette 21 December 2021).

5 Act of 15 December 2021 containing measures in view of the high energy prices in 2021 and ratifying the Royal Decree of 22 December 2020 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market (Belgian Official Gazette of 23 December 2021).

6 Royal Decree of 23 December 2021 establishing the detailed rules concerning the one-off fixed amount referred to in Article 4 of the Act of 15 December 2021 containing measures in view of the high energy prices in 2021 and ratifying the Royal Decree of 22 December 2020 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market (Belgian Official Gazette of 27 December 2021).

7 Programme law of 27 December 2021 (Belgian Official Gazette of 31 December 2021).

8 Circular on the obligation for energy storage facilities to obtain a permit under Article 4 of the Act of 29 April 1999 on the organisation of the electricity market and the Royal Decree of 11 October 2000 on the granting of individual permits for the construction of electricity generation facilities (Belgian Official Gazette of 19 July 2021).

the Electricity Act in 2019, the so-called capacity remuneration mechanism (hereafter CRM) (see our 2019 Annual Report).

In this regard, the Act of 15 March 2021<sup>9</sup> amended the Electricity Act once again to adapt the CRM, particularly in view of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity. Given that the CRM aims to provide financial support to capacity holders selected at the end of the annual auctions organised four years and one year before the period of capacity delivery, the need for capacity and the parameters related to these auctions have to be determined in advance. The Electricity Act was therefore amended so that the parameters for determining the volume to be contracted in the context of the CRM are approved by the Member State on the basis of a proposal from the CREG. Prior to this amendment, the CREG only had an advisory role.

From now on, the complete procedure is described in the new Article 7undecies, § 2 of the Electricity Act, which stipulates in the first instance that the King shall determine by decree,

established after consultation in the Council of Ministers, at the proposal of the CREG<sup>10</sup>, following consultation with the market participants and after the opinion of the Directorate General for Energy<sup>11</sup>, the parameters with which the volume of the capacity to be purchased is determined. Moreover, it is stipulated that the King shall also determine the other parameters necessary for the organisation of the auctions<sup>12</sup>, including their calculation method, by decree adopted after consultation in the Council of Ministers, on a proposal from the system operator drawn up after consultation with the market participants and after receiving the opinion of the CREG<sup>13</sup>.

In order to have sufficient capacity by winter 2025, the Royal Decree of 25 March 2021 set the date for the first T-4 auction to October 2021<sup>14</sup>.

Secondly, the new Article 7undecies, §3 of the Electricity Act stipulates that the system operator shall draw up two separate reports every year, on the basis of the method determined by the King, namely a report containing the calculations required to set

up the CREG's proposal and a report containing a proposal for the parameters required to organise the auctions. With regard to this proposal, the CREG issues an opinion to the Minister.

Pursuant to the calculation method referred to in the first step and laid down by Royal Decree of 28 April 2021<sup>15</sup>, the CREG makes a proposal<sup>16</sup> to the Minister regarding the specific values on the basis of which the volume of capacity to be purchased is determined. This proposal also contains a proposal for the minimum volume to be reserved for the auctions to be organised one year before the capacity delivery period. The Directorate General for Energy and the system operator are competent to advise on this CREG proposal. Based on the reports and opinions, the Minister instructs the system operator to organise the auctions and determines the parameters of the auctions for 2021<sup>17</sup> and 2022<sup>18</sup>.

The selection procedure includes a first phase of pre-qualification, after which pre-qualified capacity holders are allowed to participate in the auctions. Capacity holders whose

9 Act of 15 March 2021 amending the Act of 29 April 1999 on the organisation of the electricity market and amending the Act of 22 April 2019, amending the Act of 29 April 1999, on the organisation of the electricity market with the aim of establishing a capacity remuneration mechanism (Belgian Official Gazette of 19 March 2021).

10 CREG Proposal (E)2064 of 24 March 2020.

11 Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 30 April 2021); Royal Decree of 4 July 2021 amending the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 7 July 2021).

12 Royal Decree of 28 April 2021, op. cit.

13 CREG Opinion (A)2030 of 6 December 2019.

14 Royal Decree determining the date of 30 April 2021 as the latest date for the year 2021 on which the Minister gives the system operator the instruction to organise the auction referred to in Article 7undecies, § 6, of the Act of 29 April 1999 on the organisation of the electricity market (Belgian Official Gazette of 29 March 2021).

15 Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 30 April 2021).

16 CREG Proposal (C)2192/2 of 30 April 2021.

17 Ministerial Decree of 30 April 2021 instructing the system operator to organise the auction four years prior to the period for capacity delivery starting on 1 November 2025, the parameters needed for the organisation of the above-mentioned auction, the maximum volume of capacity that can be contracted with all holders of unproven capacity, and containing the minimum volume to be reserved for the auction to be organised one year prior to the period for capacity delivery, in accordance with Article 7undecies, §6, first paragraph of the Act of 29 April 1999 on the organisation of the electricity market (Belgian Official Gazette of 30 April 2021); Ministerial Decree of 30 April 2021 establishing the intermediate values for the auction in 2021 pursuant to Article 4, §3 of the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 12 May 2021); Ministerial Decree of 30 April 2021 establishing the reference scenario for the auction in 2021 in accordance with Article 3, §7 of the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 17 May 2021).

18 Ministerial Decree of 14 September 2021 establishing the reference scenario for the auction in 2022 in accordance with Article 3, §7 of the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 28 September 2021); Ministerial Decree of 15 September 2021 establishing the intermediate values for the auction in 2022 pursuant to Article 4, §3 of the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 28 September 2021); Ministerial Decree of 23 September 2021 amending the Ministerial Decree of 14 September 2021 establishing the reference scenario for the auction in 2022 in accordance with Article 3, §7 of the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism (Belgian Official Gazette of 28 September 2021).

capacity, individually or aggregated, is at least equal to the minimum threshold, which is set at 1 MW, may participate in the pre-qualification procedure<sup>19</sup>.

Holders of indirect foreign capacity may also participate in the pre-qualification procedure. One of the conditions for this participation is that the capacity must originate in a Member State of the European Union that borders Belgian territory and whose electricity grid is connected to the Belgian electricity grid, and that an agreement must have been concluded between the system operators concerned that is subsequently approved by the CREG. A pre-auction is organised for each neighbouring EU Member State for which such an agreement exists. Each year, the system operator determines the maximum available entry capacity for the participation of indirect foreign capacity of each neighbouring EU Member State.

With a view to the award of a multi-year contract (3, 8 or 15 years), the eligibility criteria for investment costs that enable each capacity to be classified in a capacity category, the investment thresholds that distinguish between the capacity categories, and the classification procedure are set out in a Royal Decree of 4 June 2021<sup>20</sup>.

In accordance with Article 7undecies, § 12 of the Electricity Act, the operating rules of the CRM, with a precise description of the methodologies, rules and principles of the CRM, are drawn up by the CREG at the proposal of the system operator. These rules, laid down by CREG decision of 14 May 2021, were approved by Royal Decree of 30 May 2021<sup>21</sup>.

Finally, the Royal Decree of 30 May 2021 imposes certain more detailed rules for the supervision of the correct functioning of the capacity remuneration mechanism by the CREG<sup>22</sup>; in particular, this Decree lays down the conditions for the intervention of the capacity market auditor appointed by the CREG, who must assist the CREG in monitoring the smooth progression of the pre-qualification procedures and the results of the auctions.

The European Commission approved the Belgian CRM by decision of 22 September 2021<sup>23</sup>.

### ■ Reliability standard

In the context of the introduction of the CRM, the level of security of supply to be achieved by the mechanism corresponds to the reliability standard referred to in Article 7undecies, § 7, second paragraph of the Electricity Act.

The reliability standard transparently indicates what the required level of security of supply is in Belgium and makes it possible to determine whether a capacity mechanism can be applied and at what cost. Given the potentially market distorting effect of a capacity remuneration mechanism, it is important that the reliability standard is calculated as accurately as possible in the light of the electricity market in question. The value attributed to a blackout and the cost of bringing new capacity to the market must therefore be weighed up against each other.

On 28 May 2021, at the request of the Minister for Energy, the CREG published a proposal for a reliability standard for the Belgian territory<sup>24</sup>. On the basis of VoLL ("value of lost load") and CoNE ("cost of new entry"), as determined by the Directorate General

for Energy of the FPS Economy, the CREG determined that the application of the two values of the equation for determining the reliability standard according to the ACER methodology results in a reliability standard of 2 hours and 43 minutes. The Royal Decree of 31 August 2021<sup>25</sup> sets the reliability standard at 3 hours.

This value is based on a single estimate of the cost of non-distributed energy, as referred to in Article 7undecies, § 7, third paragraph of the Electricity Act, of €16,033/MWh and on the fixed and variable values of the cost of a new entrant of the reference technology, as referred to in Article 7undecies, § 7, fourth paragraph of the Electricity Act, for the demand management technology, of €45/kW/year and €736.73/MWh respectively<sup>26</sup>.

## 2.3. Harmonisation of the Electricity Act and the Gas Act with the European energy policy

Following the judgment of 3 December 2020 of the Court of Justice of the European Union, in which the Belgian State was ruled to have incorrectly transposed Directives 2009/72/EC and 2009/73/EC, the Act of 21 July 2021<sup>27</sup> amended several provisions of the Gas Act and the Electricity Act, in order to be in compliance with the Court's judgment.

In accordance with these directives, the federal energy regulator has been given more powers with regard to elements currently determined by the King. Indeed, these new provisions of the Gas and Electricity Acts stipulate that the CREG will have to draw up a code of conduct defining the conditions for connection and access to the grid, the provision of balancing services and

19 Royal Decree of 21 May 2021 laying down the admissibility criteria referred to in Article 7undecies, § 8, first paragraph, 1° and 2° of the Act of 29 April 1999 on the organisation of the electricity market, regarding the conditions under which capacity holders who benefit or have benefited from support measures are entitled to participate in the pre-qualification procedure and regarding the minimum threshold in MW (Belgian Official Gazette of 31 May 2021).

20 Royal Decree of 4 June 2021 laying down the investment thresholds, the eligibility criteria for investment costs, and the classification procedure (Belgian Official Gazette of 11 June 2021 and of 25 June 2021).

21 Royal Decree of 30 May 2021 approving the operating rules of the capacity remuneration mechanism in accordance with Article 7undecies, § 12 of the Act of 29 April 1999 on the organisation of the electricity market (Belgian Official Gazette of 1 June 2021).

22 Royal Decree of 30 May 2021 laying down detailed rules for the supervision of the correct functioning of the capacity remuneration mechanism by the Commission for Electricity and Gas Regulation (Belgian Official Gazette of 7 June 2021).

23 Approval of Belgium's capacity remuneration mechanism by the European Commission (Belgian Official Gazette of 22 September 2021).

24 CREG Proposal (C)2243 of 28 May 2021.

25 Royal Decree of 31 August 2021 establishing the reliability standard and approving the value of the lost tax and the cost of the new access (Belgian Official Gazette of 3 September 2021).

26 Royal Decree of 21 November 2021 amending the Royal Decree of 31 August 2021 establishing the reliability standard and approving the value of the lost tax and the cost of the new access (Belgian Official Gazette of 7 December 2021).

27 Act of 21 July 2021 amending the Act of 29 April 1999 on the organisation of the electricity market and amending the Act of 12 April 1965 on the transport of gaseous and other products by pipeline (Belgian Official Gazette of 3 September 2021).

access to cross-border infrastructure, including the procedures for capacity allocation and congestion management. However, the entry into force of these provisions is planned for 2022.

Moreover, the federal regulator has been given new powers when it identifies problems with competition and unfair commercial practices or anti-competitive behaviour.

Finally, the Act of 21 July 2021 transposes Article 18 of Directive 2019/944 on common rules for the internal market in electricity and amending Directive 2012/27/EU, which deals with energy bills. Even though the requirements of this article of the directive only relate to electricity bills, they are also introduced for gas bills. For example, it is now explicitly stipulated that suppliers and intermediaries must provide all invoices and billing information to end customers free of charge. Moreover, end customers have the option to receive electronic invoices. Finally, when the supply contract provides for a future change in the product or the price, or for a discount, suppliers and intermediaries must state this on the invoice, together with the date on which the change takes effect.

## 2.4. Amendment of the Gas Act

The Act of 18 May 2021<sup>28</sup> amended certain provisions of the Act of 12 April 1965 on the transport of gaseous and other products by pipeline; it transposes into Belgian law Directive 2019/692 amending Directive 2009/73 on common rules for the internal market in natural gas.

This directive aims at eliminating certain obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas transmission pipelines to and from third countries. The amendments introduced by this directive aim to ensure that the rules applicable to gas

transmission pipelines between two or more Member States within the Union also apply to gas transmission pipelines to and from third countries.

In addition to changes to the definition of 'natural gas' to include gases other than underground gases and CM, and the definition of 'interconnection' to clarify the situation of interconnection between Belgium and the United Kingdom after Brexit, the other changes aim to clarify the legal framework concerning the transport authorisations of certain other gases and mixtures thereof through the natural gas transmission system.

## 2.5. Extension of energy supply contracts of household customers and SMEs

The Act of 4 June 2021<sup>29</sup> amended various provisions relating to the extension of energy supply contracts for household customers and SMEs so that so-called 'dormant' contracts, i.e. contracts that are no longer offered but to which hundreds of thousands of Belgians are still contracted, can no longer be extended by suppliers.

From now on, when the fixed-term contract of a household customer or SME expires, the supplier must provide a list of all active products of that customer or SME at least two months before the expiry of the contract.

If the corresponding product is no longer an active product or if the price of the product differs from the current price of the active product, the supplier must inform the household customer or the SME accordingly and at the same time supply a new contract proposal. The supplier must explain clearly, unequivocally and specifically how the proposed new terms and conditions differ from the existing contract, and must request the customer's explicit consent to the new proposal.

If the household customer or SME has not responded to this request by the end date of the current contract, the supplier must apply the cheapest equivalent product of fixed duration available on the market at that time.

The same applies if the contract of a household customer or SME of indefinite duration concerns a product which is no longer active and for which there is no contractual price guarantee. Confirmation is not required if, at the time of the new contract proposal, the supplier has offered the equivalent product at the cheapest tariff and has indicated that this product will be applied if there is no response.

## 2.6. Other legal acts enacted in 2021 with consequences in 2022

The Royal Decree of 9 December 2021 (Belgian Official Gazette of 20 December 2021) lays down the minimum requirements that must be met for bills and billing information for gas and electricity. For example, additional obligations are imposed regarding the information to be provided and the structure to be used on settlement and final invoices, billing information and advance invoices for households and SMEs, with a view to simplifying the invoice and making it easier to understand.

The Programme Act of 27 December 2021 (Belgian Official Gazette of 31 December 2021), in addition to extending the benefit of the social tariff until 1 April 2022, introduces a special excise duty for electricity and natural gas; this is administered by the FPS Finance and replaces the original system of the federal contribution for electricity and natural gas as of 1 January 2022 (see section 5.9.1 of this report).

<sup>28</sup> Act of 18 May 2021 amending the Act of 12 April 1965 on the transmission of gaseous and other products by pipelines (Belgian Official Gazette of 27 May 2021).

<sup>29</sup> Act of 4 June 2021 amending various provisions on the extension of energy contracts for household customers and SMEs (Belgian Official Gazette of 30 June 2021).



# 3

# The electricity market



## 3.1. Regulation

### 3.1.1. Electricity generation

#### 3.1.1.1. Licences for electricity generation

The construction of facilities for electricity generation is subject to the prior granting of an individual permit issued by the Federal Minister for Energy on the advice of the CREG. In this context, the CREG issued nine opinions in 2021.<sup>30</sup>

By Ministerial Decree of 17 February 2021 (Belgian Official Gazette of 2 March 2021), Dils-Energie NV was granted an individual permit for the construction of a CCGT power plant with a capacity of 920 MW in Dilsen-Stokkem.

By Ministerial Decree of 24 February 2021 (Belgian Official Gazette of 4 March 2021), Electrabel NV was granted an individual permit for the construction of a CCGT power plant with a capacity of 875 MW at the Les Awirs site in Flémalle. In this dossier, the CREG had issued an opinion to the Minister on 19 November 2020.

By Ministerial Decree of 24 February 2021 (Belgian Official Gazette of 4 March 2021), Electrabel NV was granted an individual permit for the construction of a gas turbine with a

capacity of 320 MW on the site of Amercoeur, in the territory of the city of Charleroi, in the former municipality of Roux.

By Ministerial Decree of 5 May 2021 (Belgian Official Gazette of 8 July 2021), Luminus NV was granted an individual permit for the construction of a gas turbine or a steam and gas turbine with a capacity of 595 or 870 MW in Seraing.

By Ministerial Decree of 6 July 2021 (Belgian Official Gazette of 22 July 2021), Electrabel NV was granted an individual permit to raise the generation capacity of the Saint-Ghislain steam and gas turbine type power station from 350 MW to 378 MW, located on the territory of Saint-Ghislain.

By Ministerial Decree of 23 August 2021 (Belgian Official Gazette of 10 September 2021), Aspiravi NV was granted an individual permit for the expansion of a wind farm with a capacity of 26,125 MW on the territory of the municipality of Brecht.

On the other hand, the construction of new Belgian generation facilities with a net developable capacity of less than or equal to 25 MWe does not require prior ministerial approval, but it is subject to an obligation of prior notification to the CREG and to the federal Energy Minister or their delegate. In 2021, the CREG received 29 such declarations for a total installed capacity of 175.35 MWe.

Finally, a circular of 19 July 2021 concluded that, taking into account the provisions of the Electricity Act and European Directive 2019/944, the permit requirement referred to in Article 4 § 1 of the Electricity Act must be interpreted as not applying to electricity storage facilities (regardless of the technology)<sup>31</sup>.

#### 3.1.1.2. Electricity generation in the North Sea

##### A. Domain concessions for offshore wind energy

On 5 March 2021, the CREG issued a favourable opinion on the request of Rentel NV to extend the domain concession granted by Ministerial Decree of 4 June 2009 for the construction and operation of facilities for generating electricity from wind in the sea areas in the Zuidwest-Schaar between Thornton Bank and the Bank zonder Naam<sup>32</sup>. The duration of the domain concession granted to Rentel NV by Ministerial Decree of 4 June 2009 was extended by Ministerial Decree of 14 April 2021 (Belgian Official Gazette of 20 April 2021).

In a study dated 17 June 2021, the CREG first examined, at the request of the Minister for Energy, the competitive tendering procedure for offshore wind in the Netherlands, Denmark, France, Germany and the UK. It then made several recommendations for the competitive tendering procedure for the Princess Elisabeth area.<sup>33</sup>

30 Opinion (A)2182 of 7 January 2021 concerning the granting of an individual permit for the construction of a facility for the generation of electricity (920 MWe CCGT) in Dilsen by Dils-Energie NV; Opinion (A)2197 of 4 February 2021 concerning the granting of an individual permit for the construction of a gas turbine facility for the generation of electricity, of a maximum of 320 MWe in Roux by Electrabel NV; Opinion (A)2198 of 11 February 2021 concerning the granting of an individual permit for the construction of a gas turbine or steam and gas turbine facility for the generation of electricity with a maximum capacity of 595 MWe or 870 MWe on the site of Seraing, situated on the territory of Seraing by Luminus NV; Opinion (A)2225 of 29 April 2021 concerning the granting of an individual permit for the modification of the facility for the generation of electricity situated on the site of Saint-Ghislain by Electrabel NV; Opinion (A)2226 of 7 May 2021 concerning the granting of an individual permit for the construction of an energy storage facility on batteries of max. 28.4 MWe, located on the territory of the municipality of Ruien-Kluisbergen by Ruien Energy Storage NV; Opinion (A)2234 of 20 May 2021 concerning the granting of an individual permit for the construction of an energy storage facility with a maximum capacity of 50 MW, located in the municipality of Le Roeulx by Eneco Wind Belgium NV; Opinion (A)2236 of 20 May 2021 concerning the granting of an individual permit for raising the generation capacity of the pump-turbine power station at Coe, located in Trois-Ponts, from 1080 MW to 1179 MW and the addition of batteries with a maximum capacity of 111 MW by Electrabel NV; Opinion (A)2235 of 20 May 2021 concerning the granting of an individual permit for the extension of a wind farm up to 26,125 MW located on the territory of the municipalities Brecht, Wuustwezel and Hoogstraten by Aspiravi NV; Opinion (A)2253 of 17 June 2021 concerning the need to extend the permit for individual generation of Dils-Energie NV for the construction of a facility for electricity generation in Dilsen-Stokkem following the sale of all shares of Advanced Power AG NV to RWE Generation NL BV.

31 Circular on the obligation for energy storage facilities to obtain a permit under Article 4 of the Act of 29 April 1999 on the organisation of the electricity market and the Royal Decree of 11 October 2000 on the granting of individual permits for the construction of electricity generation facilities (Belgian Official Gazette of 19 July 2021).

32 Opinion (A)2209 of 5 March 2021 regarding the request to extend the domain concession, which was granted by Ministerial Decree of 4 June 2009 to Rentel for the construction and operation of facilities for generating electricity from wind in the sea areas in the Zuidwest-Schaar between Thornton Bank and the Bank zonder Naam.

33 Study (F)2247 of 17 June 2021 on the eligibility and award criteria to be recommended and the financial conditions for the competitive tendering procedure for the Princess Elisabeth Area



## B. Green certificates and guarantees of origin

### • Applications submitted to the CREG

On 25 March 2021, the CREG approved, in a decision, the requests of Seamade NV for the award of green certificates for electricity generated by the wind turbines in the Seastar and Mermaid domain concessions.

The CREG then decided that the correction factor of the electricity reference price should be set at:

- 21.34% for Rentel for the period from 1 October 2021 to 30 September 2022;<sup>34</sup>
- 24.70% for Northwester 2 for the period from 5 October 2021 to 4 October 2022;<sup>35</sup>
- 19.56% for Norther for the period from 14 December 2021 to 13 December 2022;<sup>36</sup>
- 32.59% for Mermaid for the period from 3 December 2021 to 2 December 2022;<sup>37</sup>
- 31.11% for Seastar for the period from 3 December 2021 to 2 December 2022.<sup>38</sup>

This correction factor serves to determine the minimum price of the green certificates issued for the electricity generated by the facilities in the domain concessions.

Finally, by Ministerial Decree of 9 February 2021 (Belgian Official Gazette of 17 February 2021), the recognition of the

non-profit organisation Vinçotte as the agency responsible for issuing a certificate of guarantee of origin for offshore wind energy generation facilities and for carrying out a periodic check, at least annually, on the conformity of the information on the certificate of guarantee of origin for green electricity, was renewed for a period of three years from 16 January 2021. The CREG had issued an opinion on this matter on 17 December 2020.

By Ministerial Decree of 30 September 2021 (Belgian Official Gazette of 15 October 2021), the same type of permit for the non-profit organisation SGS Statutory Services Belgium was renewed for a period of three years from 16 October 2021. The CREG had issued an opinion on this matter on 20 August 2021.<sup>39</sup>

### • Change in installed capacity in generated offshore wind and green energy

2021 was the first year in which the first offshore wind zone operated at 100% capacity. Since the end of 2020, offshore wind capacity has been 2,266 MW. The change in installed capacity since 2009 is shown in Figure 1.

In 2021, all offshore wind farms combined injected 6,771 GWh into the transmission system (compared to 6,853 GWh in 2020).

Net electricity generation (prior to transformation) from all certified offshore wind farms reached 6,896 GWh in 2021,

a fall of almost 1.02% compared to net generation in 2020 (6,967 GWh). Net monthly generation per domain concession holder is shown in figure 2.

Although 2021 was the first year that all existing offshore wind farms are operating at 100% capacity, the wind power generated was still lower than in 2020. The reason for this is the lower wind supply, which also translates into lower load factors: the average load factor in 2021 (generation divided by the installed capacity) varied from a minimum of 12.9% in June to a maximum of 49.3% in February.

The CREG issues one green certificate per net MWh generated. The green certificates issued for the net generation of the offshore wind farms C-Power, Belwind, Northwind, Nobelwind, Norther and Rentel represent an amount of €472,510,420.

As stipulated in Article 14, §1 *septies* of the Royal Decree of 16 July 2002 on the introduction of mechanisms to promote electricity generated using renewable energy sources, the system of advance payments to support green electricity generation applies to the generation facilities of the Northwester 2, Mermaid and Seastar domain concessions. In 2021, €191,276,015 was paid as advances.

A total of €663,786,435 was therefore paid in 2021 for the purchase of green certificates and the payment of advances.

<sup>34</sup> Decision (B)2248 of 1 July 2021 on the establishment of the correction factor for the period from 1 October 2021 to 30 September 2022, to determine the minimum price for green certificates issued for the electricity generated by the facilities in the Rentel domain concession.

<sup>35</sup> Decision (B)2251 of 16 July 2021 on the establishment of the correction factor for the 4th period (15.10.2021 - 04.10.2022) to determine the minimum price for green certificates issued for the electricity generated by the facilities in the Northwester 2 domain concession.

<sup>36</sup> Decision (B)2264 of 20 August 2021 on the establishment of the correction factor for the 6th period (14.12.2021 - 13.12.2022) to determine the minimum price for green certificates issued for the electricity generated by the facilities in the Norther domain concessions.

<sup>37</sup> Decision (B)2272 of 16 September 2021 on the establishment of the correction factor for the 4th period (3.12.2021 - 2.12.2022) to determine the minimum price for green certificates issued for the electricity generated by the facilities in the Mermaid domain concession.

<sup>38</sup> Decision (B)2273 of 16 September 2021 on the establishment of the correction factor for the 4th period (3.12.2021 - 2.12.2022) to determine the minimum price for green certificates issued for the electricity generated by the facilities in the Seastar domain concession.

<sup>39</sup> Opinion (A)2275 of 20 August 2021 on the application by the non-profit organisation SGS Statutory Services Belgium to renew its accreditation as inspection body pursuant to Article 3, §2 of the Royal Decree of 16 July 2002 on the introduction of mechanisms to promote electricity generated using renewable energy sources..

### 3. The electricity market

Figure 1: Development of offshore wind power installed capacity per wind farm between April 2009 and December 2021 (Source: CREG)

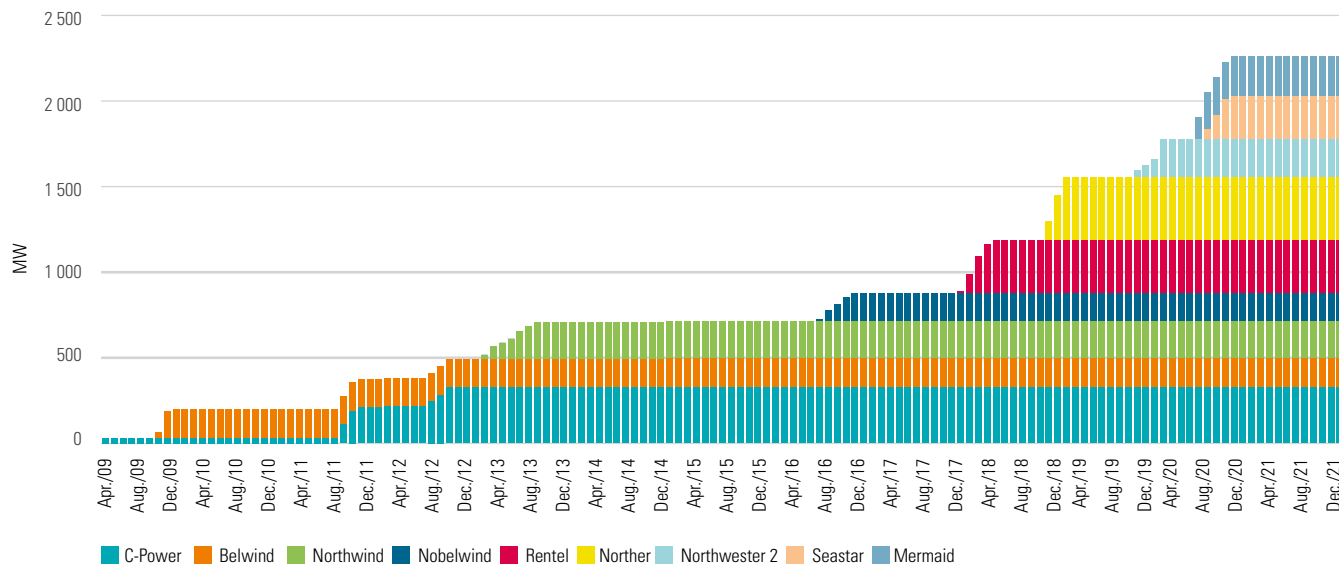
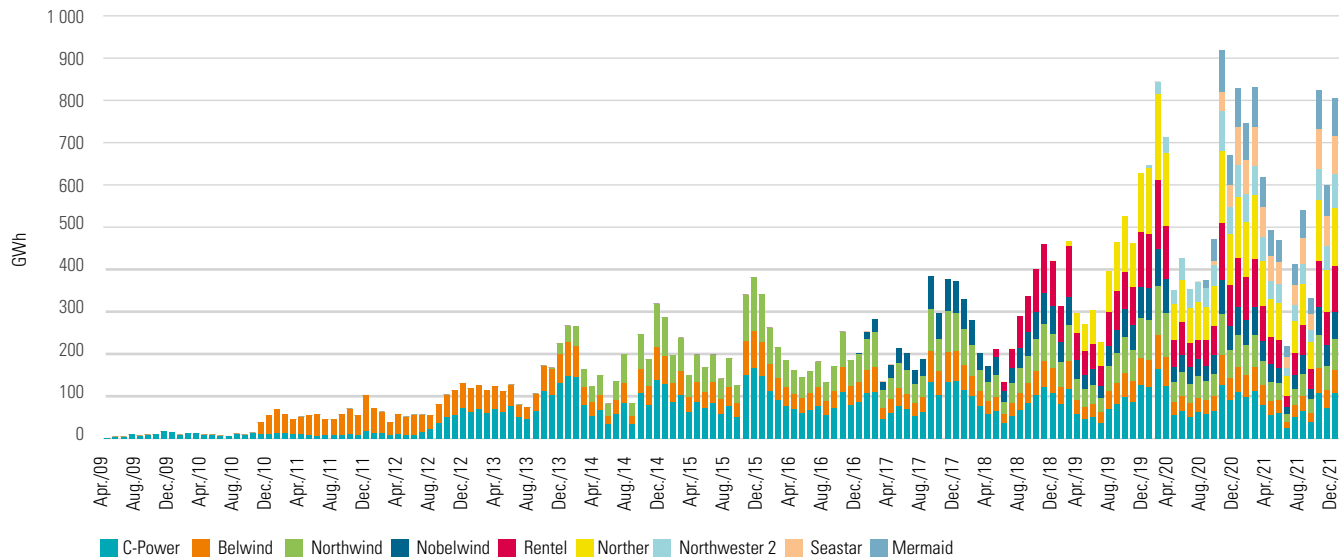


Figure 2: Net green offshore electricity generated per wind farm between April 2009 and December 2021 (Source: CREG)



### C. Guarantees of Origin

The CREG continued to manage the guarantees of origin database in 2021. Via this database, producers of offshore wind energy are issued guarantees of origin, which allow them to export to other markets. To this end, the CREG remained an active member of the Association of Issuing Bodies (AIB), an association that manages the hub through which most European databases are connected to each other. Within the AIB Gas Scheme Group, the CREG contributed to the discussions on the standard for gas and hydrogen GOs.

#### 3.1.1.3. Commissioning of the Modular Offshore Grid

In an opinion dated 26 November 2021, the CREG analysed Elia's proposal to extend the Modular Offshore Grid for the connection of the Princess Elisabeth Area.<sup>40</sup>

#### 3.1.1.4. Other verification and advisory tasks

- Verification mission in the context of extending the working life of the Tihange 1, Doel 1 and Doel 2 power plants

On 21 January 2021, on behalf of the Minister for Energy, the CREG issued Report 2194 in the context of the verification, for the years 2018 and 2019, of the pledge made by the Belgian State, in order to ensure the compatibility of the notified measures to extend the operating life of Tihange 1, Doel 1 and Doel 2.

On 24 June 2021, the CREG published its report (RA)2246 on the verification of the revenues and actual costs of the Tihange 1 nuclear power plant for the period from 1 January 2020 until 31 December 2020, in accordance with the Convention on extending the working life of Tihange 1 of 12 March 2014 and the amendment to the Convention on extending the working life of 31 March 2017.

<sup>40</sup> Opinion (A)2302 of 26 November 2021 on the Modular Offshore Grid phase 2: design of offshore transmission grid expansion.

- Nuclear distribution fee

Based on CREG Opinion (A)2244 on the profit margin of the industrial generation of electricity by fission of nuclear fuels by the power plants subject to the distribution fee (Doel 3, Doel 4, Tihange 2 and Tihange 3) for the year 2020, issued on 24 June 2021, the amount of the nuclear distribution fee for 2021 was fixed at €98,343,400.72.

The amount of the individual distribution fee to be borne by Electrabel NV, after application of the degressivity mechanism, is set at €78,976,634.82.

The amount of the individual distribution fee to be borne by Luminus NV, after application of the degressivity mechanism, is set at €4,567,805.11<sup>41</sup>.

- Walloon green certificates

On 28 October and 9 December 2021, the CREG made comments on Elia's proposals not to carry out a timing operation in 2021 but to provide a credit line in the Walloon budget for 2022 in the event that a timing operation were to be necessary in the first quarter of 2022 on the 'Organisation des Marchés régionaux de l'Energie' Directorate of the Walloon Public Service (the CREG did this at the request of this Directorate). This possible timing operation will depend on the results of the auction of green certificates that Solar Chest will organise in February 2022. Solar Chest's credit expires in June 2022. Elia will have to purchase the green certificates that were not sold during the February auction.

### 3.1.2. Electricity supply

#### 3.1.2.1. Supplying customers connected to the transmission system

- Total volume of energy taken from the transmission system

The following table shows the market share of Electrabel and other suppliers regarding net electricity supply to major industrial customers connected to the federal transmission system (voltage above 70 kV).<sup>42</sup>

Compared to 2020, the total volume of energy offtake in 2021 by end customers of the transmission system increased by 12.2% (1,302 GWh). After falling in 2019 and 2020, the volume of energy taken directly from the federal transmission system in 2021 rose sharply to 11,954 GWh.

According to an initial estimate, Electrabel's market share on the transmission system fell slightly in 2021 compared to 2020, to 66.2%. The number of Electrabel access points increased in 2021, while this number fell for other suppliers. Nevertheless, the volumes delivered per access point at Electrabel remain much higher than the average volumes per access point at the other suppliers.

Table 1: Energy offtake by customers connected to the federal transmission system, 2012 to 2021 inclusive (Sources: Elia, CREG)

Suppliers	Electrabel SA		Other suppliers		Total	
Access points at 01-01-21	47		40		87	
Access points at 31-12-21	51		41		92	
Energy offtake (GWh)	2012	8 247	67.0 %	4 069	33.0 %	12 316
	2013	7 484	57.6 %	5 519	42.4 %	13 003
	2014	8 598	62.6 %	5 130	37.4 %	13 728
	2015	6 465	50.6 %	6 318	49.4 %	12 783
	2016	4 133	37.8 %	6 787	62.2 %	10 920
	2017	4 947	43.7 %	6 362	56.3 %	11 309
	2018	7 278	62.1 %	4 442	37.9 %	11 720
	2019	6 462	58.9 %	4 503	41.1 %	10 965
	2020	7 389	69.4 %	3 263	30.6 %	10 652
	<b>2021</b>	<b>7 918</b>	<b>66.2 %</b>	<b>4 037</b>	<b>33.8 %</b>	<b>11 954</b>

<sup>41</sup> Royal Decree of 27 October 2021 establishing the amount, for 2021, of the distribution fee referred to in Article 14, § 8, paragraph 16 of the Law of 11 April 2003 on provisions made for the decommissioning of nuclear power stations and for the management of irradiated fissile materials in these plants (Belgian Official Gazette of 24 November 2021).

<sup>42</sup> These figures do not take account of the energy supplied directly by local generation, or consumers in the Grand Duchy of Luxembourg.

#### • Federal supply licence

Federal licences for electricity supply to customers connected directly to the transmission system are granted by the Minister for Energy at the proposal of the CREG for a period of five years.

In 2020, the CREG submitted four proposals to the Minister for Energy concerning the granting of a licence for the supply of electricity to Essent Belgium NV<sup>43</sup>, Uniper Global Commodities SE<sup>44</sup>, Axpo Benelux SA<sup>45</sup> and Enovos Luxembourg NV<sup>46</sup>.

The Minister of Energy granted an individual licence for the supply of electricity to Uniper Global Commodities SE by ministerial decree of 24 February 2021 (with entry into force on 18 March 2021), Essent Belgium NV by ministerial decree of 5 March 2021 (with entry into force on 2 February 2021) and Axpo Benelux NV by ministerial decree of 23 June 2021 (with entry into force on 8 June 2021).

#### 3.1.2.2. Price caps

##### • For unprotected customers whose supply contract has been terminated

The price caps which the distribution system operators must apply to unprotected customers whose supply contract has been terminated (also termed 'dropped customers') are calculated every quarter by the distribution system operators and verified by the CREG. They are calculated as follows: price of energy + transmission + distribution tariff + margin. The CREG is also responsible for monitoring the terms of the margin calculation.

##### • For protected household customers

In accordance with the legislation in force, the CREG has calculated and published the social price caps (or "social tariffs")

for the supply of electricity to protected household customers applicable from 1 January 2021 to 31 March 2021, from 1 April 2021 to 30 June 2021, from 1 July 2021 to 30 September 2021 and from 1 October 2021 to 31 December 2021.

The social price cap for the supply of electricity for the period from 1 January 2021 to 31 March 2021 was:

- 14.765 euro cents/kWh for the single tariff;
- 15.256 euro cents/kWh for the daytime dual tariff;
- 12.330 euro cents/kWh for the night-time dual tariff;
- 9.043 euro cents/kWh for the night-only tariff.

In comparison with the previous period, the social tariffs applicable in the first quarter of 2021 were on average 10% higher for electricity and 15% higher for natural gas, due to price caps. Without these capping measures, tariffs would have increased by an average of 15.5% for electricity and 23% for natural gas.

The social price cap for the supply of electricity for the period from 1 April 2021 to 30 June 2021 was:

- 16.242 euro cents/kWh for the single tariff;
- 16.782 euro cents/kWh for the daytime dual tariff;
- 13.563 euro cents/kWh for the night-time dual tariff;
- 9.947 euro cents/kWh for the night-only tariff.

In comparison with the first quarter, the social tariffs applicable in the second quarter of 2021 were on average 10% higher for electricity and 15% higher for natural gas, due to price caps. Without these capping measures, tariffs would have increased by an average of 20% for electricity and 49% for natural gas.

The social price cap for the supply of electricity for the period from 1 July 2021 to 30 September 2021 was:

- 17.254 euro cents/kWh for the single tariff;
- 17.807 euro cents/kWh for the dual tariff (peak times);
- 14.407 euro cents/kWh for the dual tariff (off-peak times);
- 10.409 euro cents/kWh for the night-only tariff.

In comparison with the second quarter, the social tariffs applicable in the third quarter of 2021 were on average 6% higher for electricity and 3% higher for natural gas, due to price caps. Without these capping measures, tariffs would have increased by an average of 13% for electricity and 40% for natural gas.

The social price cap for the supply of electricity for the period from 1 October 2021 to 31 December 2021 was:

- 18.505 euro cents/kWh for the single tariff;
- 19.114 euro cents/kWh for the dual tariff (peak times);
- 15.453 euro cents/kWh for the dual tariff (off-peak times);
- 11.286 euro cents/kWh for the night-only tariff.

In comparison with the third quarter, the social tariffs applicable in the fourth quarter of 2021 were on average 8% higher for electricity and 11% higher for natural gas, due to price caps. Without these capping measures, tariffs would have increased by an average of 21% for electricity and 64% for natural gas.

These are the tariffs without VAT, federal contribution and connection fee (Wallonia). The energy, green power and co-generation components are included, as are the tariffs of the transmission and distribution systems.

In May 2021, the CREG drew up its first monitoring report on the extension of the application of social tariffs for electricity and natural gas to the beneficiaries of the higher financial cover (RVT).

43 Proposal (E)2185 of 14 January 2021.

44 Proposal (E)2190 of 21 January 2021.

45 Proposal (E)2233 of 27 May 2021.

46 Proposal (E)2277 of 2 September 2021.

This revealed that the total number of protected customers would double as a result of this extension, as initially anticipated. The additional cost of this extension is close to the amount provided by the federal government.<sup>47</sup>

In July 2021, the CREG drew up its second monitoring report on the extension of the application of social tariffs for electricity and natural gas to the beneficiaries of the higher financial cover (RVT). The cost of this extension was revised upwards due to sharp price increases in the wholesale markets.<sup>48</sup>

In November 2021, the CREG drew up its third monitoring report on the extension of the application of social tariffs for electricity and natural gas to the beneficiaries of the higher financial cover (RVT). The cost of this extension is estimated at €265 million.<sup>49</sup>

Moreover, in the context of protected customer reimbursements, the CREG published the 'reference energy' components for electricity and natural gas for suppliers and distribution system operators.

In addition, on 10 November 2021 the Minister for Energy requested the CREG to draw up an opinion (i) on a draft Royal Decree granting a one-off fixed amount of €80 to customers benefiting from the social electricity tariff and (ii) on a draft Royal Decree amending the Royal Decrees on electricity and natural gas of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account. This last point relates to the compensation of the additional costs of social tariffs for RVT customers for the year 2021.

In its opinion, the CREG made certain remarks regarding these two draft Royal Decrees and also proposed taking account of a larger number of protected customers when granting the fixed amount, given the minimal impact on the cost of the measure.<sup>50</sup>

In the interests of transparency, the CREG includes an explanatory note with its published social tariffs and the reference energy components.<sup>51</sup>

#### • Platform against energy poverty - 'Social Tariff' working group of the King Baudouin Foundation

In 2021, the CREG actively took part in the work of the "Social Tariff" working group set up at the initiative of the King Baudouin Foundation.

Based on the reflection of the working group and in particular the plenary session of 21 September 2021, the King Baudouin Foundation published its recommendations entitled "Strengthening the social energy tariff - recommendations of the Platform against Energy Poverty" on 22 September 2021. These recommendations had been discussed in-depth with the members of the working group, including the CREG.

Thanks to these discussions, a broad consensus was reached on the importance of the tool and the guarantee of the fairest possible treatment of the different categories of beneficiaries. They resulted in recommendations categorised into five levers:

- Ensuring fair access to the social tariff
- Facilitating access to the social tariff

- Combination of the social tariff and the energy transition
- Improving access to information
- Objectify and, if necessary, resolve the issue of the cost of applying the social tariff to suppliers.

However, it should be noted that these recommendations are the result of work carried out by the platform as a whole and do not necessarily reflect the official position of the CREG.

#### 3.1.2.3. Trends in and fundamentals of electricity prices

In 2021, the CREG continued its monthly publication of a dashboard informing stakeholders of the important developments in the factors influencing electricity prices.

In the wholesale market, the CREG primarily monitors the changes in a number of key parameters in the setting of the electricity and natural gas prices in the Belgian exchange and neighbouring exchanges (Germany, France and the Netherlands).

For the retail market, the CREG shows, per region, the trends of the all-in price of electricity and natural gas in Belgium, for:

- Residential DC electricity customers (3,500 kWh/year, single-rate meter)
- Residential T2 natural gas customers (23,260 kWh/year)
- Social customers
- Dropped customers
- SMEs electricity (50,000 kWh/year, single-rate meter) and
- SMEs natural gas (100,000 kWh/year)

47 Monitoring report (RA)2238 of 7 May 2021 on the extension of the application of social tariffs for electricity and natural gas to the beneficiaries of the higher financial cover.

48 Second monitoring report (RA)2266 of 16 July 2021 on the extension of the application of the social tariff for electricity and natural gas to the beneficiaries of the higher financial cover.

49 Third monitoring report (RA)2301 of 10 November 2021 on the extension of the application of the social tariff for electricity and natural gas to the beneficiaries of the higher financial cover.

50 Opinion (A)2304 of 17 November 2021 on the draft Royal Decree granting a one-off fixed amount to customers benefiting from the social electricity tariff and on the draft Royal Decree amending the Royal Decrees on electricity and natural gas of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account.

51 Note (Z)2158 of 10 December 2020 on setting social price caps and reference energy components for electricity and natural gas applicable to the 1st quarter of 2021; Note (Z)2212 of 1 April 2021 on setting social price caps and reference energy components for electricity and natural gas applicable to the 2nd quarter of 2021; Note (Z)2252 of 1 July 2021 on setting social price caps and the reference energy components for electricity and natural gas applicable to the 3rd quarter of 2021; Note (Z)2292 of 1 October 2021 on setting social price caps and the reference energy components for electricity and natural gas applicable to the 4th quarter of 2021.

The CREG also compares the average all-in price of electricity and natural gas charged in Belgium and the neighbouring countries (Germany, France, the Netherlands and the United Kingdom) to household DC electricity customers, T2 natural gas customers and SMEs for electricity and natural gas.

Furthermore, every six months the CREG analyses and publishes the results of the international comparison of energy prices between Belgium, its regions and the neighbouring countries (Germany, France, the Netherlands and the United Kingdom).

The quarterly analysis also shows the evolution of the different components of energy bills.

Since 2019, the total electricity bill (for all components combined) in Belgium has been higher than the average in neighbouring countries. The difference with this average had narrowed in 2020 (prices in Belgium had fallen more compared to the neighbouring countries), but widened again in 2021 (for both household customers and SMEs). It is mainly the cost of the energy component that led to this trend.

In all Belgian regions and all neighbouring countries (except France), household customers and SMEs paid considerably more for electricity in the second quarter of 2021 than in the second quarter of 2020.

This trend follows the trend on the wholesale markets, where the electricity price has also risen sharply. This increase can be explained, on the one hand, by the uptick of economic activity following the sharp drop in demand due to the Corona crisis in 2020, but, on the other hand, by geopolitical tensions worldwide with significant consequences for natural gas quotations

and the price of CO<sub>2</sub> emissions, which in turn drive up the price of electricity.

For natural gas, the total bill in Belgium was lower than the average in neighbouring countries. However, this difference with the average was reduced to almost zero in 2021 (Belgium again became more expensive compared to its neighbouring countries). It was primarily the pure energy component that increased again in the last half year.

In all countries compared, except France (for SMEs) and the United Kingdom (both for household customers and SMEs), natural gas was more expensive in the first quarter of 2021 than in the same quarter of the previous year, both for household customers and SMEs.

This trend follows the trend on the wholesale markets, where the gas price has also risen sharply. This increase can be explained, on the one hand, by the uptick of economic activity following the sharp drop in demand due to the Corona crisis in 2020, but, on the other hand, by geopolitical tensions worldwide with significant consequences for natural gas quotations.

In its Note 2265 of 2 September 2021 on the termination, extension and renewal of energy supply contracts, which is also discussed in section 3.2.1, the CREG briefly describes the evolution of the energy price for household customers from October 2021 to March 2021 as well as the active suppliers and the products offered to households during that period.

### 3.1.3. Transmission and distribution

#### 3.1.3.1. Designation, unbundling and certification of the transmission system operator

In accordance with its powers of monitoring compliance with unbundling requirements by the transmission system operator, in 2021 the CREG also monitored various modifications published in connection with the mandates/functions/activities exercised by various directors and members of the executive committee of Elia Transmission Belgium and Elia Asset (see also point 3.1.3.2 below). It did not identify any incompatibilities with the legal unbundling and independence requirements.

In May 2021, the CREG received notification from Elia Transmission Belgium of the appointment of Mrs Lieve Creten as an independent director of the Boards of Directors of Elia Transmission Belgium and Elia Asset, for a period of five years with effect from 18 May 2021; this period ends immediately after the Ordinary General Meeting of Shareholders in 2026 for the financial year ending on 31 December 2025. In its opinion of 3 June 2021, the CREG confirmed that the independent director meets the requirements of independence referred to in Article 2, 30° of the Electricity Act.<sup>52</sup>

#### 3.1.3.2. Corporate governance

The CREG took cognizance of the 2020 activity report of the Corporate Governance Committee of Elia Transmission Belgium and Elia Asset in the context of the monitoring of the application of Articles 9 and 9ter of the Electricity Act and the evaluation of its effectiveness in relation to the objectives of independence and impartiality of the transmission system operator.

<sup>52</sup> Opinion (A)2242 of 3 June 2021 on the independence of Mrs Lieve Creten as an independent Director on the Boards of Directors of Elia Transmission Belgium NV and Elia Asset NV.

The CREG also took cognizance of the report of the compliance officer on compliance with the rules by Elia Transmission Belgium and Elia Asset employees in 2020. These compliance rules serve to rule out any discriminatory conduct, and set out the obligations incumbent on their staff members, so that this objective is achieved.

### 3.1.3.3. Closed industrial networks

On the proposal of the Directorate-General of Energy, and after receiving the opinion from the CREG and the system operator, the Minister for Energy may confer the title of closed industrial network operator, for the part operated at a rated voltage exceeding 70kV, to a natural person or legal person owning a network or having right of use thereof and who has requested that title in accordance with the Electricity Act.

Under the same procedure, the Minister may recognise the network as a closed industrial network provided that the regions involved have an opportunity to issue an opinion within sixty days. In 2021, the CREG did not receive any request for advice in this context from the General-Directorate of Energy.

### 3.1.3.4. Technical operation

#### A. Technical regulations

- **Amendments to the technical regulations regarding the restoration plan and the system defence plan**

CREG opinion (A)2054 of 13 February 2020 set out in the 2020 Annual Report resulted in the Royal Decree of 13 June

2021 amending Articles 2, 236, 259, 261 and 262 of the Royal Decree of 22 April 2019 establishing technical regulations for the management of the electricity transmission system and access thereto (Belgian Official Gazette of 28 June 2021).

The amendments stem from the demand of the system operator to better implement its System Defence Plan and Restoration Plan as laid down in Regulation (EU) 2017/2196 establishing a network code on electricity emergency and restoration. Several corrections were also proposed.

- **Provision of reactive power control and voltage control services**

Via a decision of 29 April 2021, the CREG approved Elia's proposal for the terms and conditions applicable to providers of reactive power control and voltage maintenance (VSP - Voltage Service Providers), including the standard agreement for the provision of reactive power control and voltage control services ("T&C VSP") for the contractual period 2022.

This proposal of T&C VSP for the contractual period 2022 means retaining the existing T&C VSP for one year. Elia plans a comprehensive re-evaluation of this T&C VSP for the contractual periods starting in 2023. Since 2021, this has been a mandatory service for most electricity generation units connected to the transmission system. Technical units that are not required to offer this support service may do so on a voluntary basis. Consumer units, distribution system operators, operators of a closed industrial network and units connected to the distribution system can also participate voluntarily.<sup>53</sup>

#### B. Connection and access

- **The concept of 'substantial modernisation'**

In September 2020, the CREG received Elia's proposal of guidelines for defining "substantial modernisation", for an opinion, in the context of the new federal technical regulations of 22 April 2019.

In this opinion, the CREG verifies whether the proposed guidelines meet the requirements of the European network codes RfG, DCC and HVDC and the federal technical regulations and whether they are clear to market participants. From this perspective, the CREG advised a series of adjustments.<sup>54</sup>

- **Decision on individual case of substantial modernisation**

On 10 June 2021, the CREG received Elia's analysis in connection with the substantial modernisation of a consumer installation, namely the replacement of a circuit breaker on the primary side of one of the four 150/36kV transformers.

In line with the guidelines drawn up by Elia in the context of the Federal Technical Regulations of 22 April 2019 defining "substantial modernisation", Elia recommends that only the element to be replaced, in this case the circuit breaker, must meet the requirements of the demand connection code ("DCC") and that it should not constitute a limiting element for the conformity of the complete consumer installation. This corresponds to what the Elia guidelines define as a "partial substantial modernisation".

53 Decision (B)2228 of 29 April 2021 on the proposal of Elia Transmission Belgium NV for the terms and conditions applicable to providers of reactive power control and voltage maintenance (VSP - Voltage Service Providers), including the standard agreement for the provision of reactive power control and voltage control services for the contractual period 2022, submitted via letter dated 18 March 2021.

54 Opinion (A)2148 of 7 January 2021 on the proposal of Elia Transmission Belgium NV of 9 September 2020 entitled "Substantial modernisation: guidelines for defining 'substantial modernisation' in the context of the new Federal Technical Regulations of 22 April 2019".

In this decision, the CREG agreed with the partial substantial modernisation recommended by Elia and decided that the existing connection contract between Elia and the consumer installation concerned must be revised as a result.<sup>55</sup>

- **Decision on a suspension request in the context of a derogation request from the European network code RfG**

From 28 October 2021, the date on which Elia submitted its derogation request, and until the date on which the CREG took its decision on the merits of the case, existing Type D power generation units with a maximum installed capacity lower than 25 MW and a voltage at the connection point higher than or equal to 110 kV do not have to comply with the principle of substantial modernisation.<sup>56</sup>

#### C. Balancing and ancillary services

- **Reserve capacity**

The evaluation and determination by the transmission system operator Elia of the frequency containment reserve (primary reserve or FCR), automatic frequency restoration reserve (secondary reserve or aFRR) and manual frequency restoration reserve (tertiary reserve or mFRR) that helps ensure the safety, reliability and efficiency of the transmission system in the control area, consists of:

- The determination by the system operator of the needs for balancing services other than the frequency containment reserve for the load-frequency control block. The

methodology for the evaluation of these needs is submitted to the CREG for approval in the context of the approval of the methodologies and conditions included in the operational agreements of the LFC block.

- The determination of the balancing capacity that must be reserved with the suppliers of balancing services within the imbalance area, the methodology for this is submitted by the system operator to the CREG for approval at the same time as the above-mentioned proposal.

- **Price bids and volumes for ancillary services**

To ensure the safety, reliability and efficiency of the transmission system, Elia needs to have access to a certain volume of ancillary services at its disposal, on a permanent basis. The procedures for obtaining this are specified in the technical regulations of 22 April 2019 on the management of the transmission system and access to it.

2021 is the first full calendar year after the completion in 2020 of the major changes to the product design and balancing processes with, among other things, the gradual switch to daily auctions for reserve capacity of the three services FCR, aFRR and mFRR and the full contractualisation of primary adjustment capacity through the regional auction platform. It was clear once again that it is difficult to purchase the service for voltage control and reactive power for the necessary volumes and at reasonable prices. It was once again necessary to promulgate the Royal Decrees mentioned below, which impose price and volume conditions, to ensure the provision of this service at a reasonable price.

Furthermore, in order to keep increases in the costs of ancillary services at a reasonable level, the Electricity Act requires Elia to submit annual reports to the CREG on proposed prices for the supply of ancillary services. The CREG then gives an indication of whether the proposed prices are manifestly unreasonable, and will justify its opinion.

In 2021, the CREG received a report from Elia on its control service, voltage and reactive capacity. In its report on the control service, voltage and reactive capacity<sup>57</sup>, it established that the prices of the most selected offers were manifestly unreasonable. Accordingly, the Minister for Energy drew up draft Royal Decrees to impose price and volume conditions on the producers concerned and submitted them to the CREG for an opinion.<sup>58</sup>

In 2021, there were daily auctions for all FCR, aFRR and mFRR. The CREG therefore now receives daily reports from Elia and not weekly reports. A detailed analysis of the evolution of the reserve costs is presented in the CREG's annual monitoring report. Nevertheless, in 2021 and especially in the second half of the year, very high reserve prices, and therefore corresponding costs, were laid down. These high reserve prices are due to higher gas prices. In addition, the CREG identified several improvements with regard to the market processes. The CREG will endeavour to implement these improvements in the course of 2022.

- **Balancing**

The transmission system operator is responsible for monitoring, maintaining and, if need be, re-establishing the balance

<sup>55</sup> Decision (B)2278 of 23 September 2021 concerning the modernisation of a consumer installation of NLMK Clabecq NV located at the site in Ittre (replacement of a circuit breaker in transformer no. 3).

<sup>56</sup> Decision (B)2308 of 23 December 2021 on the request by Elia Transmission Belgium NV to suspend the obligation in Article 4.1, a) of the European network code RfG for existing Type D power generation units with a maximum installed capacity of less than 25 MW and a voltage at the connection point higher than or equal to 110 kV, pending the CREG's decision on the merits of the request for derogation submitted on 28 October 2021.

<sup>57</sup> Report (RA)2300 of 28 October 2021 on the manifestly unreasonable nature, or otherwise, of the prices offered to Elia System Operator NV for the provision of the control service for voltage and reactive capacity in 2022.

<sup>58</sup> Opinion (A)2309 to (A)2323 of 17 December 2021.



between supply and demand for electricity in the control area, inter alia as a result of possible individual imbalances caused by the various Access Responsible Parties. Elia is required to submit a proposal for the market operating rules for offsetting 15-minute imbalances to the CREG for approval.

On 12 February 2021, Elia submitted to the CREG an amended proposal of terms and conditions of the balancing service provider (BSP) for automatic frequency restoration reserves (aFRR), for approval. The amendments include the addition of a limitation on the capacity volumes that would be purchased in the per-CCTU auction. This limitation is variable and can be updated at the request of CREG or Elia on the basis of the market situation. On 22 April 2021, the CREG approved this proposal.<sup>59</sup>

In its decision of 9 December 2021, the CREG also approved the request of Elia regarding the exemption from the obligation to purchase upward and downward balancing capacity separately for the frequency restoration reserves with automatic activation.<sup>60</sup>

#### • Volumes activated and concentration of bids

In 2021, activations to offset imbalances in the control area increased by 5% compared to 2020, totalling 1,202 GWh. The proportion of secondary reserves in these activations reached 35.0% in 2021, compared with 36.0% in 2020 and 46.0% in 2019. This significant fall is primarily due to the strong increase in the activations of other resources, mainly those of the IGCC resources, which amounted to 505 GWh in 2021 compared to 490 GWh in 2020 and 412 GWh in 2019. The IGCC covers 42.0% of the offsetting of imbalances.

In 2021, there was an upward activation of 0.4 GWh and a downwards activation of 1.3 GWh of reserves located abroad by the electricity transmission system operators, while these activations amounted to respectively 0 MWh and 0 MWh in 2020 and 300 MWh and 0 MWh in 2019 (Source: Elia data). The HHI index concerning reserves on CIPU units was 3,379 in 2021, compared to 3,757 in 2020 and 3,538 in 2019. The index concerning tenders on non-CIPU units was 4,151 in 2021 compared to 3,393 in 2020. For all bids combined, the HHI index, for all technologies, was 2,838 in 2021 compared to 3,224 in 2020. Six market participants submitted bids for CIPU units, eight for non-CIPU units (stable compared to 2020) and ten for all technologies combined.

#### • Price of offsetting individual imbalances

The imbalance tariff is based on the principle of the single marginal price. This takes into account the imbalance of the access responsible party and the direction of the imbalance of the control area. Table 2 gives an overview of the trend in the average tariff (unweighted) for positive imbalances (injection > offtake) and for negative imbalances (injection < offtake) of the Access Responsible Parties for the period 2012-2021.

Table 2: Average unweighted imbalance tariff during the period 2012-2021 (euro/MWh) (Source: Elia data)

	EPEX SPOT DAM	Injection < offtake	Injection > offtake
2012	46.98	54.05	51.84
2013	47.45	49.36	47.91
2014	40.79	41.07	40.33
2015	44.68	44.18	43.48
2016	36.62	35.73	34.90
2017	44.58	43.04	42.23
2018	55.27	54.18	53.37
2019	39.35	40.02	39.15
2020	31.91	33.68	33.68
<b>2021</b>	<b>104.12</b>	<b>100.33</b>	<b>100.33</b>

<sup>59</sup> Decision (B)2210 of 22 April 2021 on the request for approval of a proposal to amend terms and conditions of the balancing service provider (BSP) for automatic frequency restoration reserves (aFRR).

<sup>60</sup> Decision (B)2299 of 9 December 2021 on the application for approval of the proposal of ELIA Transmission Belgium NV of the exemption from the obligation to purchase upward and downward balancing capacity separately for the frequency restoration reserves with automatic activation.

Figure 3: Average unweighted imbalance tariff and EPEX SPOT DAM price during the period 2012-2021 (Sources: Elia and BELPEX/EPEX SPOT data)

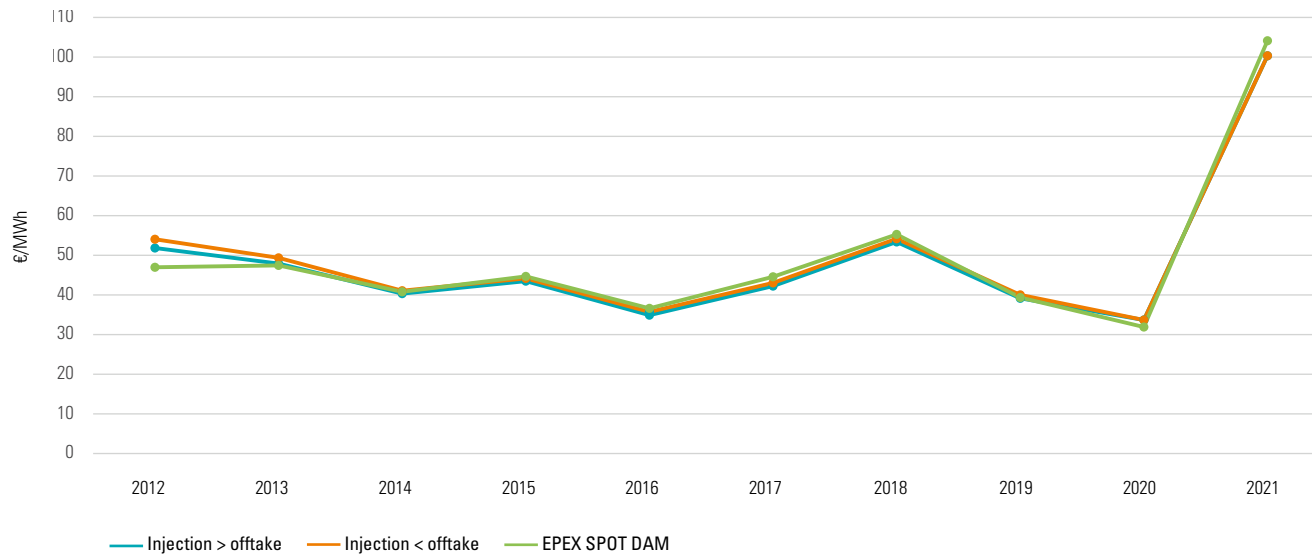


Figure 3 can be used to compare these average prices with the trend in average prices on the BELPEX/EPEX SPOT day-ahead market over the same period.

• Coordination of units and congestion management

On 4 March 2021, the CREG decided on Elia's proposal for the rules on coordination and congestion management. The CREG approved the proposal, subject to certain modifications. Elia acted on the decision and made the requested modifications. The proposal describes the operational rules applied by Elia to coordinate the technical units that are subject to outage planning and to programme obligations, as well as the rules for congestion risk management. The proposal was therefore

submitted at the same time as the terms and conditions for the outage planning agent ("T&C OPA") on the one hand, and the terms and conditions for the scheduling agent ("T&C SA") on the other, which had already been approved by the CREG on 12 November 2020.

The approved proposal of the rules for coordination and congestion management reflect the current situation. In the context of the iCAROS project, a change in the rules for coordination and congestion management is planned, as is the case for the T&C OPA and T&C SA.<sup>61</sup>

D. Time taken by the transmission system operator to carry out connections and repairs

In 2021, the AIT (Average Interruption Time) on the federal transmission system was 7 minutes 14 seconds (compared to 4 minutes 21 seconds in 2020) and the AID (Average Interruption Duration) was 1 hour 14 minutes 17 seconds (compared to 25 minutes and 32 seconds in 2020). In 2021, there were 25 incidents on the transmission system (38 in 2020), including 18 on the 150 kV system and 7 on the 220 kV system. As this system is configured as a grid, such incidents do not usually result in customer supply interruptions. In 72% of cases, automatic reconnection is attempted. These attempts were successful in 12 cases on the 150 kV system, and in 6 cases on the 220 kV system.

In 11 cases, a connection to the federal transmission system was unavailable for more than 24 hours. These connections were unavailable between 1 day 2 hours and 34 days. Based on the AIT and AID indicators, the availability of the transmission system in 2021 was lower than in the previous year.

3.1.3.5. System tariffs

A. The transmission system

a) Tariff methodology

Regulatory period 2020-2023

As explained in the 2018 annual report, on 28 June 2018 the CREG adopted the final decision setting out the tariff methodology applicable to the TSO for the regulatory period 2020-2023.

61 Decision (B)2056 of 4 March 2021 on the application for approval of the proposal of Elia Transmission Belgium NV for rules for coordination and congestion management.

The approved modifications concern the implementation of two projects that are impossible or technically and economically suboptimal due to the current circumstances.

The first modification concerns the planning for the commissioning of the capacitor batteries (but with no impact on the total installed capacity at the end of the regulatory period) and the second is in line with Elia's new long-term vision for the North Kempen.<sup>62</sup>

On 9 December 2021, the CREG then took a decision on the objective to be achieved by Elia in 2022 in the context of the incentive to promote system balancing referred to in Article 27 of the tariff methodology. This is largely an approval decision with some modifications to Elia's proposal, mainly as a result of feedback given during the two public consultations. The decision incorporates the complete description of the objectives that must be achieved by Elia by 2022, in the context of the incentive.<sup>63</sup>

Finally, pursuant to Article 26, §2 of the tariff methodology 2020-2023, on 23 December 2021 the CREG took a decision on the proposal to update Elia's Research and Development Plan for the period 2020-2023. Elia submitted 28 project proposals: 18 projects already approved by the CREG in its decision on the previous version of the plan and 10 new projects. The CREG decided to support 26 projects, 6 partially. In accordance with the tariff methodology, Elia has the possibility to submit a new version of its research and development plan every year of the regulatory period, by 1 July.<sup>64</sup>

### Regulatory period 2024-2027

For the period 2024-2027, the CREG and Elia have entered into an agreement on the procedures for approving the tariff methodology for the electricity transmission system and for the electricity grids with a transmission function and for the approval of tariff proposals and of changes to tariffs and tariff surcharges.

### b) Transmission tariffs 2020-2023

As detailed in the Annual Report 2019, on 7 November 2019 the CREG approved Elia's adapted tariff proposal for the regulatory period 2020-2023. Overall, compared to the transmission system tariffs applicable in 2019, the decrease in tariffs was -2.1% in 2020, -1.9% in 2021, and will be -1.1% in 2022 and -1% in 2023.

In 2021, the CREG approved Elia's updated tariff proposal relating to the tariffs for public service obligations (PSO) and taxes and surcharges applicable as of 1 January 2022. The PSO tariff for green certificates in Flanders has once again risen significantly, while the other PSO tariffs and surcharges at regional level have remained broadly stable. From 1 January 2022, the PSO tariffs and surcharges at federal level were replaced by specific excise duties for electricity and gas.<sup>65</sup>

With the decision of 17 December 2021, the CREG also approved the budgets for the public service obligations strategic reserve and CRM for 2022, but did not set a tariff since these costs will now be covered by the federal state budget.<sup>66</sup>

### c) Balances

The tariff methodology envisages that the TSO must submit an annual tariff report for the previous year to the CREG for approval.

The tariff methodology for the transmission of electricity envisages that the TSO must submit an annual tariff report for the previous year to the CREG for approval. The various adjustments made by Elia at the request of CREG in its adjusted 2020 tariffs report resulted in a reduction of €4,146,869 in the debt of the future tariffs vis-à-vis the system operator. The CREG approved the updated 2020 tariff report submitted by Elia.<sup>67</sup>

## B. Distribution systems

In its annual study (no. 2223) into price components (see also point 3.2.1. of this report), the CREG observed the following with regard to 2020 distribution tariffs:

### ■ Household customers

#### Electricity (DC - double counter):

Compared to 2007, the distribution system tariff in 2020 was on average (for the whole of Belgium) 68.58% higher for a DC 2V type customer. This average is high because of the significant tariff increase in Flemish distribution system tariffs linked to the higher costs of public service obligations. The net costs associated with these obligations are recovered in the 'public service obligations' tariff in the distribution system tariff. In Flanders, the distribution system tariff rose on average

62 Decision (B)658E/55bis of 2 December 2021 amending decision (B)658E/55 on the arrangements for determining the incentives to improve the performance of the transmission system operator for electricity during the 2020-2023 regulatory period.

63 Decision (B)658E/73 of 9 December 2021 on the objectives to be achieved by Elia Transmission Belgium NV in 2022 in the context of the incentive to promote system balancing referred to in Article 27 of the tariff methodology.

64 Decision (B)658E/74 of 23 December 2021 on the updated research and development plan of Elia Transmission Belgium NV for the regulatory period 2020-2023 in the context of the incentive to promote innovation referred to in Article 26, § 2 of the tariff methodology.

65 Decision (B)658E/76 of 17 December 2021 on the request for approval of the modified updated tariff proposal submitted by Elia Transmission Belgium NV regarding the tariffs for the public service obligations and the taxes and surcharges, applicable as of 1 January 2022.

66 Decision (B)658E/75 of 17 December 2021 on the request for approval of the tariff proposal submitted by Elia Transmission Belgium NV regarding the tariff for the public service obligation strategic reserve as of 1 January 2022.

67 Decision (B)658E/72 of 8 July 2021 on the request for approval of the tariff report submitted by the electricity TSO, including the balances for the financial year 2020.

by +120.65% (+€51.44/MWh). 74.16% of this increase is due to the increase in the tariff for public service obligations. The increase is less pronounced in Brussels and Wallonia: +30.58% (+€12.33/MWh) in Brussels and +52.80% (+€22.99/MWh) in Wallonia. In Brussels, +40.13% of this increase is due to the tariff for public service obligations and in Wallonia it is +38.89%. The share of the public service obligations tariff in 2020 was 48.36% in Flanders, 21.60% in Brussels and 15.27% in Wallonia.

#### Natural gas (T2):

Compared to 2007, the distribution system tariff in 2020 was on average (for the whole of Belgium) 27.42% higher for a T2 type customer. The distribution system tariff for a T2 type customer in Flanders increased on average by +14.72% (€1.47/MWh), while the tariff for public service obligations decreased by -4.37%. In Brussels, the increase was +2.48% (+€0.27/MWh), with the tariff for public service obligations falling by -123.86%. In Wallonia, the increase is higher, namely +66.08% (€6.84/MWh), of which 49.30% is due to the increase in the tariff for public service obligations. The share of the public service obligations tariff for a T2 type customer in 2020 was 3.46% in Flanders, 2.42% in Brussels and 20.69% in Wallonia.

#### ■ Professional customers

#### Electricity (Ic1):

Compared to 2007, the distribution system tariff in 2020 was on average (for the whole of Belgium) 14.31% higher for an Ic1 type customer. This average is high because of the significant tariff increase in Flemish distribution system tariffs linked to the higher costs of public service obligations. The net costs associated with these obligations are recovered in the 'public service obligations' tariff in the distribution system tariff. The distribution system tariff

in Flanders increased on average by 11.38% (+€1.31/MWh). This increase is due to the higher tariff for public service obligations. In Brussels, the increase is +7.12% (+€2.42/MWh) and in Wallonia it is higher, at +30.80% (+€8.08/MWh). In Brussels, 82.31% of this increase is due to the tariff for public service obligations and in Wallonia it is 10.61%. The share of the public service obligations tariff in 2020 was 21.68% in Flanders, 5.47% in Brussels and 2.50% in Wallonia.

#### Natural gas (T4):

Compared to 2007, the distribution system tariff in 2020 was on average (for the whole of Belgium) 27.47% higher for a T4 type customer. The distribution system tariff for a T4 type customer in Flanders increased on average by +4.99% (€0.12/MWh). In Brussels, the increase was +7.22% (+€0.20/MWh). In Wallonia, the increase was higher, namely +70.57% (€1.80/MWh).

### 3.1.4. Implementation of European regulations and cross-border issues

#### 3.1.4.1. Access to cross-border infrastructure

Compared to 2020, 2021 was a year without major changes in terms of interconnections. While 2020 was marked by the entry into force of Regulation (EU) 2019/943 (hereafter: CEP Regulation) and the commissioning of the ALEGrO HVDC connection between Belgium and Germany, which led to important changes in the methodology of CWE-flow-based market coupling<sup>68</sup>, 2021 was rather a continuation of what had been started in 2020.

The CEP Regulation has a specific impact on the level of available exchange capacity between areas. In fact, Article 16(8) of the Regulation requires that for borders using a coordinated net transmission capacity approach, the minimum capacity shall be 70% of the transmission capacity respecting operational security limits

after deduction of contingencies. However, until 2025, a Member State may request a derogation in the form of an action plan in the event of structural internal congestion. A regulator may grant a derogation in the case of external or time-limited factors. Given that the Belgian network does not suffer from structural internal congestion, Belgium has not opted for the action plan. However, a derogation was granted in 2021, as was the case in 2020, when the loop flows exceed a certain level. More information can be found in CREG Decision (B)2136 of 22 October 2020. Through the Joint Allocation Office (JAO), Elia publishes the calculation of the minimum capacity for daily market coupling based on CWE flows.

The commercial start-up of ALEGrO, the 90 km underground HVDC cable with a nominal capacity of 1,000 MW connecting Belgium and Germany between the Lixhe (BE) and Oberzier (DE) hubs, was carried out in three phases. Capacity allocation started on a daily basis on 18 November 2020, and on an intraday basis on 8 December 2020.

The auction of long-term transmission rights started in January 2021.

Since the commissioning of Nemo Link on 30 January 2019, Belgium has been exchanging electricity not only in the CWE region, but also with the UK. The availability of Nemo Link, the high-voltage line connecting Belgium to the UK, was 99.03% in 2021.

Thanks in part to this trade with the UK, Belgium recorded net physical exports in 2021, as was the case in 2020. Indeed, in 2021, Belgium exported 0.6TWh net to the CWE region (4.8TWh imports in 2020) and exported 7.0 TWh net to the UK (5.9TWh in 2020).

<sup>68</sup> The CWE capacity calculation region consists of the borders between the bidding zones between Belgium, France, the Netherlands, Germany/Luxembourg and Austria.

### 3. The electricity market

The figure below shows the monthly average of commercial exchanges from Belgium in the CWE zone and to the UK on the daily market, including the long-term market.

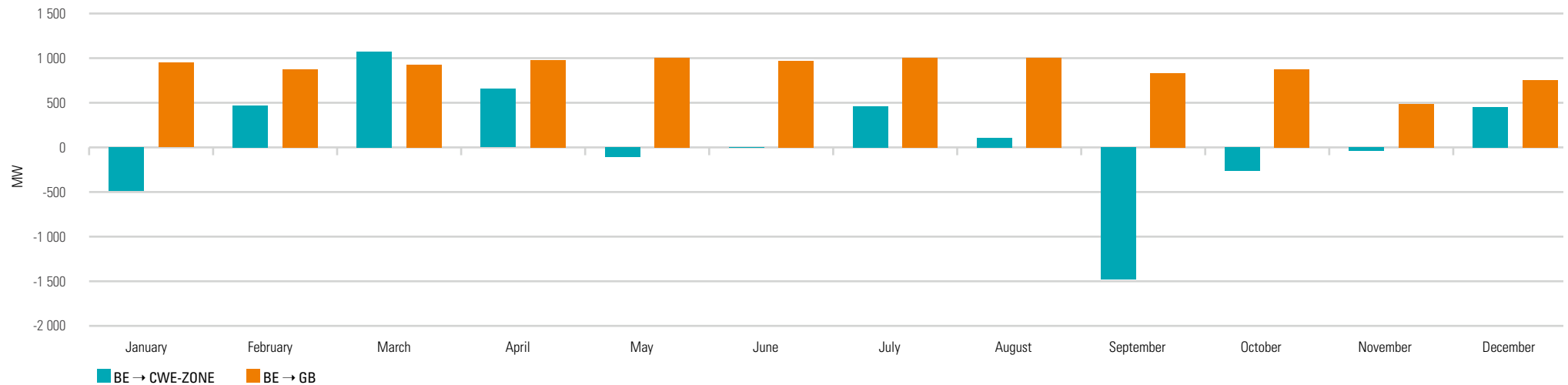
In 2021, gross imports into Belgium were 12.5 TWh (compared to 10.3 TWh in 2020) and gross exports from Belgium were 20.1 TWh (compared to 11.4 TWh in 2020), i.e. net physical exports of 7.6 TWh (compared to net physical exports of 1.1 TWh in 2020).

Table 3 shows the same information, but expressed as annual averages. In 2021, average net exports<sup>69</sup> were 868 MW.

Table 3: Average export and import capacity and average net nomination per year for Belgium (MW) (Sources: Elia data, CREG calculations)

Year	Average export capacity	Average import capacity	Net average export nomination
2012	2 971	- 4 245	- 1 050
2013	2 821	- 3 933	- 1 109
2014	2 697	- 3 562	- 1 910
2015	2 545	- 3 291	- 2 379
2016	-	-	- 732
2017	-	-	- 736
2018	-	-	- 2 029
2019	-	-	182
2020	-	-	124
<b>2021</b>	-	-	<b>868</b>
<b>Average</b>	-	-	<b>- 223</b>

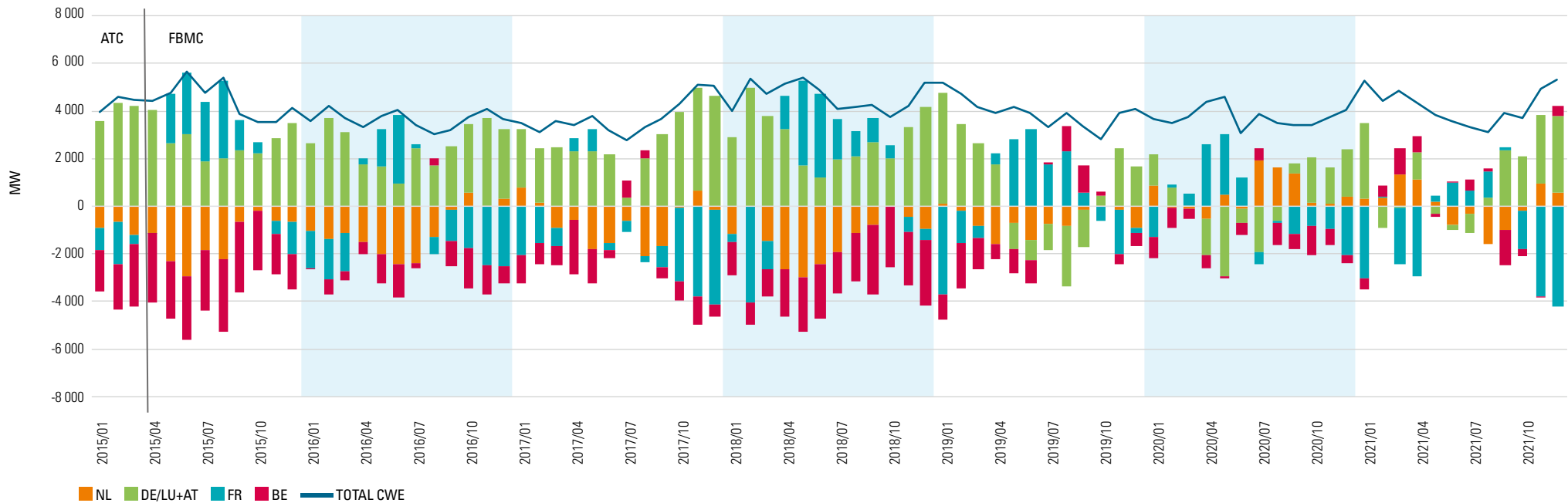
Figure 4: Monthly and annual averages of Belgium's daily cross-border exchanges in the CWE zone and to the UK in 2021, including long-term nominations. A positive value indicates a net export (> 0) and a negative value indicates a net import (< 0) (Sources: TSOs CWE, ENTSO-E Transparency platform, CREG calculations)



<sup>69</sup> By convention, the CREG uses a negative value for imports and a positive value for exports. As such, a drop in average net imports must be interpreted as a rise in net exports or a drop in the negative value of net exports in the table.

### 3. The electricity market

Figure 5: Monthly averages of net positions of zones and daily cross-border exchanges in the CWE region, including long-term nominations, before and after the introduction of FBMC on 21 May 2015 (Sources: TSOs CWE, CREG calculations)



The exchanges carried out in the context of CWE day-ahead market coupling averaged 4,213 MW in 2021 compared to 3,745 MW in 2020. This fall is illustrated in Figure 5, which shows the evolution of the monthly net positions of all the bidding zones in the CWE region, as well as the total average capacity exchanged.<sup>70</sup>

In parallel with this increase in exchanges in the CWE region, price convergence increased. In 2021 there was price convergence for 4,216 hours<sup>71</sup>, an increase of 9% compared to 2020. The maximum price difference between Belgium and the other

CWE countries rose sharply between 2020 and 2021, from €5.2/MWh to €17.2/MWh due to the sharp increase in wholesale prices from June 2021 throughout the CWE region.

The improved price convergence is partly due to a combination of generation-side factors, demand-side factors and transmission capacity made available to the market. 2021 was characterised by excellent availability of the nuclear units in Belgium and France and higher available capacity on the Belgian grid as a result of the obligation, stipulated in Article 16 of Regulation (EU) 2019/943, which entered into force on 1 January 2020, to

have minimum available capacity for cross-border trade (see our decision (B)2136 of 22 October 2020, referred to in the 2020 Annual Report).

Figure 6 provides an overview of the number of active constraints in the flow-based market coupling in the CWE region, introduced by the transmission system operators of that region. In this regard, the distribution was made on the basis of the available commercial capacity expressed in terms of thermal capacity ('% RAM'). Firstly, in 2021 there was a sharp increase in the number of active grid constraints compared to

<sup>70</sup> On 1 October 2019, the bidding zone DE/AT/LU was split into two: the bidding zone DE/LU on the one hand and the bidding zone AT on the other. To compare the exchanged capacity in the CWE region before and after this date, the net positions of the DE/LU and AT bidding zones recorded after 1 October 2019 have been added together.

<sup>71</sup> Price convergence is defined as a price difference of less than €0.1/MWh between the Belgian, Dutch, French, Austrian and German/Luxembourg bidding zones.

### 3. The electricity market

the previous year in general and in Belgium and Germany (Amprion) in particular.

This increase is primarily due to the introduction of ALEGrO in the CWE market coupling, as ALEGrO, with "Evolved Flow Based", introduces an additional optimisation variable in the capacity allocation and thus allows a better use of the grid. Moreover, the introduction of the "Extended LTA Inclusion" has led to a broader definition of what constitutes an active grid constraint. Secondly, in 2021, when ALEGrO was an active grid constraint for the CWE day-ahead market, all 1,000 MW thermal capacity was offered on the market. Thirdly, as in previous years, the capacity offered to the market on the Belgian grid was significantly higher than that offered on the German grid. Finally, all TSOs complied with the minRAM measure of 20% (which had been applied since 2018, see CREG (B)1814 decision of 30 August 2018), with a few exceptions that did not actively constrain the daily market. On average, the RAM on the restrictive line was 50.1%. In 21% of the hours, this was more than 70%.

The following table shows the evolution of annual revenues from import and export capacities at the Belgian borders with France and the Netherlands purchased by market participants in explicit auctions, valid for the following year or the following month. The table shows that the market participants paid a total of €63.4 million to purchase the annual and monthly capacities offered in 2021. As in most previous years, revenues from the annual auctions were higher than revenues from monthly auctions in 2021 as the capacity volumes offered for annual auctions are higher than for monthly auctions.

The evolution of the gross commercial congestion income generated by the market coupling in D-1, before offsetting the long-term rights, is illustrated in Figure 7 for the Belgian market from 2012 to 2021. The figure shows the total revenues of the daily market by border. In practice, this amount is shared by the holders of long-term rights and the transmission system operator.

Figure 6: Overview of the number of active grid constraints in the CWE FBMC in 2021, shown according to the available commercial capacity (RAM), relative to the thermal limit (Sources: TSOs, CWE, CREG calculations)

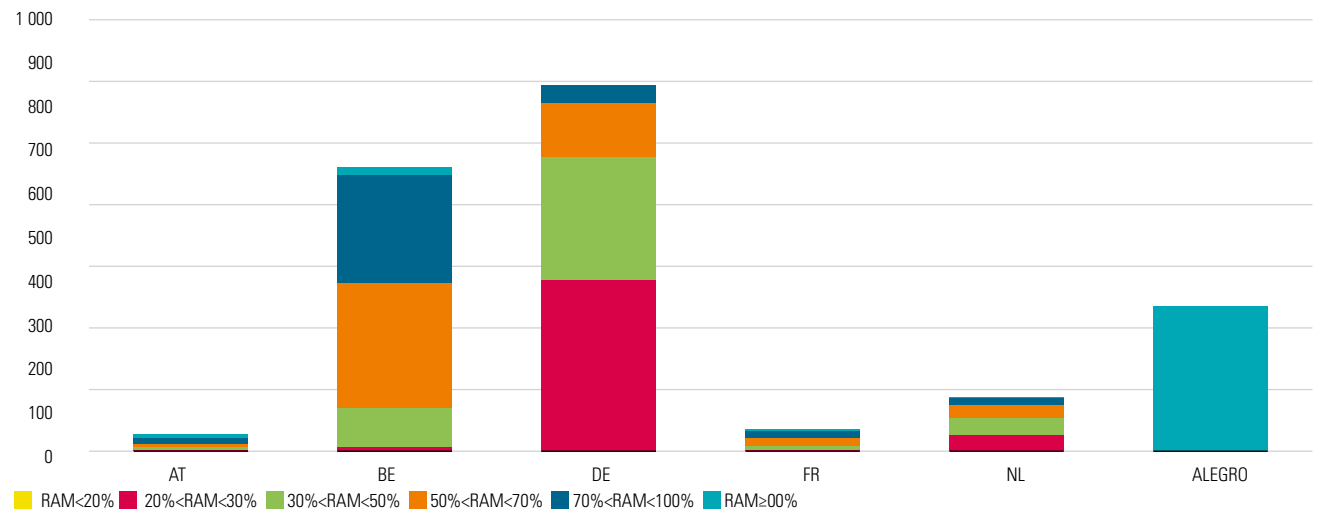
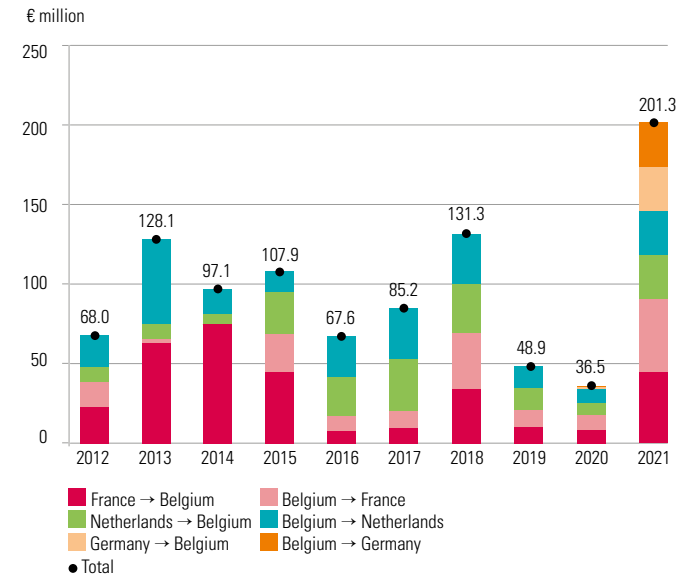


Table 4: Annual revenues from the monthly and annual capacities offered for auction (in millions of euros) (Sources: Elia data, CREG calculations)

Year	Yearly auctions	Monthly auctions	Total
2012	15.6	8.5	24.1
2013	36.7	20.7	57.4
2014	42.6	24.1	66.6
2015	65.1	37.1	102.1
2016	33.4	30.8	64.2
2017	42.0	22.7	64.6
2018	40.2	61.2	101.4
2019	60.2	15.0	75.2
2020	38.2	12.4	50.6
<b>2021*</b>	<b>36.9</b>	<b>26.5</b>	<b>63.4</b>

\* For the year 2021, these figures do not yet include the revenues from the capacity auctions on the Belgian-German border. The long-term capacities on ALEGrO have been auctioned since January 2021.

Figure 7: Daily gross congestion income from market coupling (Sources: Elia data, CREG calculations)



In 2021, the gross congestion income generated in D-1 at the Belgian borders amounted to €201.31 million and fully benefited the transmission system users. This amount, which was historically the highest recorded on the Belgian borders, corresponds to an increase of more than 450% compared to the income generated in 2020. Congestion income was generated at the three borders of the CWE region: €55.5 million at the Belgian-Dutch border, €91.0 million at the French-Belgian border and €54.8 million at the German-Belgian border. This new record for congestion income can be explained by the combination of the new German-Belgian border, the increase in cross-border exchanges in the CWE region and the significant increase in price differences in the final three months of the year.

The exchanges on the Belgian-UK border via Nemo Link also generate congestion income. Unlike the congestion income generated at the other Belgian borders, these are allocated as a priority to the investors of Nemo Link, i.e. Elia and the National Grid. This allocation is made within the constraints of the 'cap and floor' mechanism. The congestion income only benefits the users of the transmission system when it exceeds the cap. In 2021, the congestion income generated on Nemo Link was between the cap and the floor, and therefore had no impact on Belgian transmission tariffs.

#### 3.1.4.2. Correlation between the development plan for the transmission system and the development plan for the European network

In the context of its opinion on the draft federal development plan (see point 3.4.2 of the CREG's 2018 Annual Report), the CREG examined the correlation between the development plan for the transmission system drawn up by Elia and the EU ten year network development plan 2020 (TYNDP 2020). Although the assumptions and scenarios in the federal development plan are closely aligned with those of the previous TYNDP (TYNDP 2018), drawn up by ENTSO-E, the methodology of the development plan was not applied transparently. Moreover, the list and status of the projects analysed in the TYNDP 2020, including specific methodological aspects, have evolved since the TYNDP 2018.

On 15 February 2021, ENTSO-E submitted a draft version of the EU TYNDP 2020 to ACER. In accordance with the legal requirements, at the request of ACER, the CREG analysed the consistency of the included projects and corresponding investments with those included in the federal development plan 2020-2030. The result of this analysis was published on 3 May 2021 in ACER Opinion No 04/2021. For Belgium, the CREG identified seven inconsistencies. The main inconsistencies were the project status and expected date of commissioning of the phase shift transformer (PST) at Achène and of the HTLS reinforcement of the French-Belgian interconnector Lonny-Achène-Gramme. While in the Federal Development Plan the PST at Achène is envisaged for 2025 with status "for approval" and the HTLS reinforcement is envisaged for 2030 with status "In planning but not permitting", in the draft version of the EU TYNDP 2020 both projects were clustered and were only given the status "Under Consideration" for 2030. The CREG insisted on remedying these inconsistencies in the final

version of the EU TYNDP 2020, given the importance of an ambitious timing and follow-up of these projects of cross-border interest. Indeed, both projects have a distinctly positive cost-benefit analysis. The estimated CAPEX is €90M and the estimated benefits in terms of Social Welfare and CO<sub>2</sub> reduction €66M/a and €29M/a respectively. For this reason, in the context of the "Projects of Common Interest" procedure, the CREG and the CRE, the French energy regulator, jointly supported the PCI candidacy of the Lonny-Achène-Gramme HTLS reinforcement and proposed studying whether this project could not be accelerated.

#### 3.1.4.3. Implementation of European regulations

Following the entry into force of a range of European regulations, various regulatory authorities, including the CREG, have been entrusted with a number of additional responsibilities, and there is a greater need to strengthen European and regional cooperation. In the context of the implementation of the European regulations (including CACM<sup>72</sup>, EB<sup>73</sup>, SO<sup>74</sup>, ER<sup>75</sup>, RfG<sup>76</sup> and 2019/943<sup>77</sup>), the CREG, together with other regulatory authorities, needs to take decisions on various proposals from the European transmission system operators and European Nominated Electricity Market Operators ("NEMOs"). These proposals set out methodologies that are essential to achieve greater harmonisation, integration and efficiency of the European electricity market and the completion of the fully integrated internal energy market.

##### ■ European CACM regulation

#### Common capacity calculation methodology

In November 2020, the CREG received a request from Elia for approval of changes to the coordinated capacity calculation

72 Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management.

73 Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing.

74 Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation.

75 Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration.

76 Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators.

77 Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity.



methodology for the day-ahead timeframe in the Core region. After consultation with the other regulatory authorities concerned, the CREG decided to adopt the methodology after introducing a number of modifications.<sup>78</sup>

### Participation in the costs of the NEMOs

Decision (B)2249 approves the participation of Elia in the costs borne by the NEMOs operating in Belgium for the establishment, modification and implementation of uniform day-ahead and intraday market coupling in 2020. This contribution is provided for in Article 76 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (the CACM Regulation) and was calculated in accordance with the CREG Guidance of 24 October 2019.<sup>79</sup>

With its decision (B)2250, the CREG approved the proposal of Elia regarding its contribution to the costs of the electricity exchanges active in Belgium (NEMOs) for the establishment, modification and implementation of uniform day-ahead and intraday coupling in 2021 in application of Article 76 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (the CACM Regulation). The contribution actually due to the NEMOs in 2021 will be the subject of a report by Elia and a decision by the CREG in 2022.<sup>80</sup>

### ■ European EB Regulation

The aim of the T&C BRP proposal is to integrate the extension of the rules for the energy transfer to the above-mentioned markets into the T&C BRP. The CREG firstly approved this proposal with the exception of article 9.1 of the BRP contract.<sup>81</sup> Subsequently, on 20 May 2021, it approved an amended proposal on article 9.1 of the BRP contract that had been submitted by Elia on 7 May 2021.<sup>82</sup>

On 17 September 2021, the CREG received Elia's proposal to modify the terms and conditions of the Balance Responsible Party (T&C BRP). This proposal is related to the implementation of the gradual relaxation of the day-ahead balancing obligation of the BRPs. The CREG approved this proposal on 21 October 2021.<sup>83</sup>

### ■ European SO Regulation

On 21 January 2021, the CREG<sup>84</sup> decided to approve the additional features of the FCR for Continental Europe that had been revised in consultation with the regulatory authorities of Continental Europe. This decision also takes into account the responses of the market participants during the public consultation organised by the CREG from 15 October 2020 to 13 November 2020.

### ■ European ER Regulation

#### System defence plan, restoration plan and test plan

Elia's system defence plan serves to restore the grid to its normal state when the operational stability of the transmission system is no longer guaranteed, in order to avoid a blackout. If the system defence plan cannot avoid a blackout, Elia's restoration plan is immediately activated. The restoration plan includes all technical and organisational measures necessary to restore the grid after a blackout.

The test plan specifies the equipment and capabilities relevant to the system defence plan and the restoration plan to be tested by Elia, as well as the methodology.

These three plans, which must be prepared by the transmission system operator, come from Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration, which lays down measures to ensure operational safety, to prevent the spread or aggravation of an incident and thus avoid widespread disruption and blackout, and to restore the electricity system efficiently and quickly in the event of a blackout.

On 18 March 2021, at the request of the Minister for Energy, the CREG issued an opinion on a revision of the confidential

78 Decision (B)2241 of 10 June 2021 on the request for approval by Elia Transmission Belgium and all transmission system operators of the Core capacity calculation region for modifications to the common capacity calculation methodology.

79 Decision (B)2249 of 10 June 2021 regarding the report on the contribution of Elia Transmission Belgium NV in 2020 to the costs incurred by NEMOs in establishing, modifying and implementing uniform day-ahead and intraday market coupling.

80 Decision (B)2250 of 10 June 2021 regarding the quantified proposal of Elia Transmission Belgium NV on its contribution to the costs of the NEMOs in Belgium for establishing, modifying and implementing uniform day-ahead and intraday coupling in 2021.

81 Decision (B)2204/1 of 17 February 2021 on the application for approval of a proposal to amend the terms and conditions of the Balance Responsible Party (BRP) in the context of the implementation of energy transfer for the day-ahead and intraday markets.

82 Decision (B)2204/2 of 20 May 2021 on the application for approval of a modified proposal to amend the terms and conditions of the Balance Responsible Party (BRP) in the context of the implementation of energy transfer for the day-ahead and intraday markets.

83 Decision (B)2287 of 21 October 2021 concerning the request of Elia Transmission Belgium NV for approval of a proposal to change the terms and conditions of the Balance Responsible Party (BRP) in the context of the implementation of the gradual relaxation of the day-ahead balancing obligation of BRPs.

84 Decision (B)2133 of 21 January 2021 on the request for approval of the proposal by Elia Transmission Belgium NV for the methodologies, conditions and values contained in the operational agreements of synchronous zones in accordance with Article 118 relating to the additional features of the FCR.

nominative lists of high-priority significant grid users as part of Elia's system defence plan and restoration plan.

The CREG had no substantive objections to the proposed changes compared to the lists approved by Ministerial Decree of 23 December 2020. However, in its opinion, the CREG drew attention to the applicability and application of these lists, with a view to the effective and efficient implementation of the system defence plan and the restoration plan.

By Ministerial Decree of 18 May 2021, the proposal of a list of high priority significant grid users as part of the system defence plan and related conditions, and the proposal of a list of high priority significant grid users as part of the restoration plan and related conditions, are approved.<sup>85</sup>

On 1 April 2021, at the request of the Minister for Energy, the CREG issued an opinion on Elia's proposal for a test plan.<sup>86</sup> More specifically, it was a revised proposal of a test plan in view of the Ministerial Decree of 15 April 2020 for a partial approval of the proposal of test plan concerning the black start service and excluding the rest of the proposed test plan. The CREG is of the opinion that the revised proposal of the test plan provides an appropriate elaboration of the test conditions and test frequency of all the equipment and capabilities used in the current system defence plan and the current restoration plan, as approved by the Minister on 19 December 2019.

The proposed test plan was approved by Ministerial Decree of 29 April 2021. The system operator Elia is required to submit a

revised test plan to the Minister for approval within six months of the approval of a system defence plan and restoration plan.

#### ■ *Other regulations*

##### **Alternative allocation and nomination rules for the bidding zone border Belgium-Great Britain**

In December 2020, the CREG received a request from Elia for approval of changes to the allocation and nomination rules for the Belgium-Great Britain bidding zone border. These changes are intended to increase the efficiency of the explicit allocation process for long-term, day-ahead and intraday capacities. The CREG decided to approve these rules.<sup>87</sup>

##### **Set-up of regional coordination centres in the system operation region Central Europe**

In July 2020, the CREG received a proposal from Elia for the setting up of regional coordination centres in the system operation region Central Europe. After consultation with the other regulatory authorities concerned, the CREG decided to approve the proposal, after introducing a number of modifications.<sup>88</sup>

##### **Minimum available capacity for cross-zonal trade**

In October 2021, the CREG received a request for approval from Elia for a derogation from the obligation to make 70% of the transmission capacity available to cross-zonal trade at all times in 2022.

After consulting the other regulatory bodies involved and the Belgian stakeholders, the CREG decided to approve Elia's request.<sup>89</sup>

##### **Transmission capacities that must be made available for cross-border trade**

Pursuant to the legal provisions in the Clean Energy Package, the CREG examined Elia's compliance with the transmission capacities that must be made available for cross-border trade. In its study, the CREG concluded that Elia had complied with the minimum margins in 2020 during 81.3% of the period in question and on 99.2% of the observed system elements.<sup>90</sup>

##### **Use of congestion income**

This decision was taken pursuant to Article 19(1) of Regulation 2019/943 that tasks national regulatory authorities with approving the procedure for the allocation of congestion income collected by the transmission system operators. The congestion income must be allocated on a priority basis to the priority objectives listed in Article 19(2) of this Regulation subject to compliance with a methodology submitted by Entso-E and approved by ACER. The CREG observes that Elia has complied with this methodology and that the estimated amount of congestion income for 2022 is significantly lower than the amounts that will be allocated to the priority objectives.<sup>91</sup>

<sup>85</sup> Opinion (A)2215 of 18 March 2021 on the proposal of adapted lists of high-priority significant grid users as part of the system defence plan and the restoration plan of Elia Transmission Belgium NV.

<sup>86</sup> Opinion (A)2221 of 1 April 2021 on the proposal of the revised test plan of Elia Transmission Belgium NV.

<sup>87</sup> Decision (B)2188 of 11 February 2021 concerning the request for approval by Elia Transmission Belgium of alternative allocation and nomination rules for the Belgium-Great Britain bidding zone border.

<sup>88</sup> Decision (B)2189 of 11 March 2021 on the request for approval from Elia Transmission Belgium of a proposal to set up regional coordination centres for the system operation region "Central Europe".

<sup>89</sup> Decision (B)2297 of 2 December 2021 on the request for approval of Elia Transmission Belgium NV for a derogation from Article 16(8) of Regulation (EU) 2019/943 with regard to a minimum available capacity for cross-zonal trade.

<sup>90</sup> Study (F)2183 of 15 April 2021 regarding Elia Transmission Belgium's compliance with obligations for interconnection capacity made available for cross-zonal trade in 2020.

<sup>91</sup> Decision (B)2306 of 2 December 2021 on Elia Transmission Belgium's ex-ante report on the use of congestion income for the year 2022 as referred to in Article 19(1) of Regulation (EU) 2019/943.

## 3.2. Competition

### 3.2.1. Monitoring of wholesale and retail prices

#### • The noteworthy evolutions on the Belgian wholesale markets in 2020

On 4 February 2021, the CREG drew up an overview of the main developments on the Belgian wholesale markets for electricity and natural gas in 2020: in terms of prices, consumption, generation and cross-border exchanges.<sup>92</sup>

#### • Functioning of and price trends on the Belgian wholesale electricity market – monitoring report 2020

On 21 October 2021, the CREG published its annual Monitoring Report on the functioning and price trends of the wholesale electricity markets.

In its study, the CREG analyses a number of important historical trends and recent evolutions. Although the focus of this study is on the years 2019 and 2020, more recent developments in 2021 are also presented. The study describes, in succession, the evolution of the consumption and load of the system, the installed capacity and generated electricity and Belgium's import-export position. The functioning of the various electricity markets (long-term, day-ahead, intraday, balancing and system

services) is then illustrated in an in-depth analysis of the available data.<sup>93</sup>

#### • Electricity supply of large industrial customers in Belgium

At its own initiative, the CREG conducted a study into electricity supply to large industrial customers in Belgium in 2020 with the aim of improving the transparency of the supply of electricity to large industrial customers. The study analyses electricity supply contracts and the purchasing behaviour of large Belgian industrial customers.<sup>94</sup>

Although two-year contracts are still the most common type of supply contract, in recent years there has been a rise in three-year contracts at the expense of one-year contracts, which are becoming less popular. Moreover, extending certain contracts appears to be successful with certain suppliers.

Overall, the billed energy price has been rising since 2017, with 50% of median customers paying a price between €49/MWh and €66/MWh in 2020. This study discusses the main determining factors that contribute to the observed differences in the billed energy price.

The significant rise in Electrabel's market share in 2020 contrasts with the trend observed since the start of the

liberalisation: while the market share of the Electrabel group - based on total billed consumption - fell almost continuously from 2002 (98.4%) to 2019 (50.7%), this decline accelerated sharply between 2010 (when it was still 85.5%) and 2016, and then stabilised until 2019. During the early years of liberalisation, the fall in Electrabel's market shares primarily benefited Luminus, Uniper and RWE. Between 2010 and 2016, the sharp fall in Electrabel's market share is attributable on the one hand by the emergence and expansion of other suppliers. On the other hand, a number of industrial customers have developed their own supply activities. Since 2016, besides the rise in the market share of the Electrabel group between 2019 and 2020 (+6%), it is mainly the Luminus group (+11%) that has gained market share at the expense of Axpo (-10%), the RWE group (-4%) and the Uniper group (-4%), which permanently ceased its activities in Belgium on 1 January 2020.

This study is based, in particular, on two studies into energy price-setting mechanisms to determine the energy prices in force in 2020 in the electricity supply contracts of the major industrial customers Electrabel and EDF Luminus.<sup>95</sup>

#### • Transparency of the Belgian electricity market

In its study of June 2021, the CREG provided an overview of the antecedents that resulted in the determination of a data quality incentive for Elia for the 2020-2023 tariff period. The

<sup>92</sup> Note (Z)2187 of 4 February 2021 on the noteworthy developments on the Belgian wholesale markets for electricity and natural gas in 2020.

<sup>93</sup> Study (F)2229 of 21 October 2021 on the functioning of and price trends on the Belgian wholesale electricity market – monitoring report 2020.

<sup>94</sup> Study (F)2285 of 9 December 2021 on the supply of major industrial customers in Belgium in 2020.

<sup>95</sup> Study (F)2268 of 14 October 2021 on the price setting mechanisms applicable in 2020 in electricity supply contracts of the major industrial customers of Electrabel NV; Study (F)2269 of 14 October 2021 on the price setting mechanisms applicable in 2020 in electricity supply contracts of the major industrial customers of Luminus NV.

second and third parts of the study explain the definition of the incentive and its conditions, as well as the work involved in implementing it. The final part of the study presents the results of the application of the incentive until 30 June 2020.

The incentive prompted Elia to look again at all the data it publishes on the market, their definition and their interactions. This work also allowed us to make contacts with various parties that have an impact on data quality: ENTSO-E, the data providers (JAO, EEX), neighbouring TSOs (RTE and TENNET), etc.

Finally, the CREG observes that the quality of the data has improved considerably as a result of the incentive and that transparency towards the market has become an imperative for Elia.<sup>96</sup>

- **European comparison of prices for household customers, small professional consumers and large industries**

At the joint request of the four energy regulators, PWC carried out a comparative study of electricity and natural gas prices in Belgium and in neighbouring countries (Germany, France, the Netherlands and the United Kingdom). This study pertains to the prices of January 2021 and also makes a comparison with last year's prices.

The following are the main conclusions of the study:

- Despite a slight decrease compared to 2020, Belgian households and companies connected to low voltage pay a high electricity bill compared to our neighbouring countries. High public service obligations, surcharges and levies are the main reason for this.
- The electricity bills of non-electricity-intensive companies connected to medium or high voltage are in line with those of our neighbouring countries.
- Because our neighbouring countries (and also Flanders) often grant large discounts to companies with electricity-intensive activities, similar companies in Brussels and Wallonia are at a competitive disadvantage.
- The natural gas bill is relatively low in Belgium. Natural gas consumers in Belgium pay little in the way of public service obligations, surcharges and levies compared to electricity consumers.

- **Energy market prices for households and small professional users**

#### **Observations for 2021**

In a study from 2 December 2021, the CREG analysed the main evolutions on the retail market for electricity and natural gas during the year 2021. It highlighted various elements,

including the evolution of active suppliers on the markets as well as their respective market shares, the diversity of products offered on the markets as well as the information made available to consumers. Recent evolutions, such as the 'prosumer' tariff contracts available in Flanders, are also covered. Finally, the evolution of natural gas and electricity prices in the course of the year 2021 is also analysed.<sup>97</sup>

In another report, also from 2 December 2021, the CREG observed new price increases for monthly indexed variable electricity and natural gas products and for almost all fixed products. These evolutions are in line with the upward trend observed in the wholesale markets from the second quarter of 2021. Both for fixed price products and variable products, there is a link to the evolutions on the wholesale markets. Specifically for products with variable prices, the CREG observes that all products use indexation parameters based on prices quoted on the wholesale exchanges for electricity or natural gas. As regards the other elements of the indexation formulas (coefficients, mark-up), the CREG did not observe any abnormal changes on that date.<sup>98</sup>

In its report of 17 December 2021, the CREG observed that the very high price level of electricity and natural gas will persist. Month-indexed electricity parameters continue to rise while month-indexed natural gas parameters are falling slightly. These evolutions can also be seen in the variable electricity

<sup>96</sup> Study (F)2255 of 17 June 2021 on the transparency of the Belgian electricity market guaranteed by high-quality fundamental data.

<sup>97</sup> Study (F)2296 of 2 December 2021 into the annual monitoring of prices on the electricity and natural gas markets for households and small professional users.

<sup>98</sup> Report (RA)2305 of 2 December 2021 on the evolution of prices of individual products in the retail market compared to wholesale prices.

and natural gas products on the retail market. For fixed electricity products, we see both upward and downward price evolutions. For fixed natural gas products, we see a slight fall in prices following last month's sharp increase. The CREG warns against a form of intransparency on the energy market on the part of certain suppliers: depending on the value of the indexation parameter of the prices and/or the availability of its last known value, the seemingly most advantageous parameter is chosen for that month with, according to the CREG, the aim of scoring well in the results of the existing price comparison tools, without this contract actually being advantageous.<sup>99</sup>

#### Databases of energy prices

Since 2012, the CREG has established, for each supplier operating in Belgium, for any variable type of contract and for any new standard contract, by consultation with them, a database to record the methodology for calculation of variable energy prices, including indexation formulas and the parameters that they use. To this end, and in order to keep the database up-to-date, the CREG makes use of publicly available data (suppliers' websites) and the data that suppliers are obliged to submit to the CREG every month.

In addition to the variable components, the database also includes all the products that have a fixed energy component.

All the elements included in the price formula of the energy component (subscription, indexation parameters and related coefficients, renewable energy and combined heat and power contributions) are included separately in the database. The energy component of the annual energy bill is then calculated for certain standard customers using relevant annual consumption levels.

The results are compared by sampling with those from the suppliers' calculation modules and the existing price comparison modules.

The CREG also continuously compares the energy component for the supply of electricity and natural gas to household and SME end customers with the average energy component of neighbouring countries.

In the context of its general monitoring duties, in 2012 the CREG also established a permanent database of energy prices in the neighbouring countries (Germany, France, the Netherlands) and in the United Kingdom.

As such, in addition to the energy component, the CREG has monitored the all-in prices (total bill) in Belgium and in the neighbouring countries on a monthly basis, since 2012.

The results obtained by the CREG are, furthermore, checked by country by comparing them with the results obtained using the price simulators of neighbouring countries.

In an effort to improve both the content and clarity of its communication, the CREG publishes infographics that provide a clear overview of the number of active suppliers and their product offering, as well as potential savings.

Finally, the analysis of the energy component and the permanent comparison of prices between Belgium and the neighbouring countries are illustrated in the following figures.

#### • Price components

In the context of its competence regarding the end price for electricity and natural gas, in its study (F)2223 the CREG presented the results of the annual update of its study on the components of electricity and natural gas prices. Since 2007, the CREG has followed the evolution of electricity and gas

<sup>99</sup> Report (RA)2305/2 of 17 December 2021 on the evolution of prices of individual products in the retail market compared to wholesale prices.

### 3. The electricity market

Figure 8: Monthly trends in the price of electricity in 2021 for a standard household customer (standard customer = 3,500 kWh/year) (energy component) (Source: CREG)

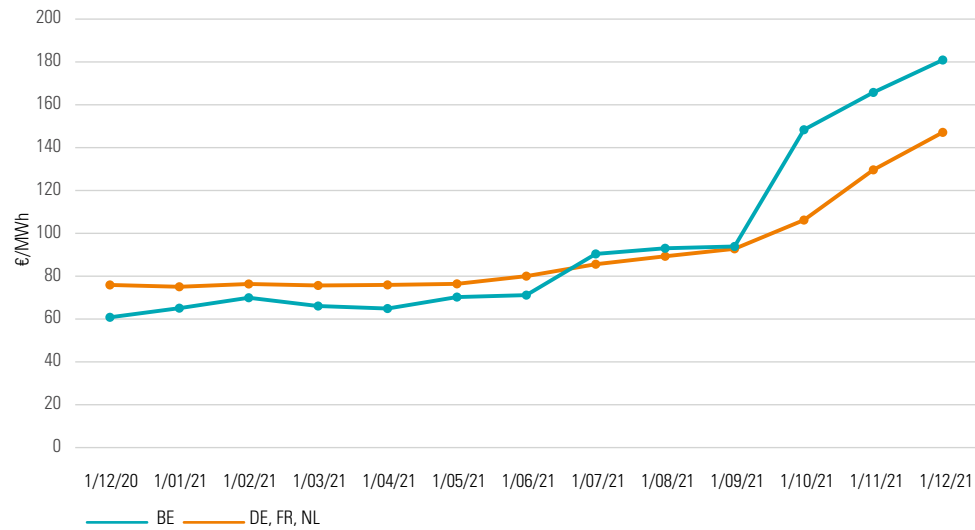


Figure 10: Monthly trends in the price of electricity in 2021 for SMEs and the self-employed (standard customer = 50,000 kWh/year (energy component) (Source: CREG)

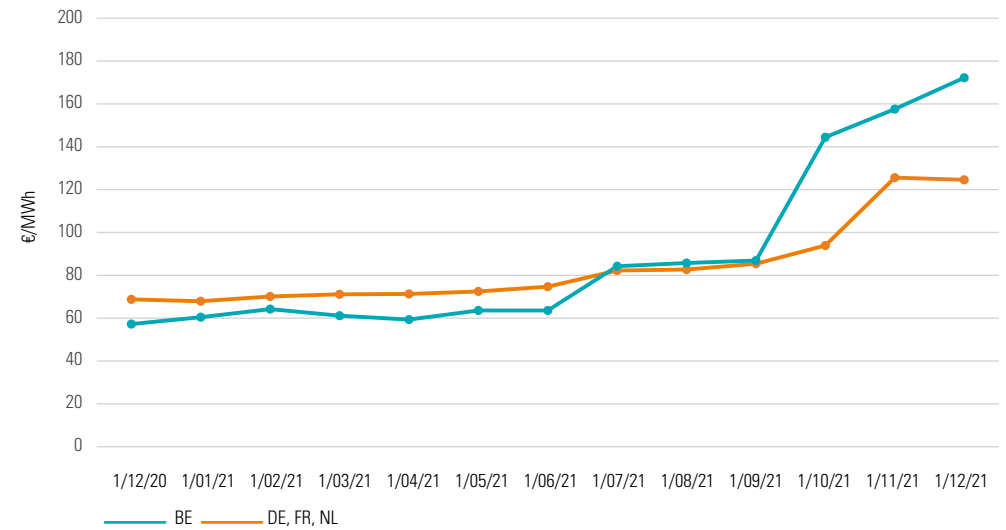


Figure 9: Monthly trends in the price of natural gas in 2021 for a standard household customer (standard customer = 23,260 kWh/year) (energy component) (Source: CREG)

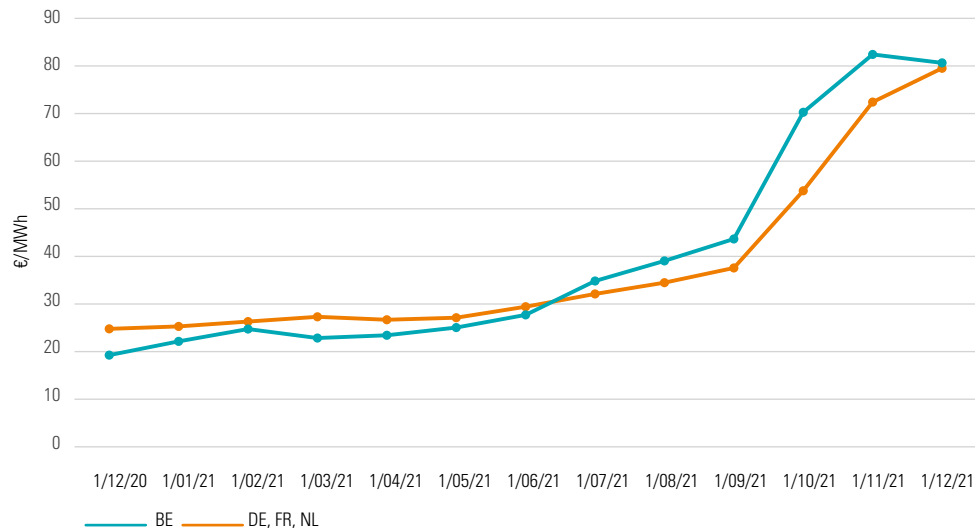
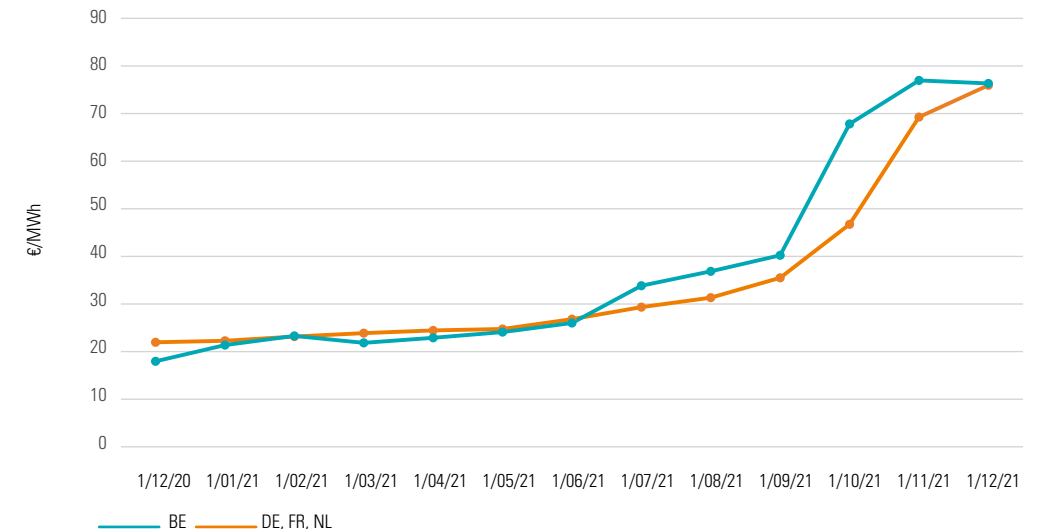


Figure 11: Monthly trends in the price of natural gas in 2021 for SMEs and the self-employed (standard customer = 100,000 kWh/year (energy component) (Source: CREG)



prices charged to the end customer. In addition to the evolution of the pure energy price that follows the market, there are also the annual evolutions of the distribution and transmission/transport system fees and the charges.

For electricity, the average price for household customers in Belgium increased by 56.41% between 2007 and 2020. In concrete terms, this means an average rise of €445.88/period in Flanders, €169.28/period in Brussels and €332.86/period in Wallonia, for an average consumption of 3,500 kWh/year. For business customers in Belgium, the average price likewise increased, by 14.72%.

The evolutions are mainly due to the following components: distribution system tariffs, public levies, energy and the energy tax and VAT (the latter only for household customers). The size of these different components in the total change does vary by region, as well as by type of customer.

Compared to 2019, we see an average decrease of - 6.15% for a household customer in Belgium. In concrete terms, this means an average fall of €-57.59/period in Flanders, €-64.55/period in Brussels and €-50.01/period in Wallonia. For business customers in Belgium the average price also fell by -5.41%.

For natural gas, the average price for household customers in Belgium increased by 4.01% between 2007 and 2020. This means an average fall of €-38.37/period in Flanders, €-29.02/period in Brussels and an average increase of €202.14/period in Wallonia, for an average consumption of 23,260 kWh/year. For business customers in Belgium the average price fell by -21.32%.

The evolutions are mainly due to the following components: distribution system tariffs, public levies, energy and the energy tax and VAT (the latter only for household customers). The size of these different components in the total change does vary by region, as well as by type of customer. We also observe that the percentage change compared to 2007 for natural gas is much smaller than for electricity.

Compared to 2019, we see an average decrease of -12.36% for a household customer in Belgium. In concrete terms, this means an average fall of €-156.78/period in Flanders, €-182.01/period in Brussels and €-151.38/period in Wallonia. For business customers in Belgium the average price also fell by -21.71%.

#### • Impact of high electricity and gas prices on household bills

In a Note from August 2021, the CREG observed that electricity and natural gas prices had been rising for several months and had reached particularly high levels on the wholesale markets. It analysed the main causes and their impact on the bills of Belgian households, and provided some advice to households in this context of rising prices.<sup>100</sup>

#### • Rise in electricity and gas prices in Belgium

CREG study 2289 of 24 September 2021 analyses the sharp rise in electricity and natural gas prices on the wholesale markets until September 2021, the causes of the rise and the long and medium-term outlook.

The study shows that prices have reached historically high levels. In the natural gas market, the growth in economic activity in China, the rise in the CO<sub>2</sub> price increasing the demand for natural gas for electricity generation, storage levels below seasonal standards and a reduction in the supply of gas through the gas pipeline are the main factors behind the rise in prices. On the electricity market, it is primarily the rise in the price of natural gas and coal that explains the upward trend in prices and, to a lesser extent, the increase in the price per tonne of CO<sub>2</sub>. However, the price of CO<sub>2</sub> continues to rise and will remain a structural factor in the rising electricity prices in the medium term.

The study also examines the impact of these rises on the prices of consumers' bills: households, including beneficiaries of the social tariff, (small) business consumers and industry. Consumers who concluded a long-term fixed price contract before the second quarter of 2021 will not be affected until their contract expires. But for other consumers, there is a significant rise. Thanks to the price cap system, the price rise has less impact on the beneficiaries of the social tariff.

The study also examines the problems with which suppliers may be confronted in the current context of price rises on the energy markets. It also identifies certain avenues for encouraging competition among suppliers for the benefit of consumers.

Finally, the study contains a brief summary of the measures taken or planned in the other European countries, of which the CREG has taken cognizance. It is also examining various avenues that have been proposed at the Belgian level.

<sup>100</sup> Note (Z)2280 of 20 August 2021: electricity and natural gas prices are (very) high, what is the effect on household bills and what advice can be given in this regard?

#### • Impact of the cost of the federal PSOs on the electricity bill

In its study of 28 January 2021, the CREG answered questions it had received in July 2020 from the previous Minister for Energy in order to implement part of Resolution 1220/007 of the Chamber. Its first objective is to make forecasts, under an unchanged legal framework, of the total cost due to the federal policy on the bill of households, SMEs and companies. Its second objective is to formulate reforms that will reduce the total cost due to the federal policy on these bills compared to the reference year 2021, despite the future cost of the capacity remuneration mechanism.<sup>101</sup>

#### • Behaviour of household consumers on the Belgian retail market

In order to better defend consumer interests, at the end of last year the CREG identified the need for a more in-depth analysis of a number of aspects of household behaviour on the Belgian energy market. The CREG therefore solicited a market research company to organise a large-scale survey among a representative sample of households. Based on various conclusions from this survey, the CREG has made a number of proposals for improvement. It requested the competent ministers to take it into account in the context of their ongoing work on the consumer agreement and simplification of the bill, and remains available to discuss it.<sup>102</sup>

#### • Termination, extension and renewal of energy supply contracts

The CREG Note of 2 September 2021 was intended to provide residential customers with information to help them make the right choice when they plan to change their energy supply contract. In particular, the note analysed the implications of the contract duration on the contractual conditions with regard to the extension or renewal of the contract.

The first part detailed the background, briefly describing the price evolution on the energy market from October 2020 to March 2021 in an economic context that continues to be affected by the Covid-19 pandemic, and the situation in terms of active suppliers and products offered to households during this period.

The second part looked in more detail at the characteristics of fixed-term energy supply contracts (CBD in Dutch) on the one hand and indefinite term energy supply contracts (COD in Dutch) on the other.

The third part examines the provisions on the termination, extension and renewal of energy supply contracts. These elements fall within the context of the regulations and are included in the general or specific conditions of the suppliers. The note shows that it is important for consumers to be aware of the duration of an energy supply contract before signing it, as some provisions related to the extension or renewal of the

contract, as well as to the modification of the contractual conditions, are not the same for a CBD as for a COD.<sup>103</sup>

#### • Study by UCL on the impact of the VAT change on the electricity bills of Belgian households

The CREG participated in a study on the impact of the VAT reduction (from 21% to 6% between April 2014 and September 2015) on the electricity bills of Belgian households<sup>104</sup>, conducted by Jean Hindriks and Valerio Serse of the Université Catholique de Louvain in cooperation with Synergrid.

This study shows that:

- the complete VAT reduction and the complete VAT increase were passed on to households' bills. This can be explained by the fact there is effective competition on the household electricity market and effective regulation in the monitoring of suppliers' contracts by the CREG.
- the VAT reduction to 6% increased electricity demand by 2.36% on average;
- consumers react to the VAT reduction relatively quickly, after around 1 month
- demand mainly rose during the summer period.

The CREG stresses the fact that it does not express an opinion on the application of a VAT reduction to the bills of household customers.

<sup>101</sup> Study (F)2142/2 of 28 January 2021 on the impact of the cost of federal PSOs on electricity bills and for a proposal of support for business competitiveness that does not impact the energy bill for households and SMEs for the CRM and the offshore surcharge.

<sup>102</sup> Report (RA)2224 of 3 June 2021 on the survey and study into the behaviour of household consumers on the Belgian retail market for electricity and natural gas.

<sup>103</sup> Note (Z)2265 of 2 September 2021 on the termination, extension and renewal of energy supply contracts: points to watch out for depending on the fixed or indefinite duration of the contract.

<sup>104</sup> "The Incidence of VAT Reforms in Electricity Markets: Evidence from Belgium", 2 December 2021.



• Contracts with a dynamic price

In 2021, a new type of contract appeared on the electricity market for households and SMEs: contracts with a dynamic price. The CREG drafted a note on this subject in April 2021. Although the CREG advocates the gradual integration of these contracts into the market in the context of the energy transition, it nevertheless advises consumers against this type of contract. These contracts require more accurate monitoring of electricity consumption and adjustment of the offtake.<sup>105</sup>

3.2.2. Monitoring of market transparency and openness

3.2.2.1. Electrical power demand

According to the data supplied to the CREG, the load<sup>106</sup> on the Elia grid<sup>107</sup>, without pump consumption by the pumping stations - in other words net offtake plus grid losses - was estimated at 70,941 GWh in 2021, compared with 69,940 GWh in 2020, i.e. a rise of 1.4% from one year to the next. The peak 15-minute load in 2021 was estimated at 12,570 MW, compared with 12,427 MW in 2020 (Source: Elia, for 2021: provisional data, February 2022).

Figure 12: Average monthly load on the Elia grid from 2012 to 2021. (Sources: Elia data, CREG calculations)

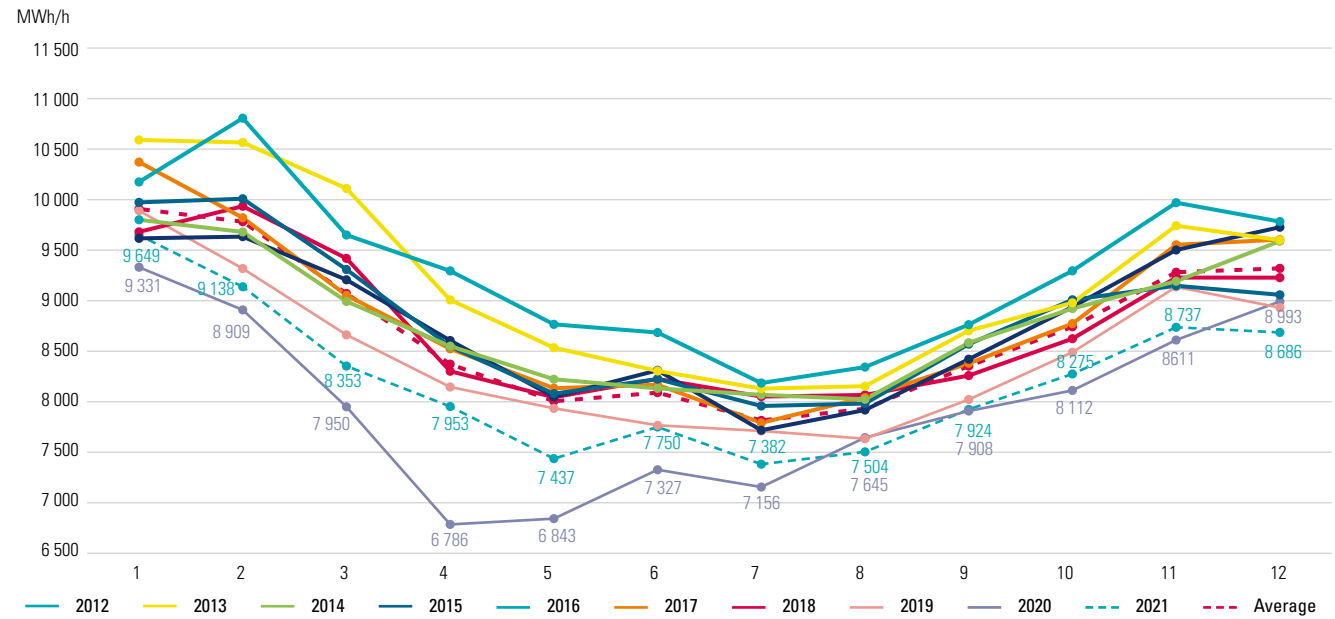


Figure 12 shows the average monthly load on the Elia grid per year for the years 2012 to 2021. Compared to 2017, the decrease in the average load was 7.0% in 2021. These figures have not been weighted for meteorological factors.

Local power generation by sites connected to the Elia grid is not fully taken into account in these figures. Synergrid has estimated this local generation at 9.6 TWh compared to 10.7 TWh in 2020.

<sup>105</sup> Note (Z)2240 of 29 April 2021 on contracts with a dynamic electricity price: contracts for dynamic consumers.

<sup>106</sup> The Elia grid load is a calculation based on the injections of electrical power into Elia's grid. It includes net generation from (local) plants injecting a voltage of at least 30 kV and the net balance of imports and exports. Power generating facilities connected to distribution systems at a voltage under 30 kV are only included if their net injection into the Elia grid is measured. The power needed to pump water into storage tanks in pumping stations connected to the Elia grid is subtracted. Not all injections by decentralised power generating plants which inject energy to distribution systems at a voltage under 30 kV are included in the Elia grid load. The share of this segment in generation has risen sharply in recent years. As such, Elia has decided to supplement its publication with a forecast of the total load in Belgium (Source: Elia).

<sup>107</sup> The Elia grid includes grids at a voltage of at least 30 kV in Belgium as well as the Sotel/Twinerg system in the south of the Grand Duchy of Luxembourg.

### 3. The electricity market

#### 3.2.2.2. Market share of wholesale generation

Table 5 provides an estimate, in both absolute value (in GW) and in relative value, of the Belgian market shares in electricity generation capacity at the end of each year.

Electrabel still has a substantial market share (66%) of total generation. The second player in order of size is EDF Luminus, which has a market share of 16% in terms of generation capacity.

The HHI, a commonly used concentration index, is unchanged in 2021 but remains very high at 4,730. By way of comparison, a market is considered to be highly concentrated if the HHI is equal to or higher than 2,000.

Table 6 provides the same estimate, but in terms of the power actually generated. In total, the units connected to the Elia grid generated 78.7 TWh in 2021, well above the generation level of 2020.

In 2021, Electrabel's market share was 75%. The HHI index rose to 5,864 in 2021, which still reflects a highly concentrated market.

Table 5: Wholesale market shares in electricity generation capacity (Sources: Elia data, CREG calculations)

	Generation capacity (GW)										2021											2021
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
Engie /Electrabel	10.7	9.9	9.9	10.2	10.2	10.1	10.6	10.8	10.8	10.8	10.8	66%	65%	68%	71%	73%	72%	69%	69%	66%	66%	
Luminus	2.3	2.2	1.8	1.7	1.9	2.0	2.6	2.6	2.6	2.6	2.6	14%	15%	12%	12%	14%	14%	17%	16%	16%	16%	
TotalEnergies	0.0	0.0	0.0	0.0	0.4	0.7	0.7	0.7	1.0	1.0	1.0	0%	0%	0%	0%	3%	5%	4%	4%	6%	6%	
RWE	0.2	0.2	0.2	0.3	0.3	0.3	0.3	0.3	0.9	0.9	0.9	1%	1%	1%	2%	2%	2%	2%	2%	6%	6%	
Eneco	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.7	0.7	0.7	1%	2%	2%	2%	2%	2%	2%	2%	4%	4%	
Other (<2% in 2021)	2.8	2.8	2.5	2.0	0.9	0.7	1.0	1.0	0.3	0.3	0.3	17%	18%	17%	14%	7%	5%	6%	6%	2%	2%	
<b>Total</b>	<b>16.0</b>	<b>15.3</b>	<b>14.6</b>	<b>14.5</b>	<b>14.0</b>	<b>14.1</b>	<b>15.4</b>	<b>15.6</b>	<b>16.3</b>	<b>16.3</b>	<b>16.3</b>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
<b>HHI</b>											<b>4 720</b>	<b>4 460</b>	<b>4 760</b>	<b>5 160</b>	<b>5 510</b>	<b>5 430</b>	<b>5 050</b>	<b>5 100</b>	<b>4 730</b>	<b>4 730</b>		

Table 6: Wholesale market shares in power generated (Sources: Elia data, CREG calculations)

	Power generated (TWh)										2021											2021
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
Engie /Electrabel	52.4	51.6	42.2	37.9	55.6	55.0	41.3	54.2	51.4	59.1	59.1	75%	73%	69%	68%	79%	77%	70%	73%	75%	75%	
Luminus	5.9	8.6	7.5	7.3	7.2	8.5	9.7	11.7	7.9	11.3	11.3	9%	12%	12%	13%	10%	12%	17%	16%	11%	14%	
Eneco	0.3	0.6	0.7	0.8	0.7	0.8	0.7	0.7	1.4	2.3	2.3	0%	1%	1%	1%	1%	1%	1%	1%	2%	3%	
T-Power	0.5	0.4	1.4	2.2	2.6	2.5	2.4	2.7	2.4	1.5	1.5	1%	1%	2%	4%	4%	4%	4%	4%	4%	2%	
RWE	0.2	0.5	0.5	0.6	0.5	0.5	0.5	0.5	1.1	1.0	1.0	0%	1%	1%	1%	1%	1%	1%	1%	2%	1%	
Other (<2% in 2021)	10.4	9.3	8.4	7.4	3.8	4.4	4.1	4.5	4.5	3.5	3.5	15%	13%	14%	13%	5%	6%	7%	6%	7%	4%	
<b>Total</b>	<b>69.7</b>	<b>71.1</b>	<b>60.8</b>	<b>56.1</b>	<b>70.4</b>	<b>71.7</b>	<b>58.7</b>	<b>74.3</b>	<b>68.6</b>	<b>78.7</b>	<b>78.7</b>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
<b>HHI</b>											<b>5 851</b>	<b>5 516</b>	<b>5 088</b>	<b>4 829</b>	<b>6 372</b>	<b>6 055</b>	<b>5 252</b>	<b>5 601</b>	<b>5 762</b>	<b>5 864</b>		

### 3.2.2.3. Energy exchange

The average prices on the day-ahead market in Belgium in 2021 were €104.1/MWh. This is an exceptionally sharp rise compared to the previous year, when the average price of €31.9/MWh was the lowest in the last 15 years. Among other things, these explosive price rises are the result of the sharp increases in gas and CO<sub>2</sub> prices that caused the operating costs of the marginal generation units in the CWE region (mainly gas and coal-fired power plants) to rise sharply in the second half of the year. These rises also manifested themselves to a similar extent in other bidding zones of the CWE region: €96.8/MWh in Germany, €103.0/MWh in the Netherlands, €106.9/MWh in Austria and €109.2/MWh in France.

Price convergence between the different bidding zones in the CWE region increased slightly in 2021 compared to previous years. This increase confirms the upward trend in price convergence, measured as the number of hours in which all prices between the relevant bidding zones (Belgium, the Netherlands, France, Germany/Luxembourg and Austria) diverge by less than €1/MWh. This improvement is due to the increase in available cross-border capacity resulting from a number of improvements in flow-based market coupling such as the implementation of minimum margins in the capacity calculation, the splitting of the Germany/Luxembourg and Austria bidding zones and the commissioning of the ALEGrO interconnector.

Despite the fact that the improved price convergence figures in 2020 were partly due to exceptional circumstances (lower grid load and fewer exchanges between bidding zones) in response to the global Covid-19 pandemic, similar figures were reported in 2021.

In 2021, price convergence between all bidding zones in the CWE region was 49.5% (compared to 48.5% in 2020). In 2015, this was only 20.9%; this figure has increased year on year since then. The CREG calculates that prices converge with those in France during 59.9% of hours, with the Netherlands during 58.1% and with Germany during 56.0%. Despite these increases, Belgium experienced price convergence in 32.1% of hours with none of the other bidding zones in the CWE region, compared to 23.3% in 2020.

Both EPEX SPOT and Nord Pool facilitate the day-ahead and intraday market in Belgium. The total volume on the EPEX SPOT day-ahead market was 20.9 TWh in 2021, compared to 19.8 TWh in 2020. The total volume on the Nord Pool day-ahead market was 2.5 TWh in 2021, compared to 1.8 TWh in 2020. The two day-ahead markets together represent approximately 27.7% of the total offtake from the Elia grid.

The intraday market provides market participants with the possibility to manage their unexpected changes in expected injection or offtake after the closure of the day-ahead market

via a public market. These unexpected changes include, for instance, the unexpected unavailability of a generating plant, but also changes resulting from updated forecasts of wind and solar energy injections. The implementation of the XBID project in June 2018 facilitated trading on the Belgian intraday market by linking the Belgian market to markets from 23 other EU Member States.

The total traded volume on the EPEX SPOT intraday market increased to 2,595.9 GWh in 2021, from 2,534.8 GWh in 2020. The total traded volume on the Nord Pool intraday market fell to 282.1 GWh in 2021, compared to 311.7 GWh in 2020. The weighted intraday price (on the EPEX SPOT market) increased by 333.3% to €103.9/MWh in 2021 (compared to only €31.2/MWh in 2020).

Prices on wholesale markets for long-term and short-term contracts rose sharply in 2021. The delivery contracts for the following year had a price of €86.6/MWh in 2021, compared to €40.7/MWh in 2020. In 2021, the average day-ahead market price was much higher than the average price of the year-ahead contract with delivery in 2020 (i.e. trade during 2019). The average price on the day-ahead market in 2021 was €104.1/MWh compared to €40.7/MWh for contracts traded in 2021 for the following year.

### 3. The electricity market

Figure 13: Average monthly prices for the period 2012-2021 of the day-ahead market for delivery of electricity in the countries of the CWE region (Sources: Epex Spot Belgium, Epex Spot, CREG calculations)

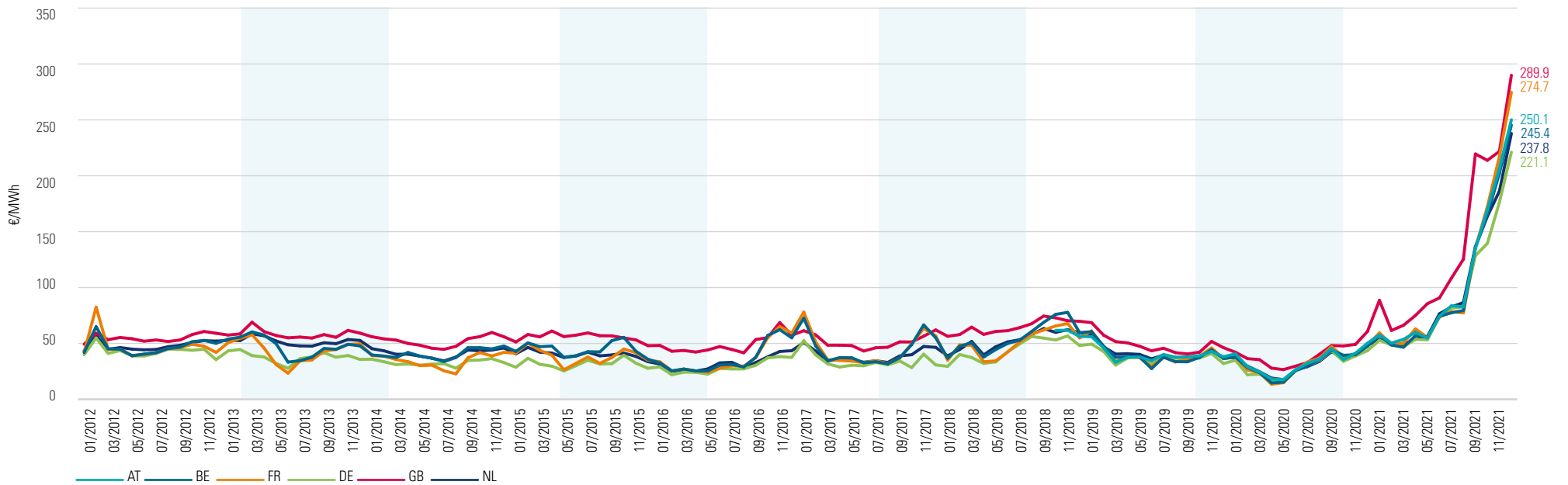


Figure 14: Average annual prices for the period 2012-2021 of the day-ahead market for delivery of electricity in the countries of the CWE region (Sources: Epex Spot Belgium, Epex Spot, CREG calculations)

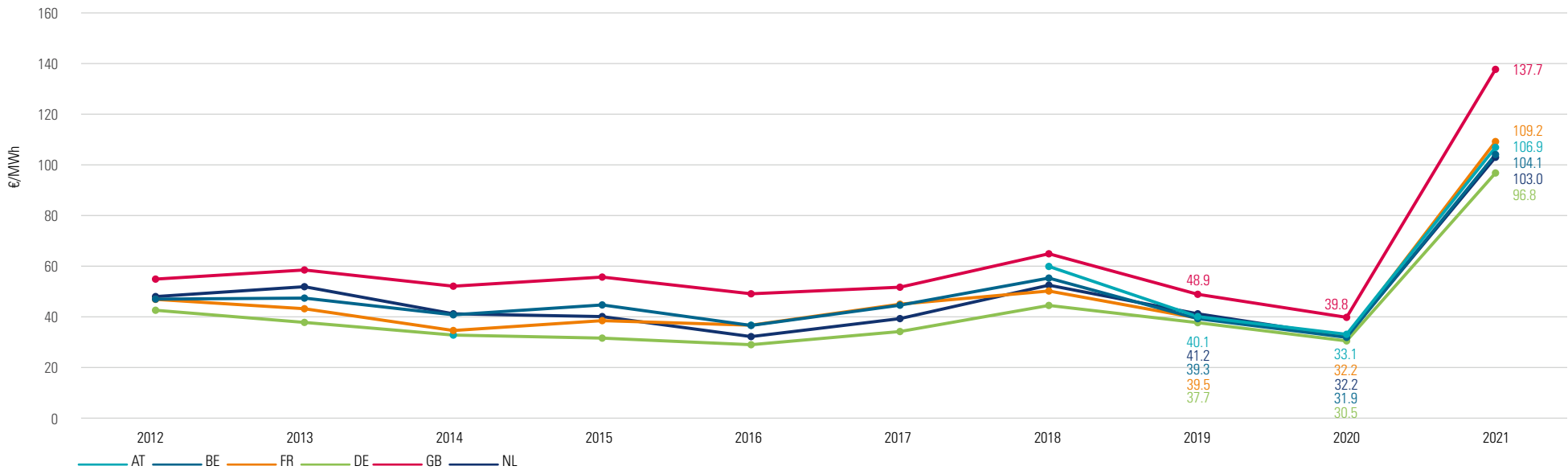


Figure 15: Energy traded and average price on the intraday exchange (Sources: EPEX SPOT, Nord Pool, CREG calculations)

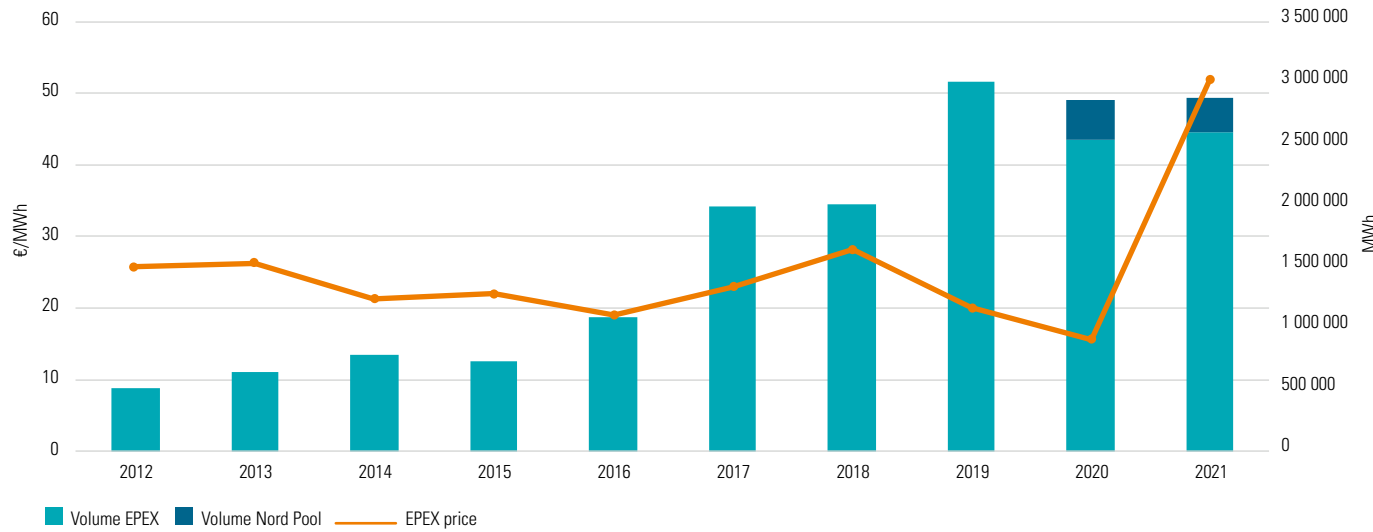
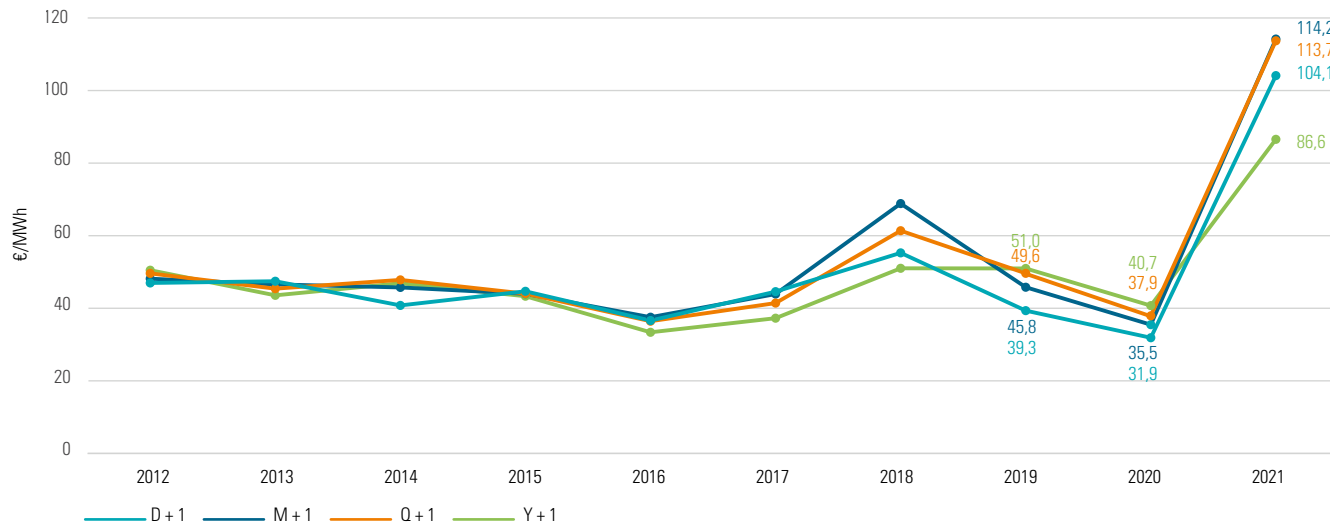


Figure 16: Comparison of wholesale prices for short-term contracts and long-term contracts (Sources: EPEX SPOT Belgium, EPEX SPOT, ICE Endex, CREG calculations)



### 3.2.2.4. REMIT

Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (hereinafter: REMIT) establishes a set of rules to prevent and sanction manipulation and abuse of inside information in the wholesale market for electricity and gas.

In this context, the market participants need to register on a platform and keep their registration details up to date, before placing orders on the wholesale market and executing transactions. These orders and transactions must be reported to ACER. The market participants also need to publish their inside information on a dedicated platform.

In the event of violations of REMIT, the CREG can impose administrative fines of up to 10% of the turnover that the perpetrator generated on the Belgian electricity or natural gas market during the last closed financial year. The CREG has published a methodology to clarify the criteria on which basis the fine will be calculated.<sup>108</sup>

In 2021, the CREG also continued various procedures for investigations and sanctions, and started up several ad hoc investigations and analyses, following questions from market participants or on its own initiative, on possible violations of REMIT.

It also helped market participants with the steps they need to take or with other questions about REMIT.

108 Methodology for calculating fines in the context of REMIT, 9 December 2021.

### 3. The electricity market

#### 3.2.2.5. Charter of best practices for electricity and gas price comparison websites

In 2021, the CREG awarded a quality label to the online price comparison website "Mijnenergie.be" of DPG Media nv and to Wikipower bvba as an intermediary for group purchases of electricity and natural gas.

The CREG also extended the accreditation of the online price comparison site "Energie-Valker.be" (which is also operated by Wikipower bvba) for a period of two years.<sup>109</sup>

The CREG quality label is awarded to service providers that comply with the Charter of best practices for electricity and gas price comparison websites. This charter aims to guarantee to consumers that the service provider who offers a comparison of electricity and natural gas prices provides objective and quality information.

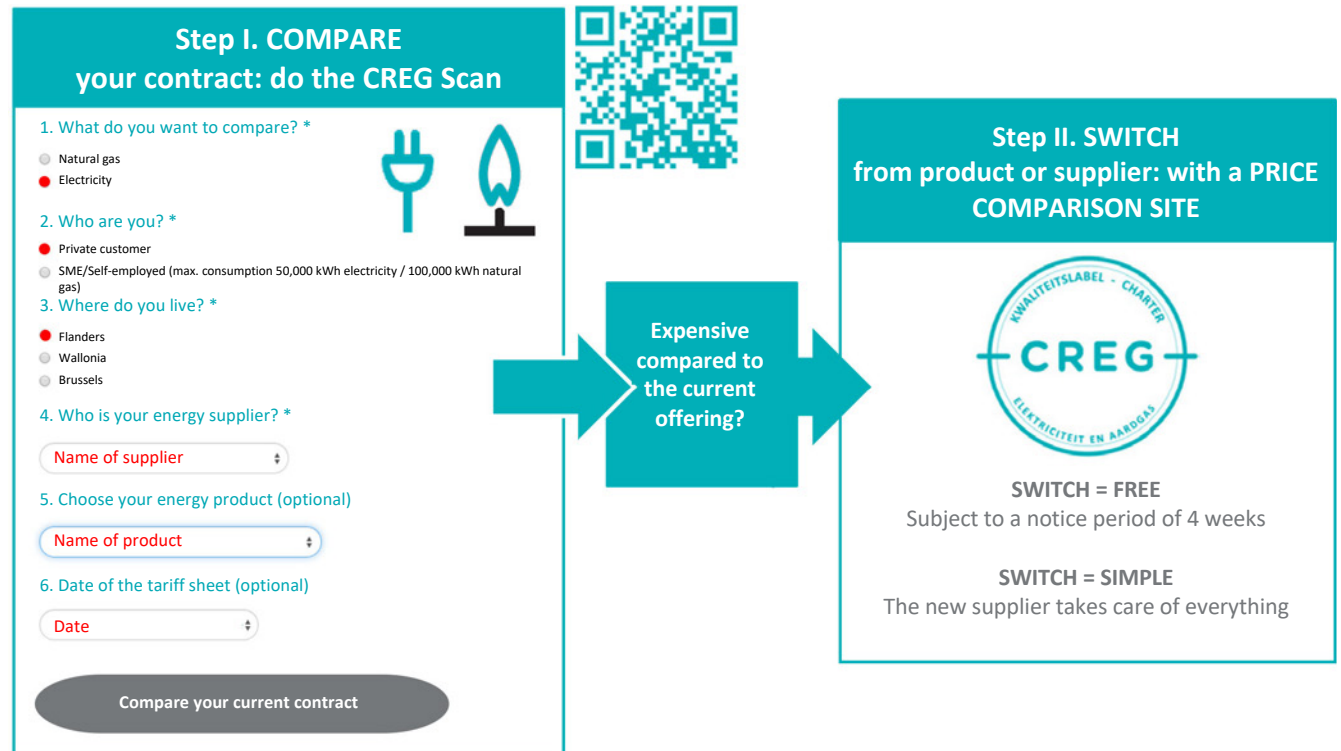
This accreditation entitles the service provider to use the label of the CREG charter for a period of two years. During this period, it must scrupulously comply with the provisions of the charter and comply with the CREG's inspections.

### 3.3. Consumer protection

The CREG continued to stress the consumer protection aspect of its work in 2021.

#### • CREG Scan

Launched in February 2017, the CREG Scan is intended for individuals, SMEs and the self-employed, with a maximum consumption of 50,000 kWh/year for electricity and/or 100,000 kWh/year for natural gas. The CREG offers the consumer a unique and practical tool, whereby



they can compare it with the current market offering in six mouse clicks, even if it is no longer offered to other customers (dormant contract). This comparison is not possible on other price comparison sites, which only show the current offering.

In 2021, the CREG Scan compared a total of 14,331 (active and dormant) products, while other price comparison websites only take into account the 507 active products on the market.

#### • Working group on energy poverty

In order to transpose the provisions of European legislation on energy poverty into Belgian law, and take into account the issues of the fight against energy poverty and the proactive policy for the protection of consumers, including vulnerable consumers, as stated in the coalition agreement, the CREG, in cooperation with the FPS Economy, took the initiative to bring together the main actors with expertise in this field.

<sup>109</sup> Decision (B)2220 of 22 April 2021 on the accreditation of the online price comparison site 'Mijnenergie.be/Monenergie.be' of DPG Media NV; Decision (B)2282 of 7 October 2021 on the accreditation of 'Wikipower SPRL' as an intermediary for group purchases of electricity and natural gas; Decision (B)2279 of 2 September 2021 on the extension of the accreditation of the online price comparator 'Compareur-Energie.be/EnergyPrice.be' of Wikipower bvba.

At the end of 2020 and the start of 2021, there were several meetings in which the European and Belgian context of the working group was presented, the broad outlines of the working framework were discussed and the short-, medium- and long-term roadmap and working method were validated.

In terms of the action priorities, in January 2021, this working group proposed to the competent authorities a series of indicators on energy poverty for Belgium to meet its European obligations in this area.

In accordance with the guidelines defined by the public authorities in this respect, the CREG, together with the Federal Public Service Economy, will continue to coordinate the activities of this working group.

#### • Simplification of the energy bill

The vast amount of information on energy bills makes them difficult to read and understand for consumers. In 2018, a major consultation was held with ministers and all stakeholders in the energy sector, especially suppliers and regulators, including the CREG, to simplify consumers' electricity and gas bills. The consultation was aimed in particular at simplifying the size of the invoice and reducing it to a maximum of two pages, while retaining the essential information. However, various regulatory measures need to be taken to put the results of the consultations into practice.

In its opinion of 11 February 2020, the CREG confirmed its request to take the necessary regulatory measures to

finalise and concretise the simplification of energy bills for consumers.<sup>110</sup>

The Royal Decree of 9 December 2021 (Belgian Official Gazette of 20 December 2021) lays down the (other) minimum requirements that the bills and the information on the invoicing of gas and electricity must meet (see section 2.6 of this report for more details).

#### • Consumer information

In 2021, the CREG continued to inform consumers, in particular about prices and price trends, among other things via:

- the monitoring of prices on the wholesale and retail market (see section 3.2.1 of this report);
- the note on contracts with a dynamic price which advises consumers against this type of contract (see point 3.2.1 of this report);
- the annual study into the evolution of the components of electricity and natural gas prices (see points 3.1.2.3 and 3.1.3.5.B of this report);
- the study into the rise of electricity and gas prices in Belgium that examines the impact of the price rises on consumers' bills: households, (small) business consumers and industry (see section 3.2.1 of this report);
- the study into electricity supply to major industrial customers in Belgium in 2020, with the aim of improving the transparency of the supply of electricity to major industrial customers (see point 3.2.1. of this report);

- the study into energy market prices for households and small professional consumers (see point 3.2.1 of this report);
- the survey on the behaviour of household consumers on the retail market which looks into certain aspects of household behaviour on the Belgian energy market (see section 3.2.1 of this report);
- the note on the termination, extension and renewal of energy supply contracts which helps household customers make a choice when considering changing their energy contract (see point 3.2.1. of this report);
- infographics and monthly dashboards for electricity and natural gas (see point 3.2.1. and 3.1.2.3 of this report);
- the monthly publication of quoted gas prices TTF101, TTF103 and ZTP101. TTF 103 is mainly used for the residential market and the market of SMEs for consumption of less than 100,000 kWh/year. TTF 101 and ZTP101 are mainly used for higher consumption;
- the publication of the key figures of 2020. This document includes the main tables and graphs on the installed capacities and electricity generation in Belgium, the sources of natural gas flows, the evolution of natural gas consumption and the prices on the wholesale markets. The evolution of the average electricity and natural gas bills of Belgian households is also included;
- the processing of enquiries and complaints via [info@creg.be](mailto:info@creg.be) (see point 5.5 of this report).

Readers are referred to the work carried out by the CREG in the context of European working groups handling aspects relating to consumer protection in the field of energy (see point 5.8 of this report).

<sup>110</sup> Opinion (A)2200 of 11 February 2021 on the proposal for a resolution (DOC 55 1650/001) on simplifying energy bills.

### 3.4. Security of supply

#### 3.4.1. Monitoring the balance between supply and demand

##### • Demand<sup>111</sup>

The load on the Elia grid was 70.9 TWh in 2021, compared with 69.9 TWh in 2020, equating to an increase of 1.4% between 2020 and 2021.

Table 7: Elia grid load (energy and peak capacity) for the period 2012-2021 (source: Elia, 2020: provisional data)

	Energy (GWh)	Peak capacity (MW)
2012	81.7	13 369
2013	80.5	13 446
2014	77.2	12 736
2015	77.1	12 634
2016	77.1	12 734
2017	77.3	12 867
2018	76.6	12 440
2019	74.6	12 568
2020	69.9	12 241
<b>2021</b>	<b>70.9</b>	<b>12 570</b>

##### • Installed capacity and generated energy

In the course of 2021, the installed generation capacity connected to the Elia grid in Belgium increased compared to 2020: from 15,725 MW to 16,299 MW. This increase of 574 MW is the result of several developments in 2021. In particular, the gradual commissioning of offshore wind farms continues to contribute to the growth in installed capacity of offshore wind turbines. For winter 2021-2022, no volume of strategic reserve was contracted.

Table 8: Breakdown by plant type of installed capacity in Belgium connected to the Elia grid as of 31 December 2021 (Source: Elia)

Power plant type	Installed capacity	
	MW	%
Nuclear plants	5 943	36.4
CCGT and gas turbines	4 541	27.8
Conventional power plants	315	1.9
Cogeneration	865	8.0
Incinerators	243	0.0
Diesel engines	5	5.3
Turbojets	177	0.5
Hydro (excluding pumping power plants)	78	1.5
Pumping power plants	1 308	1.1
Onshore wind farms	279	1.7
Offshore wind farms	2 265	13.9
Biomass	287	1.8
<b>Total</b>	<b>16 307</b>	<b>100</b>

Table 9: Breakdown by primary energy type of electricity generated in 2021 by plants on sites connected to the Elia grid

Primary energy	Power generated	
	GWh	%
Nuclear <sup>1</sup>	47 945	58.5
Natural gas <sup>1</sup>	16 676	20.4
Coal <sup>1</sup>	0	0.0
Fuel <sup>1</sup>	4	0.0
Other self-generated power used locally <sup>3</sup>	11 509	14.1
Hydro (including pumping power plants) <sup>1</sup>	1 088	1.3
Other <sup>1</sup>	4 678	5.7
<b>Total<sup>2</sup></b>	<b>81 900</b>	<b>100.0</b>

1 Source: Elia, provisional data

2 Source: Synergrid

3 Source: CREG calculations (values not supplied by Elia)

#### 3.4.2. Verifying the development plan for the transmission system

On 26 April 2019, the Minister for Energy approved the final version of the 2020-2030 federal development plan for the electricity transmission system (see Annual Report 2019).

In this plan, Elia, the transmission system operator for electricity, identifies the transmission capacity needs of the Belgian high-voltage grid for the period 2020-2030 and describes the investment programme that will accomplish this. Elia proposes a total of €5 billion in investments over a period of 10 years.

This plan was drawn up by Elia in conjunction with the Directorate-General for Energy and the Federal Planning Bureau. In July 2018, the CREG issued an opinion on this subject (see our Annual Report 2018).

<sup>111</sup> The question under consideration here is the Elia grid load, calculated as the balance of net power generation injected into the Elia grid, imports and exports, minus the energy pumped by pumping power plants. It is therefore the sum of net offtake plus network losses.

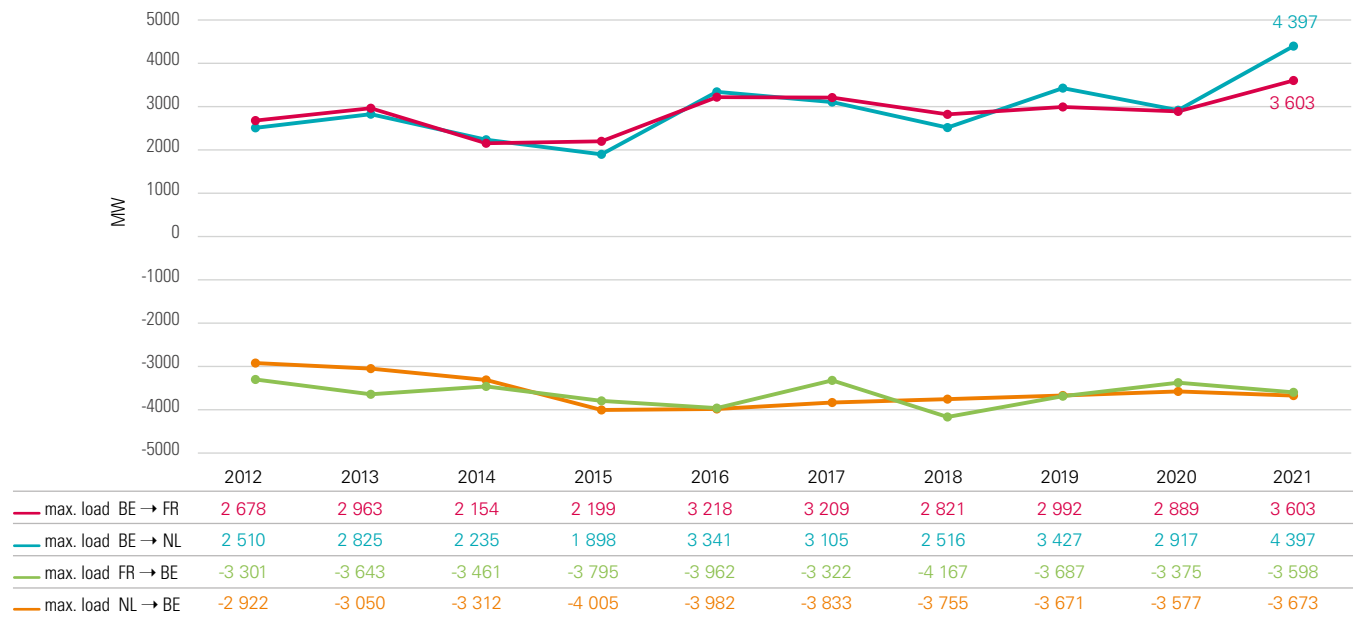


The CREG continued to monitor the implementation of the planned investment in network infrastructure in 2021, on the basis of this plan.

### 3.4.3. Operational security of the grid

Figure 17 illustrates the changes in the maximum physical load for the interconnectors with France and the Netherlands. This physical load is a combination of flows resulting from commercial imports to and exports from Belgium and of flows resulting from transit through the Belgian network. Flows on the Belgian borders increased compared to 2020 with absolute records to France of 3,602 MW in January and to the Netherlands of 4,397 MW in May. These figures represent a significant increase of 12% and 28% respectively compared to the maximum values previously recorded. This increase is the result of a combination of factors, including the high unavailability of Belgian nuclear capacity, the introduction of the rule of 70% of transport capacity available to the cross-zonal commercial market (see point 3.1.4.1. of this report) and the strengthening of the Mercator-Horta-Avelgem line and the finalisation of the Brabo II project at the end of 2020.

Figure 17: Changes between 2012 and 2021 in the maximum physical load for the interconnections with France and the Netherlands (Source: CREG, based on Elia data)



### 3.4.4. Investment in cross-border interconnections and the domestic high-voltage grid

The high-voltage grid needs to permanently evolve to meet the needs of consumers and the market, and to guarantee security of supply. Strengthening interconnections at European level is one of the major challenges for achieving these objectives. Strengthening the internal high-voltage grid must also be capable of transmitting the electricity flows from these interconnections and from offshore wind turbines, for example.

#### Planned strengthening of the northern border

##### Brabo project

On a national and international level, the Brabo project reinforces the north-south axis of Belgium and the interconnected European network. This makes it possible to improve the possibilities of the market on an international scale and reduce dependence on the Belgian generation capacity. The project is being implemented in various phases.

In October 2016, Elia completed the first phase (Brabo I) by installing additional phase shifters in Zandvliet and upgrading the Doel-Zandvliet high-voltage line to 380 kV.

Brabo II and Brabo III include the construction of an additional above-ground 380 kV two-circuit connection between the Zandvliet and Mercator (Kruibeke) stations on the north-south axis of Antwerp in order to ensure the intended increase in interconnection capacity at the northern border following the completion of the first phase of Brabo. The need to safeguard the rise in industrial consumption in the Antwerp port area (especially phase II) and to create a reception capacity for centralised generation (especially phase III) is also being taken into account.

Brabo II, i.e. the renewal and upgrading of the existing 150 kV high-voltage line between Zandvliet and Liefkenshoek (Beveren) to 380 kV, started in 2017, and the final part was commissioned on 27 November 2020. According to the current planning, as from 2022 Elia should renew and upgrade the existing 150 kV

high-voltage line between Liefkenshoek and the Mercator high-voltage substation (Brabo III) to 380 kV. Brabo III, which aims to strengthen the import and export capacity at the northern border, should be completed by mid-2025.

#### Zandvliet-Rilland project

This project aims to strengthen the existing 380-kV Zandvliet-Rilland interconnector by replacing the conductors of the above-ground alternating current connection between Zandvliet (Belgium) and Rilland (the Netherlands) with high-performance conductors (High Temperature Low Sag or HTLS technology), installing two additional phase shifters and restructuring the Zandvliet substation.

This strengthening of the interconnection capacity at the northern border (in combination with the Brabo project) will reduce the risk that this border becomes a restricting factor for the increasingly larger and variable trade flows between the markets within the CWE area. The commissioning of this project is planned for 2022.

#### Van Eyck-Maasbracht project

The Van Eyck-Maasbracht project currently being studied involves strengthening the existing 380 kV Van Eyck-Maasbracht interconnection. The reference solution consists of replacing the existing conductors of the above-ground alternating current connection between Van Eyck (Belgium) and Maasbracht (the Netherlands) with high-performance conductors (HTLS technology), installing two additional phase shifters and restructuring the Van Eyck substation. Other variants are also being examined. The solution will be examined by three parties: Elia, TenneT and Amprion.

The commissioning of this project is planned for 2030.

#### ■ *Planned strengthening of the southern border*

##### Avelin-Horta project

This project aims, firstly, to strengthen the existing 380 kV interconnection between Avelin/Mastaing (France) and Avelgem (Belgium) by replacing the current conductors of the above-ground alternating current connection between Avelin/Mastaing and Avelgem with high performance conductors and to replace the current conductors of the above-ground alternating current connection between Avelgem and Horta (Zomergem) with high performance conductors.

The commissioning date for this project has been put back from 2021 to 2022.

##### Lonny-Achêne-Gramme project

This project involves strengthening the existing 380 kV interconnection between Achêne/Gramme (Belgium) and Lonny (France). It will be implemented in various phases.

The first phase of this upgrade is necessary to allow a better distribution of the expected flows at the southern border by 2025, with a view to the phasing out of nuclear power. The reference solution consists of installing a phase shifter on the Belgian side.

The second phase is an additional upgrade. The reference solution consists of replacing the existing conductors of the above-ground 380 kV alternating current connection between Achêne/Gramme (Belgium) and Lonny (France) with high-performance conductors, installing a second phase shifter and restructuring the Achêne and Gramme substations. The second phase of the project is currently being studied and is scheduled to be commissioned in 2030.

#### Aubange-Moulaine project

This project aims to strengthen the existing 220 kV connection between Aubange (Belgium) and Moulaine (France) by installing two phase shifters at the Aubange substation. The upgrade at the southern border complements the upgrade at Avelin-Avelgem, and reduces the risk that this interconnection becomes a restricting factor for the exchange of flows between markets.

The two phase shifters were commissioned in 2021.

#### ■ *Planned interconnections between Belgium and the United Kingdom*

The NEMO project involves the construction of a 1,000 MW direct current submarine cable about 140 km long. This project will connect Richborough in the UK to the 'Gezelle' substation, which is part of the Stevin project in Bruges. Construction started in mid-2016. The technical delivery of the new connection took place in mid-December 2018 and the interconnection started its commercial operation on 31 January 2019. Thanks to Nemo Link, customers will be able to buy capacity up to 1,000 MW in both directions, GB-BE or BE-GB, via explicit and/or implicit auctions.

Two other projects, the Nautilus project and the Triton project, are in a study phase and consist of analysing the possibility of a new interconnection between Belgium and the United Kingdom and a new interconnection between Belgium and Denmark. The standard solution is a 1,000 to 1,400 MW direct current (HVDC) subsea cable connection that serves both as an interconnector and as a connector to an offshore wind farm ('hybrid interconnection'). In view of the preliminary results of the study and the fact that developing infrastructure on this scale would take around ten years, commissioning of a first project is currently scheduled for 2028 at the earliest.

#### ■ *Planned interconnection between Belgium and Germany*

ALEGrO, a 1,000 MW direct current (HVDC) underground cable link approximately 90 km long, was commissioned on 9 November 2020. Commercial operation started on 18 November 2020 in the day-ahead market, and on 8 December 2020 in the intraday market. This interconnection connects the substations at Lixhe (Belgium) and Oberzier (Germany) and is the first direct connection between Belgium and Germany with a capacity of around 1,000 MW.

The BE-DE II project is the second interconnection between Belgium and Germany after ALEGrO. Like the first project, this future interconnection will be the result of a partnership between Elia and Amprion. Elia and Amprion are currently conducting a bilateral feasibility study. Additional studies will be carried out on the calendar, location, route and capacity.

#### ■ *Planned strengthening of the internal high-voltage grid*

In its Federal Development Plan 2020-2030, Elia proposes two methods of strengthening the internal high-voltage grid, namely to upgrade existing overhead lines with HTLS technology and to create new connections.

Thanks to HTLS technology, the transmission capacity of overhead lines can almost double. In 2009, Elia was one of the first system operators to apply this technology in the Mol-Beringen (150 kV) pilot project. Since then, Elia has completed the HTLS enhancement works on the Zutendaal-Van Eyck, Horta-Eeklo, Lixhe-Herderen and Mercator-Horta lines. The HTLS upgrade on the Avelgem-Avelin line was planned for 2021, but will only be ready in 2022. Subsequently, between 2021 and 2024, upgrades are planned on the 380 kV lines on the Massenhoven-Meerhout-Van Eyck line. Finally, between 2025 and 2035, upgrades are planned on the Mercator-Bruegel-Courcelles-Gramme-Van Eyck, Mercator-Massenhoven and Mercator-Lint lines.

As regards the new connections in Belgium, the Federal Development Plan 2020-2030 includes details of the "Boucle du Hainaut" and "Ventilus" projects, which are also included in the TYNDP 2020.

The Boucle du Hainaut project aims to create a new 6,000-MW corridor between Avelgem station, located at the southern border of the country, and the centre of the country (a station to be identified on the Bruegel-Courcelles line). The project aims to improve the safety and reliability of the grid to facilitate cross-border trade flows and, for example, the generation from offshore wind turbines. With the strengthening of the existing lines with HTLS technology (see above), this project is contributing to the realisation of the Mercator-Van Eyck-Gramme-Courcelles-Avelgem ring. The new Avelgem-Centre corridor is a necessary condition for integrating the increase in offshore generation capacity planned for 2028 in the Modular Offshore Grid - Phase 2 (MOG II) project. Commissioning of the Boucle du Hainaut is currently planned for 2028.

The Ventilus project envisages the creation of a new 6,000 MW corridor between the Stevin and Avelgem substations in West Flanders to increase offshore generation capacity. According to the current planning, it will also be put into operation in 2028.

### 3.4.5. Measures to cover peak demand and deal with shortfalls

#### 3.4.5.1. Strategic reserve

On 13 January 2021, the Minister for Energy issued a ministerial decree (Belgian Official Gazette of 15 January 2021) ordering the transmission system operator Elia to create a strategic reserve for a volume of 0 MW for a period of one year from 1 November 2021.

Via decision 658E/72 of 8 July 2021, the CREG also approved the tariff balance of the public service obligation "strategic reserve" for 2020.

Via a decision of 17 December 2021, the CREG also approved the budgets of the public service obligation "strategic reserve" (and CRM) for 2022. However, it did not set a tariff because these costs are now covered by the financial resources of the federal state.<sup>112</sup>

#### 3.4.5.2. Access to demand management

On 25 March 2021, following consultation with the competent regional authorities and after consulting Elia, the CREG decided to approve the modification of the rules submitted by Elia Transmission Belgium organising the transfer of energy with a view to applying them on the day-ahead and intraday markets.<sup>113</sup>

In addition, on 18 December 2020, the CREG received a proposal from Elia via email to modify the terms and conditions for the balance responsible party (T&C BRP) as well as the proposal from the flexibility services provider Day Ahead / Intraday (FSP DA/ID) contract. These two proposals relate to the extension of energy transfer on the Day-Ahead and Intraday markets. The FSP DA/ID contract lays down the rights and obligations of Elia and the flexibility service provider wishing to valorise their flexibility on the Day-Ahead and/or Intraday markets. This contract was approved by the CREG on 29 April 2021.<sup>114</sup>

#### 3.4.5.3. Security of electricity supply and the CRM

This section covers the acts drawn up by the CREG in the context of the capacity remuneration mechanism (CRM). The laws and decrees adopted in the context of the CRM are outlined in section 2.2 of this report.

112 Decision (B)658E/75 of 17 December 2021 on the request for approval of the tariff proposal submitted by Elia Transmission Belgium NV regarding the tariff for the public service obligation strategic reserve as of 1 January 2022

113 Decision (B)2195 of 25 March 2021 on the proposal by Elia Transmission Belgium NV concerning the rules governing energy transmission.

114 Decision (B)2222 of 29 April 2021 concerning the request from Elia Transmission Belgium NV for approval of the proposal of the contract to be concluded between Elia and the FSP for the provision of the Day-Ahead/Intraday flexibility service.

#### • Amending the federal technical regulations

In the context of the implementation of the CRM, the Federal Technical Regulations (Royal Decree of 22 April 2019) had to be amended to ensure that the rights of a capacity reservation (relating to a connection request that has already been submitted) or a capacity allocation (relating to a connection contract that has already been signed) do not lead to a restriction of competition during the CRM auction. A draft royal decree to this effect was submitted to the CREG. In its opinion (A)2186 of 21 January 2021, the CREG put forward various criticisms of the draft text. In particular, it noted that a ruling of the European Court of Justice of 3 December 2020 showed that the national regulator has sole competence to determine or approve the conditions of connection to the transmission system and that the King was therefore not competent in this regard. In a subsequent opinion on the same preliminary draft royal decree, the legislation section of the Council of State agreed with the CREG's analysis, with the result that the draft royal decree was scrapped.<sup>115</sup>

#### • Establishment of the investment thresholds and the eligibility criteria for investment costs

In accordance with the Electricity Act, the Commission for the Regulation of Electricity and Gas (CREG) is competent for drawing up a proposal for a royal decree establishing the investment thresholds and the eligibility criteria for investment costs and the classification procedure. These thresholds are used to determine capacities that are eligible for multi-year contracts in the context of the CRM.

The Board of Directors of the CREG had approved a first draft of the Royal Decree on 12 December 2019. This proposal had to be partially revised on account of, inter alia, the evolution of

the Belgian and European legislative framework and the need to simplify communication with market participants (from now on via an IT platform) and the certification of investments (from now on via an independent technical expert). This additional proposal was the subject, first, of a public consultation and then of an opinion issued by the system operator (Elia) and sent to the CREG on 21 January 2021.

The CREG approved the additional proposal on 4 February 2021.<sup>116</sup> The Royal Decree was promulgated on 4 June 2021.

#### • Guidelines for the eligibility of investment costs

In accordance with Article 3, § 3 of the above-mentioned proposal for a Royal Decree establishing the investment thresholds and criteria, the CREG, having consulted the market participants, drew up a draft series of guidelines in order to communicate to the market participants the necessary specifications with regard to the conditions for the eligibility of investment costs with a view to classifying the capacity in a capacity category that entitles the market participants to a multi-annual capacity contract.<sup>117</sup>

Following the promulgation of the Royal Decree of 4 June 2021 establishing the investment thresholds, the criteria for the eligibility of investment costs and the classification procedure, the guidelines specifying the conditions for the eligibility of investment costs were definitively approved by the CREG.<sup>118</sup>

#### • Procedure for submitting and handling investment dossiers

In accordance with Article 7, § 3 of the above-mentioned proposal for a Royal Decree establishing the investment thresholds and

criteria, the CREG laid down the procedure for submitting and handling investment dossiers in the context of the CRM.

The CREG also published a manual for the use of the CREG CRM platform and a Q&A about the procedure and the use of the CREG CRM platform, on its website.

#### • T-4 auction 2021: demand curve and parameters

On the basis of Elia's system operator report, the CREG issued an opinion on Elia's proposal of auction parameters for the T-4 auction in 2021 with delivery period 2025-2026<sup>119</sup> and a proposal for the demand curve for this auction.<sup>120</sup>

#### • Derogation from the intermediate price cap

Note (Z)2202 of 11 February 2021 contains the CREG's contribution to the public consultation launched by the FPS Economy on new provisions to be incorporated into the preliminary draft royal decree establishing the method for calculating the necessary capacity volume and the parameters required for organising auctions in the context of the capacity remuneration mechanism.<sup>121</sup> These new provisions relate to the modalities and procedure for derogating from the intermediate price cap ("IPC"). In addition to specific comments on all the new proposed provisions, the CREG also provided general comments to reduce the impact of the derogations from the IPC on the overall cost of the CRM.

With its decision (B)2237 the CREG laid down the formal requirements for a request to derogate from the intermediate price cap in accordance with Article 21, § 2 of the Royal Decree of 28 April 2021 laying down the parameters by which the capacity volume to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation

<sup>115</sup> Opinion (A)2186 of 21 January 2021 on the draft Royal Decree "modifying the minimum content of the type connection contract referred to in Article 169 of the Royal Decree of 22 April 2019 establishing technical regulations for the management of the electricity transmission system and access thereto, and introducing a procedure for obtaining a right to a grid connection that takes account of the capacity remuneration mechanism.

<sup>116</sup> Additional proposal (C)2135 of 4 February 2021 to the Proposal for Royal Decree (C)1907 establishing the investment thresholds and the criteria for the eligibility of investment costs with a view to classifying capacities in capacity categories.

<sup>117</sup> Draft decision (B)2129 of 7 January 2021 on the guidelines specifying the conditions for the eligibility of investment costs.

<sup>118</sup> Guidelines (R)2129 of 10 June specifying the conditions for the eligibility of investment costs.

<sup>119</sup> Opinion (A)2161 of 2 February 2021 on the proposal of auction parameters in Elia's system operator report for the T-4 auction in 2021 with delivery period 2025-2026.

<sup>120</sup> Proposal (C)2192/2 on the parameters used to determine the amount of capacity to be purchased for the T-4 auction in 2021 with delivery period 2025-2026. This proposal was preceded by the draft proposal (C)2192/1 of 28 January 2021.

<sup>121</sup> Decision (B)2237 of 12 May 2021 on the formal requirements for requesting a derogation from the intermediate price cap.

of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism. With a view to the October 2021 auction, the CREG updated these form requirements in a decision of 17 June 2021, for clarification purposes.<sup>122</sup>

#### • Opinion on estimating the cost of the CRM

In accordance with Resolution 1220/007, the CREG submitted an opinion to the Chamber of Representatives on the study carried out by the consultancy Haulogy on the evaluation of the cost of CRM. In this opinion, the CREG makes a series of comments on the assumptions used in this study which, in its opinion, mainly result in the cost of the CRM being underestimated.<sup>123</sup>

#### • Operating rules CRM

In the context of the implementation of the CRM and in particular with a view to the auction due to take place in October 2021, the CREG laid down the operating rules of the CRM in a decision from 14 May 2021.<sup>124</sup> The transmission system operator (Elia) submitted an initial proposal on these operating rules on 13 November 2020, following a public consultation. Following discussions with the CREG, Elia submitted a new proposal for operating rules on 30 April 2021. The CREG organised a further public consultation on the main changes it wanted to make to Elia's proposal. In accordance with the Electricity Act, these operating rules were approved by a Royal Decree on 30 May 2021.<sup>125</sup>

In March 2021, the CREG also adopted an opinion on the draft Royal Decree laying down detailed rules for the supervision of the correct functioning of the capacity remuneration mechanism by the CREG.<sup>126</sup> The Royal Decree was adopted on 30 May 2021 and published in the Belgian Official Gazette on 7 June 2021.<sup>127</sup>

#### • Reliability standard for the Belgian territory

On 28 May 2021, at the request of the Minister for Energy, the CREG published a proposal for a reliability standard for the Belgian territory. On the basis of VoLL ("value of lost load") and CoNE ("cost of new entry"), as determined by the Directorate General for Energy of the FPS Economy, the CREG determined that the application of the two values of the equation for determining the reliability standard according to the ACER methodology results in a reliability standard of 2 hours and 43 minutes. In its proposal, the CREG included several comments on the method of valuation of the reliability standard and how it should be interpreted.<sup>128</sup>

#### • Contract capacity type

In the context of the implementation of the CRM, on 20 August 2021 the CREG took a decision on the request for approval of the proposal for the standard capacity contract submitted by Elia Transmission Belgium (Elia).

The CREG decided to approve the proposal for a standard capacity contract on condition that Elia made the necessary changes requested by the CREG, and also took the proposed

editorial changes into account as much as possible. Elia had 10 working days to adapt its proposal and send it to the CREG, to allow the latter to verify whether the requested changes had indeed been made.<sup>129</sup>

#### • Rejection of an investment dossier

In the context of the classification by the CREG of the capacities in capacity categories that entitle the holder to conclude a multi-year contract, on 9 September 2021 the CREG decided to reject the investment dossier submitted by Arcelor Mittal NV.<sup>130</sup>

#### • Methodology for calculating the risk premium of the investors in the context of the CRM

At the request of the Minister for Energy, the CREG drafted a proposal amending the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism. The purpose of this proposal is, in the above-mentioned Royal Decree, to replace the criterion of the average income (P50) with the income of the market, in particular in the context of determining the arrival of the new entrant.<sup>131</sup>

In connection with this, the CREG submitted comments in the context of the public consultation organised jointly by Elia and

122 Decision (B)2237/2 of 17 June 2021 on the formal requirements for requesting a derogation from the intermediate price cap.

123 Opinion (A)2206 of 22 February 2021 concerning the evaluation of the cost of the capacity remuneration mechanism (CRM).

124 Decision (B)2227 of 14 May 2021 establishing the operating rules of the capacity remuneration mechanism.

125 Royal Decree of 30 May 2021 approving the operating rules of the capacity remuneration mechanism in accordance with Article 7undecies, § 12 of the Act of 29 April 1999 on the organisation of the electricity market (Belgian Official Gazette of 1 June 2021).

126 Opinion (A)2216 of 18 March 2021 on the draft Royal Decree laying down detailed rules for the supervision of the correct functioning of the capacity remuneration mechanism by the Commission for Electricity and Gas Regulation.

127 Royal Decree of 30 May 2021 laying down detailed rules for the supervision of the correct functioning of the capacity remuneration mechanism by the Commission for Electricity and Gas Regulation (Belgian Official Gazette of 7 June 2021).

128 Proposal (C)2243 of 28 May 2021 for a reliability standard for the Belgian territory

129 Decision (B)2245 of 20 August 2021 concerning the request for approval of the proposal for a standard capacity contract submitted by Elia Transmission Belgium.

130 Decision (B)2281 of 9 September 2021 concerning the request of ArcelorMittal Belgium NV to classify the capacity "CMU-36Rvq" (Back Pressure Steam Turbine - 67098) in a capacity category linked to a capacity contract covering a maximum of 15 periods of capacity delivery.

131 Proposal of a Royal Decree (C)2286 of 12 October 2021 amending the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation methods, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining an individual exemption from the application of intermediate price caps in the context of the capacity remuneration mechanism.

the FPS Economy on other amendments to the above-mentioned Royal Decree of 28 April 2021.<sup>132</sup>

Finally, the CREG drafted an opinion on the proposal submitted by Elia following the above-mentioned public consultation.<sup>133</sup>

#### • Appointment of the chairperson (and deputy) of the CRM Disputes Committee

In the context of the implementation of the CRM, the operating rules of the CRM provide for the establishment of a CRM disputes committee whose chairperson (and deputy) must be appointed by the CREG.

Following the call for applications published on 10 September 2021, the CREG decided on 21 October 2021 to appoint Mr Eric Bodson as Chairman of the Disputes Committee of the Capacity Remuneration Mechanism (CRM) and Mr Jasper De fauw as deputy, for an initial mandate of three years, renewable twice for a period of one year.

#### • Y-4 auction: reference scenario, gross cost of a new entrant and correction factor X

In the context of the CRM, the CREG made two proposals in preparation for the Y-4 auction with delivery period 2026-2027. The proposal of 26 August 2021 relates to the series of data and assumptions to be retained, which together form the reference scenario proposal<sup>134</sup> and that of 10 September 2021 relates to the gross cost of a new entrant and the correction factor X.<sup>135</sup>

#### • Standard connection contract

On 13 September 2021, the CREG approved the proposal to amend the standard connection contract of Elia Transmission Belgium. In essence, these are changes resulting from the implementation of the CRM.<sup>136</sup>

#### • Results of the Y-4 auction for the capacity supply period 2025-2026

In the context of the implementation of the CRM, on 28 October 2021 the CREG validated the results of the Y4 auction organised by Elia for the capacity supply period 2025-2026. In

particular, based on the analysis report from the Auditor of the capacity market that it appointed, the CREG established that the auction was held in accordance with the applicable legal and regulatory provisions.<sup>137</sup>

#### • Analysis of Elia's Adequacy and Flexibility study

The CREG conducted a factual analysis of Elia's Adequacy and Flexibility Study for Belgium.<sup>138</sup> This study, which covers the period 2022 - 2032, will be used to estimate whether a capacity remuneration mechanism for Belgium is needed to meet the adequacy problems of European resources.

#### 3.4.5.4. Valorisation of the generation reserves necessary for the security of the system

On 23 December 2021, the CREG published a new study on the implementation of a scarcity pricing mechanism in Belgium. Among other things, this study includes the latest developments on the proposed design, an analysis of possible alternatives to this design, as well as an analysis of the absence of discrimination introduced by this mechanism in the case of an isolated implementation.<sup>139</sup>

<sup>132</sup> Comments of the CREG regarding the draft proposal of a Royal Decree amending the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation methods, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining an individual exemption from the application of intermediate price caps in the context of the capacity remuneration mechanism.

<sup>133</sup> Opinion (A)2293 of 14 October 2021 on a draft proposal of a Royal Decree amending the Royal Decree of 28 April 2021 laying down the parameters by which the volume of capacity to be purchased is determined, including their calculation method, and the other parameters necessary for the organisation of the auctions, as well as the method and conditions for obtaining individual exemptions from the application of intermediate price caps in the context of the capacity remuneration mechanism, submitted by Elia on 13 October 2021.

<sup>134</sup> Proposal (C)2274 of 26 August 2021 on the reference scenario for the Y-4 auction with delivery period 2026-2027.

<sup>135</sup> Proposal (C)2267 of 10 September 2021 for the gross cost of a new entrant and correction factor X for the Y-4 auction with delivery period 2026-2027.

<sup>136</sup> Decision (B)2283 of 13 September 2021 concerning the request for approval of the proposal to amend the standard connection contract submitted by Elia Transmission Belgium.

<sup>137</sup> Decision (B)2298 of 28 October 2021 on the validation of the results of the auction organised by Elia Transmission Belgium four years before the capacity supply period 2025-2026.

<sup>138</sup> Note (Z)2263 of 1 July 2021 on the analysis of Elia's Adequacy and Flexibility study for Belgium 2022-2032.

<sup>139</sup> Study (F)2203 of 23 December 2021 on the implementation of a scarcity pricing mechanism in Belgium.

# 4

# The natural gas market



## 4.1. Regulation

### 4.1.1. Natural gas supply

#### 4.1.1.1. Supply to customers

##### • Federal licences

The supply of natural gas to customers (distribution companies or end customers whose gas offtake at each supply point permanently amounts to a minimum of one million m<sup>3</sup> per year) established in Belgium is subject to the prior granting of an individual licence issued by the Minister for Energy (except when it is carried out by a distribution company on its own distribution system).

The application dossiers for federal natural gas supply licences are sent to the CREG, which examines the criteria and then sends its opinion to the Minister for Energy.

In 2021, the CREG issued seven opinions in the context of licence applications for the supply of natural gas, namely from Essent Belgium NV,<sup>140</sup> ArcelorMittal Energy S.C.A.,<sup>141</sup> RWE Supply & Trading GmbH<sup>142</sup>, European Energy Pooling BV<sup>143</sup>, Enovos Luxembourg NV<sup>144</sup>, Eneco Belgium NV<sup>145</sup> and Société Européenne de Gestion de l'Énergie SA<sup>146</sup>.

In 2021, the Minister for Energy granted an individual licence for the supply of natural gas to Essent Belgium NV by ministerial decree of 5 March 2021 (with entry into force on 29 January 2021), ArcelorMittal Energy S.C.A. by ministerial decree of 16 April 2021 (with entry into force on the same day), RWE Supply & Trading GmbH by ministerial decree of 16 April 2021 (with entry into force on 25 August 2021) and Société

Table 10: Companies active as shippers on the Belgian natural gas market in 2021 - evolution vs. 2020 (Source: CREG)

VOLUMETRANSPORTED IN BELGIUM (INTWH)*	2020		2021		Δ2021/2020	
	TWh	%	TWh	%	(%)**	(%-point)***
MARKET SHARE IN BELGIUM (IN %)						
Antargaz SAS	3.32	1.74	2.82	1.48	-15	-0.3
ArcelorMittal Energy S.C.A.	4.97	2.61	5.02	2.64	1	0.0
Axpo Solutions AG	0.97	0.51	1.07	0.56	10	0.1
Belgian Eco Energy NV	0.11	0.06	0.15	0.08	27	0.0
Eneco Energy Trade BV	8.31	4.36	9.89	5.20	19	0.8
Energy Global Handel BV	1.08	0.57	1.13	0.59	4	0.0
Engie	68.10	35.72	75.27	39.56	11	3.8
Eni S.p.A.	17.57	9.22	17.07	8.97	-3	-0.2
Enovos Luxembourg SA	1.69	0.89	0.44	0.23	-74	-0.7
Equinor ASA	4.30	2.25	4.77	2.51	11	0.3
Essent Sales Portfolio Management BV	3.91	2.05	2.32	1.22	-41	-0.8
European Energy Pooling	5.78	3.03	5.71	3.00	-1	-0.0
GETEC Energie GmbH	0.25	0.13	0.27	0.14	9	0.0
Lampiris NV	0.00	0.00	0.00	0.00	10	0.0
Luminus NV	20.12	10.55	21.15	11.12	5	0.6
Novatek Gas & Power GmbH	0.10	0.05	0.33	0.17	236	0.1
OMV Gas Marketing & Trading GmbH	2.48	1.30	3.62	1.90	46	0.6
Power Online NV			1.40	0.74		
Progress Energy Services	0.78	0.41	0.93	0.49	19	0.1
RWE Supply & Trading GmbH - UK Desk	4.75	2.49	2.27	1.19	-52	-1.3
Scholt Energy Control NV			0.07	0.04		
Soc. Europ. de Gestion de l'Énergie SA	3.51	1.84	1.20	0.63	-66	-1.2
TotalEnergies Electricité et Gaz France	3.08	1.62	1.69	0.89	-45	-0.7
TotalEnergies Gas & Power Ltd	18.20	9.55	17.46	9.18	-4	-0.4
Uniper Global Commodities SE	0.46	0.24	0.49	0.26	7	0.0
Vattenfall Energy Trading Netherlands NV	7.68	4.03				
Wingas GmbH	9.11	4.78	13.73	7.22	51	2.4
<b>FINAL TOTAL</b>	<b>190.7</b>	<b>100</b>	<b>190.3</b>	<b>100</b>	<b>-0.2</b>	

\* These figures only concern supplies to customers connected to the transmission system and to the offtake points on the distribution systems. For separate statistics on supplies to customers connected to the natural gas transmission and distribution systems, please consult the joint report of the four energy regulators on the evolution of the electricity and gas markets in Belgium, on the CREG website ([www.creg.be](http://www.creg.be)).

\*\* Relative change in 2021 compared with 2020 (2020 is the baseline).

\*\*\* Absolute change in market share.

140 Opinion (A)2184 of 14 January 2021.

141 Opinion (A)2213 of 18 March 2021.

142 Opinion (A)2214 of 18 March 2021.

143 Opinion (A)2232 of 20 May 2021.

144 Opinion (A)2276 of 20 August 2021.

145 Opinion (A)2259 of 8 July 2021.

146 Opinion (A)2260 of 8 July 2021.



Européenne de Gestion de l'Energie SA by ministerial decree of 10 September 2021 (with entry into force on 7 October 2021).

On 31 December 2021, 33 system users held a federal supply licence for natural gas.

In 2021, 27 of them actually supplied natural gas to Belgian end customers via the transmission system. At the end of 2007, only six grid users were active on the transmission system.

### • Volume transported in Belgium

In 2021, natural gas consumption<sup>147</sup> was 190.3 TWh, almost stable compared to 2020 (190.7 TWh). In 2021, the second year of the Corona pandemic, Belgian natural gas consumption remained almost stable (-0.2%). The temperature fluctuations in 2021 indicate that the heating demand was 22.4% higher than in 2020. Consequently, natural gas consumption on the distribution systems was 14% higher than in 2020 (101.9 TWh compared to 89.2 TWh in 2020). Industrial natural gas consumption fell by 4.9% and natural gas consumption by natural gas-fired power plants fell even more sharply by 20.3%.

### 4.1.1.2. Price caps

#### • For unprotected customers whose supply contract has been terminated

Readers are referred to section 3.1.2.2 of this report, which also applies to natural gas.

#### • For protected household customers

In accordance with the legislation in force, the CREG has calculated and published the social price caps (or "social tariffs") for the supply of natural gas to protected household customers applicable from 1 January 2021 to 31 March 2021, from 1 April 2021 to 30 June 2021, from 1 July 2021 to 30 September 2021 and from 1 October 2021 to 31 December 2021.

The social tariffs for the supply of natural gas were 1.687 euro cent/kWh for the period from 1 January 2021 to 31 March 2021, 1.940 euro cent/kWh for the period from 1 April 2021 to 30 June 2021, 1.991 euro cent/kWh for the period from 1 July 2021 to 30 September 2021 and 2.214 euro cent/kWh for the period from 1 October 2021 to 31 December 2021.

These are the prices without VAT, federal contribution, and connection fee (Wallonia). The energy component and the tariffs of the transmission and distribution systems are included.

Readers are also referred to section 3.1.2.2 of this report for a comparison of the social tariff for the different periods.

Finally, on 1 April 2021, the CREG issued Opinion 2119 to the Minister for Energy on the supply of heat via remote heating networks to protected residential customers and on the rules of the mechanism for financing and determining the real net cost. In its opinion, the CREG set out a range of key elements, including the perimeter under consideration, the volume to be taken into consideration, the level of the social tariff and the reference price for natural gas and the estimated cost of the measure for the coming years. The CREG also proposed two draft Royal Decrees which should govern this matter.

### 4.1.1.3. Trends in and fundamentals of the natural gas price

Readers are referred to point 3.1.2.3 of this report.

### 4.1.2. Transmission and distribution

#### 4.1.2.1. Unbundling and certification of the transmission system operator

There were no changes in the shareholding and shareholder structure of Fluxys Belgium in 2021.

#### 4.1.2.2. Corporate governance

##### A. Fluxys Belgium and Fluxys LNG

In the context of the monitoring of the application of Article 8/3 of the Gas Act and the assessment of its effectiveness with regards to the requirements of independence and impartiality of operators, the CREG examined the activity reports of the corporate governance committees of Fluxys Belgium and Fluxys LNG for the year 2020.

The CREG also examined the report of the compliance officer on compliance with the programme of commitments by Fluxys Belgium and Fluxys LNG employees in 2020. The purpose of this programme of commitments is to prevent any discrimination between system users and/or categories of system users.

<sup>147</sup> This evaluation is based on figures related to shipping activities as disclosed by the transmission system operator, such as they are communicated by the transmission system operator.

## B. Balansys

The CREG has received the compliance report and the report on the oversight of the compliance programme relating to the activities of Balansys NV in 2021, from the Compliance Officer.

The board of directors of Balansys has not changed since the 2020 report.

The Compliance Officer therefore confirmed that the members of the board of directors of Balansys meet the requirements of Article 8/3, §1/1, paragraph 3 of the Belgian Gas Act and Article 37 of the Luxembourg Gas Act and the articles of association of Balansys.

## C. Interconnector Limited

In 2021 Interconnector UK Limited changed its name to Interconnector Limited. The structure and shareholdership in 2021 has not changed compared to 2020. Fluxys and SNAM own respectively 76.32% and 23.68% of the shares of the company.

### 4.1.2.3. Technical operation

#### A. Natural gas transmission licences

The construction and operation of facilities for natural gas transmission is subject to the prior granting of a permit issued by the Federal Minister for Energy, on the advice of various authorities, including the CREG. In 2021, the CREG issued four favourable opinions in this respect.<sup>148</sup>

#### B. The balancing model

The trends relating to the market-based balancing model, in effect from 1 October 2012 and summarised in the 2013 Annual Report (pages 55-56), were still applicable in 2021.

#### C. Regulations governing system security and reliability, and standards and requirements for quality of service and supply

Pursuant to Article 133 of the Code of Conduct, the natural gas transmission system operator must apply a monitoring system that tracks the quality and reliability of its natural gas transmission system and the transmission services provided.

In particular, this monitoring system makes it possible to determine quality criteria in terms of:

- frequency of service interruptions and/or reductions;
- average duration of service interruptions and/or reductions;
- causes and remedies for these service interruptions and/or reductions;
- the portfolio of natural gas transmission services offered.

There were no service interruptions or reductions in 2021.

#### D. Time taken by the transmission system operator to carry out connections and repairs

In accordance with the Gas Act, the CREG is responsible for monitoring the time taken by the natural gas transmission system operator to carry out connections and repairs.

In 2021, one new connection was created for an end customer, and one new connection was created for public distribution. The creation of these new connections took 21 months and 60 months respectively.

In 2021, nine repairs following accidents or incidents and 19 repairs in the context of maintenance periods were carried out. Two of the nine unscheduled repairs were carried out in 1 day, two in 2 days and the five others in a few days to a few months. They were all carried out following consultation with

- and without impact on - the shippers or end users. The 19 repairs in the context of scheduled maintenance periods were carried out to avoid any impact on service delivery. All scheduled operations were for a limited time (usually a few days) and were carried out in conjunction with the end consumer and/or shippers concerned.

## E. Code of Conduct

### • Fluxys Belgium

In Belgium, biogas is produced and used, among other things, as an energy source for CHP plants. Biogas can be upgraded to biomethane in a subsequent phase. This additional step makes it possible to inject this gas into the natural gas transmission system. The biomethane produced must comply with the quality requirements applicable to the natural gas transmission system.

On 11 March 2021, CREG approved the standard connection contract proposed by Fluxys for the local gas production point. This forms the regulated basis and allows compatible gas (in the first instance biomethane) to be injected into the natural gas transmission system.<sup>149</sup>

Subsequently, in consultation with the CREG and the market participants, Fluxys Belgium developed a new commercial approach to its storage services that perfectly meets the demands and needs of the market. The service offering will be greatly improved with a new simplified and optimised SBU product, the introduction of new sales mechanisms and the provision of interruptible storage services. In addition, the billing procedure for volume exceedances is adjusted and a new storage year start date is introduced.<sup>150</sup>

On 20 August 2021, the CREG approved Fluxys Belgium's application to amend the regulatory documents for natural gas

<sup>148</sup> Opinion (A)2162 of 7 January 2021, (A)2201 of 11 March 2021, (A)2254 of 17 June 2021 and (A)2295 of 17 December 2021.

<sup>149</sup> Decision (B)2191 of 11 March 2021 concerning the application of Fluxys Belgium for approval of the standard connection contract for the Local Gas Production Point.

<sup>150</sup> Decision (B)2258 of 16 July 2021 regarding the request of Fluxys Belgium NV to approve the proposal to modify the Standard Storage Agreement, the glossary of definitions, annexes B, C1, C2, D1, F, G and H1 of the Access Regulations for Storage and the storage programme.

transmission (transmission contract, transmission programme and access regulations). Fluxys Belgium consulted the market participants in advance on this matter. This proposed amendment concerns the integration of the Eynatten 1 and 2 interconnection points into the new virtual interconnection point VIPTHE-ZTP. At the request of grid users, Fluxys Belgium will introduce an additional shipper code service enabling grid users to distinguish biomethane data from conventional natural gas.<sup>151</sup>

##### • Fluxys LNG

On 20 January 2021, Fluxys LNG submitted to the CREG its request for approval of the amended LNG Terminalling Programme. The main modifications to the amended LNG Terminalling Programme concern the new extension of the Zeebrugge LNG Terminal to offer additional Stand Alone Send Out capacity (together with the amended tariff proposal, and including this extension of the Zeebrugge LNG Terminal). In its decision of 11 February, the CREG approved the document submitted. It entered into force on 17 February 2021.<sup>152</sup>

On 15 March 2021, Fluxys LNG submitted a request to the CREG for approval of the amended access rules for loading LNG trucks at the Zeebrugge LNG Terminal. The main changes to the document concern the actions that may be taken by the terminal operator when congestion is detected in the planning of loading operations. In its decision of 1 April 2021, the CREG approved the document submitted.<sup>153</sup>

On 11 October 2021, Fluxys LNG submitted to the CREG a request for approval of the amended LNG access regulations for the Zeebrugge LNG terminal and the amended LNG terminaling programme. The main changes to the regulated documents

were the introduction of the new service of BioLNG liquefaction, the renaming of the virtual liquefaction service into back-haul liquefaction service and the introduction of the possibility to sell the regulated services through auctions. In its decision of 21 October 2021, the CREG approved the documents submitted.<sup>154</sup>

##### • Balansys

Fluxys Belgium and Creos entrusted the commercial management of the system balancing of the integrated Belux zone to a joint venture, Balansys, of which each own 50% of the shares.

Following consultation of the market participants by Balansys, on 3 June 2021 the CREG approved the request by Balansys to amend the regulatory documents for the management of the commercial system balancing in the Belux area (balancing contract, balancing programme and balancing code).

The amended provisions include the introduction of a minimum amount of €100,000 as a guarantee for the payment of invoices, the integration of a "Know Your Customer" policy and adjustments in the context of the GDPR.<sup>155</sup>

#### F. Measures to safeguard security of supply

The Gas Coordination Group of the European Commission coordinates the application of Regulation (EU) No 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard security of gas supply and repealing Regulation (EU) No 994/2010, published on 28 October 2017 (hereinafter the Regulation). The CREG represents Belgium in this group, alongside the designated competent authority, namely the Directorate-General for Energy.

This revised Regulation closely follows the previous one (Regulation (EU) No. 994/2010) but provides for much more explicit, regional cooperation to manage emergencies. In addition, a legal framework is provided to develop a solidarity mechanism between the European Member States as regards continuous supply for protected customers.

In 2021, Europe's natural gas supply was the focus of considerable attention and more limited liquidity on the wholesale markets led to unprecedented natural gas prices. As a result, electricity prices also peaked to an unprecedented level. Europe was confronted with a price risk, mainly due to the lack of trade in extra natural gas from Russia on top of the volumes already contracted for Europe. The situation was closely monitored with the General Directorate of Energy, within the Gas Coordination Group of the European Commission. There was always the risk that Europe would also be confronted with a volume risk.

In 2021, the CREG worked together with the Directorate-General for Energy to develop the requested plans and mechanisms for Belgium. Risk analyses at regional and national level were drawn up for scenarios in which gas supply and infrastructure are disrupted. These were scenarios for both L gas and H gas supply. These analyses are important for drawing up the Preventive Action Plan and subsequently also the Emergency Plan to which the CREG contributed in 2021 and which were submitted to the European Commission. The development of a solidarity mechanism between Member States in the event of a crisis, as required by Article 13 of the Regulation, was one of the main topics of discussion in the various European workshops. However, these discussions in 2021 have not yet resulted in concrete cross-border agreements to implement the solidarity mechanism as soon as the need arises.

<sup>151</sup> Decision (B)2270 of 20 August 2021 on the request by Fluxys Belgium NV for approval of the amended Standard Contract for Natural Gas Transmission, Access Regulations for Natural Gas Transmission and the Natural Gas Transmission Programme.

<sup>152</sup> Decision (B)2196 of 11 February 2021 on the request for approval of the amended LNG Terminalling Programme.

<sup>153</sup> Decision (B)2218 of 1 April 2021 on the request for approval of the amended access rules for loading LNG trucks at the Zeebrugge LNG Terminal.

<sup>154</sup> Decision (B)2290 of 21 October 2021 on the request for approval of the amended LNG access regulations for the Zeebrugge LNG terminal and the amended LNG terminaling programme.

<sup>155</sup> Decision (B)2231 of 3 June 2021 on the approval request by Balansys NV to amend the Balancing contract, the Balancing code and the Balancing programme.

The CREG also assists the Directorate-General for Energy in applying the regulation in Belgium. In this context, the CREG primarily focuses on the optimisation of market functioning and possible market instruments that aim to safeguard security of supply. Residual risks require appropriate intervention on the part of the authorities, which can be integrated within the operation of the market without disruptive consequences. The CREG advocated linking the operationalisation of the solidarity mechanism to the existing market organisation without creating new entities or responsibilities.

The CREG also assisted the Directorate-General for Energy in drawing up the annual report on the security of supply of natural gas. This report is also drawn up in collaboration with the Federal Planning Bureau. It was transmitted to the European Commission.

In addition, the Council of European Energy Regulators (CEER) has a network of experts who act on behalf of the European energy regulators to provide assistance to the European Commission regarding security of supply, and to give opinions and advice. The CREG chairs this network in cooperation with the Austrian energy regulator (E-Control).

Finally, as part of its remit to monitor and check the application of the Code of Conduct (see also point 4.1.2.3.E of this report), the CREG monitored balancing on the transmission system for H gas and L gas. In 2021, the CREG did not identify any problems that posed a threat to preserving the balance of the system. The current system balancing model puts a heavy responsibility on system users, and the natural gas transmission system operator now has only to provide residual balancing, if necessary. The

market-based balancing mechanism is closely monitored and the CREG believes it to be an effective and important mechanism that also contributes to ensuring the continuity of natural gas supplies for all end users. The Belgian balancing zone for H gas has been expanded since 1 October 2015 through the merger with the Luxembourg natural gas market. Ever since this date, the same balancing rules apply to both markets that have merged into a single balancing zone with just one trading platform (the existing Zeebrugge Trading Platform - ZTP) and a single entry/exit area. The market-based balancing in the unified Belux area was temporarily organised by Fluxys Belgium until 1 June 2020, the date on which Balansys took over this responsibility. Responsibility for balancing will from now on lie with the separate company Balansys, set up by Fluxys Belgium and

the Luxembourg transmission system manager Creos (see section 4.1.3.3 of this report).

### 4.1.2.4. System tariffs and LNG tariffs

#### A. Transmission system, storage and LNG

##### a) Tariff methodology

##### Regulatory period 2020-2023

As already indicated in the 2018 annual report, in June 2018 the CREG approved the final decision laying down the tariff methodology for determining transmission, storage and LNG tariffs for the period 2020-2023.

##### Regulatory period 2024-2027

For the period 2024-2027, on 16 December 2021 the CREG concluded an agreement with Fluxys Belgium and Fluxys LNG on the procedures for approving the tariff methodology for the natural gas transmission system, the natural gas storage facility and the LNG facility and for approving tariff proposals and changes.

##### b) Tariffs

##### ■ Transmission tariffs

As indicated in the previous annual report, on 7 May 2019 the CREG approved Fluxys Belgium's tariff proposal for the transmission tariffs for natural gas for the 2020-2023 regulatory period.

For an average Belgian customer, the tariff reduction over the period 2020-2023 amounts to approximately 5% compared to the indexed tariffs of 2019.

##### ■ Storage tariffs

The CREG approved new tariffs for natural gas storage services in Loenhout as of 1 July 2021<sup>156</sup>. Thanks to increased sales in the financial years 2019-2020, Fluxys was able to propose updated tariffs to CREG with a 30% decrease in tariffs for the benefit of storage users as from 1 July 2021, what is more in a competitive environment. The CREG decision also provides that, during the regulatory period, the CREG and

<sup>156</sup> Decision (B)656G/46 of 1 July 2021 on Fluxys Belgium's adjusted tariffs proposal on tariffs for storage services for the years 2020-2023.

#### 4. The natural gas market

Fluxys Belgium must ensure that tariffs remain proportional and applied in a non-discriminatory manner. If this is no longer the case, an updated tariff proposal must be submitted to the CREG following a public consultation.

##### ■ *Balancing tariffs*

In its decision of 2 December 2021, the CREG approved Balansys' proposal for the balancing tariffs that will apply in 2022.

The daily and intra-day imbalance charge is thus maintained at the current level while the neutrality charge is reduced to -0.021 €/MWh.<sup>157</sup>

##### ■ *LNG terminal tariffs*

As mentioned in our previous annual report, on 27 June 2019 the CREG approved new tariffs for the use of the Zeebrugge LNG terminal for the period 2020-2044.

On 20 January 2021, Fluxys LNG submitted its updated tariff proposal for the use of the Zeebrugge methane terminal to the CREG for approval. On 11 February 2021, the CREG decided that the tariff proposal would have to be amended on three points to obtain approval from the CREG. On 17 February 2021, Fluxys LNG submitted an amendment to its updated tariff proposal containing its response to the comments made in the CREG draft decision of 11 February 2021.

On 25 February 2021, the CREG decided to confirm the tariff for separate transmission capacity following the introduction of an investment in additional separate transmission capacity. The CREG also approved the amount, as well as the return on this investment, which includes the installation of three new Open Rack Vaporisers (ORVs) and installations needed to operate these three ORVs.<sup>158</sup>

On 27 October 2021, Fluxys LNG submitted to the CREG a new updated tariff proposal to which its consultation report was attached.

In its decision of 2 December 2021, the CREG approved the submitted tariffs for the new bioLNG liquefaction services and confirmed the tariff of the virtual liquefaction service, renamed backhaul liquefaction service.<sup>159</sup>

##### c) Balances

##### ■ *Fluxys Belgium*

In accordance with the applicable tariff methodology, Fluxys Belgium submitted its tariff report on 1 March 2021. As this report was rejected by the CREG, Fluxys Belgium submitted an amended report on 11 June 2021.

On 8 July 2021, the CREG decided that the application of tariffs in 2020 resulted in a net decrease of €70,901,111 in the regularisation account for the transmission activity, the balance

of which amounted to €300,020,541 on 31 December 2020, and an increase of €12,827,172 in the regularisation account for the storage activity, the balance of which amounted to €45,252,923 on 31 December 2020. However, by refunding a large part of the regularisation account, the CREG was able to achieve a 30% tariff reduction in favour of storage users from 1 July 2021, what is more in a competitive environment.<sup>160</sup>

##### ■ *Fluxys LNG*

In accordance with the applicable tariff methodology, Fluxys LNG submitted its tariff report on 1 March 2021. As this report was rejected by the CREG, Fluxys LNG submitted an amended report on 11 June 2021.

On 8 July 2021, the CREG decided that the application of tariffs in 2020 resulted in a net decrease of €3,262,194 in the regularisation account IRR of the terminalling activity, the balance of which amounted to €68,442,662 on 31 December 2020.<sup>161</sup>

##### ■ *Interconnector*

In the context of its audit assignments, and more specifically on the reporting of the 2020 financial year, the CREG decided that the application by Interconnector Limited of the tariffs in the period from 1 January 2020 to 31 December 2020 resulted in an increase of the equalisation account (regulatory credit) of £23,096,000.<sup>162</sup>

<sup>157</sup> Decision (B)2121/3 of 2 December 2021 on the balancing charge and the value of the minor adjustment for the period from 1 January 2022 to 31 December 2022.

<sup>158</sup> Decision (B)657G/21 of 25 February 2021 on the updated tariff proposal of Fluxys LNG NV for the use of the Zeebrugge LNG methane gas terminal.

<sup>159</sup> Decision (B)657G/23 of 2 December 2021 on the updated tariff proposal of Fluxys LNG NV for the use of the Zeebrugge LNG methane gas terminal.

<sup>160</sup> Decision (B)656G/45 of 8 July 2021 on the revised tariff report including the balances sent by Fluxys Belgium NV concerning financial year 2020.

<sup>161</sup> Decision (B)657G/22 of 8 July 2021 on the adapted tariff report including the balances sent by Fluxys LNG NV concerning operational year 2020.

<sup>162</sup> Decision (B)1442/8 of 8 July 2021 on the tariff report including the balance submitted by Interconnector Ltd for the period from 1 January 2020 to 31 December 2020.

## B. Distribution systems

Readers are referred to point 3.1.3.5.B of this report.

### 4.1.3. Cross-border issues and market integration

#### 4.1.3.1. Access to cross-border infrastructure

Under the new European TEN-E Regulation No 347/2013, which was published on 25 April 2013, project promoters may, during a biennial selection process, submit investment projects to the European Commission with a view to securing Project of Common Interest status (hereinafter: PCI). Only projects spanning at least one national border within the European Union can be considered. PCI status enables a project to benefit from faster and more suitable licence-granting procedures and revised regulatory conditions.

In addition, a cost-benefit analysis is made of the PCI projects for the different countries to which these projects apply. This is done with a view to possible cross-border compensation of costs if projects would otherwise not be carried out. There can be no subsidies from the European Commission to help finance the necessary work other than as a last resort, i.e. if the market is unable to finance the cost of the investment and if significant positive externalities are nonetheless linked to the project, such as market integration, competition, security of supplies and sustainability. The integration of climate objectives and in particular the reduction of CO<sub>2</sub> emissions is an increasingly important element in the definition of priority energy projects.

Since 2013, the list of European PCI projects has been updated every two years and checked by the respective European regional working groups. The CREG follows these activities within the working group for the region North-South Gas Interconnections in Western Europe NSI West. In 2021, the project proposals of the promoters were evaluated in the European regional working groups with a view to establishing a new list of PCIs. Subsequently, on 19 November 2021, the European Commission published the 5th PCI list<sup>163</sup>, with 20 natural gas projects. The number of PCIs for gas is decreasing year by year as Europe phases out support for fossil natural gas infrastructure projects.

The CREG is involved in the selection process and the process for monitoring PCIs, and in close consultation with other energy regulators and ACER, helps implement the TEN-E Regulation No 347/2013. Among other things, the CREG calls for a review of the legal framework where necessary with a view to the gradual inclusion of alternative gas projects (e.g. hydrogen) and projects for the integration of gas and electricity with a view to a sustainable energy supply. On 15 December 2020, the European Commission published a proposal for a revised TEN-E Regulation<sup>164</sup>. The European regulators, including the CREG, have held numerous discussions on this proposal. The publication of the regulation is scheduled for mid-2022. Furthermore, the CREG closely follows the assessment of costs and benefits for Belgium possibly included in the PCI projects abroad and a possible cost compensation resulting from these foreign projects. Until now, Belgium has not been in receipt of any possible cross-border cost compensation for the completion of PCI projects.

#### 4.1.3.2. Correlation between the investment plan for the transmission network and the development plan for the European network

Readers are referred to point 4.4.2 of this report.

#### 4.1.3.3. Market integration

Belgium and the surrounding countries (Belux, Netherlands, Germany and France) represent around 50% of the European natural gas market. Belgium is located at the centre of important natural gas corridors in North-West Europe and is characterised by intensive cross-border trade in natural gas. The Dutch TTF is the main border market for trade in natural gas (H gas and L gas) for the Belgian market. In 2021, net natural gas transactions from TTF to ZTP increased to 58.5 TWh (49.4 TWh in 2020). The UK's NBP shows a net negative balance accounting for a net exit from ZTP to NBP of 0.9 TWh in 2021. The natural gas transactions with the integrated German market (THE: Trading Hub Europe, a merger of the two German gas markets Gaspool and NCG since 1 October 2021) highlight a rapid change in direction of flows between exit to Germany and entry to Belgium. In 2021, net natural gas transactions from ZTP to THE, Germany's new integrated trading hub, were 8.1 TWh. France is highly dependent on natural gas transactions between ZTP and PEG Nord (61.3 TWh in 2021).

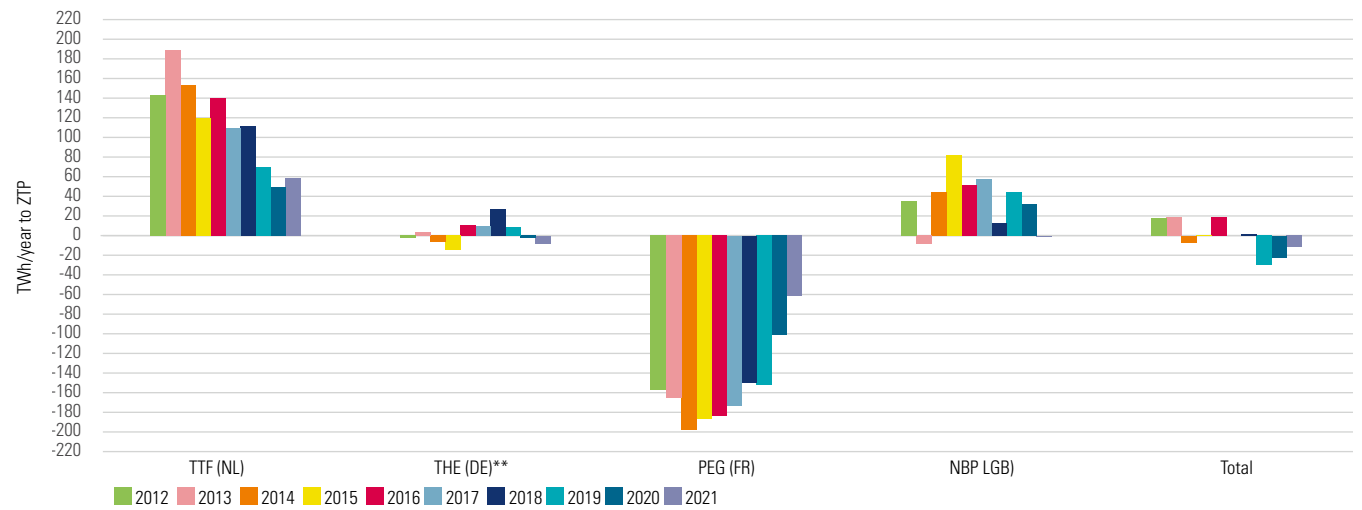
<sup>163</sup> [https://energy.ec.europa.eu/system/files/2021-11/ffth\\_pci\\_list\\_19\\_november\\_2021.pdf](https://energy.ec.europa.eu/system/files/2021-11/ffth_pci_list_19_november_2021.pdf); [https://energy.ec.europa.eu/system/files/2021-11/ffth\\_pci\\_list\\_19\\_november\\_2021\\_annex.pdf](https://energy.ec.europa.eu/system/files/2021-11/ffth_pci_list_19_november_2021_annex.pdf).

<sup>164</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_2394](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2394).

#### 4. The natural gas market

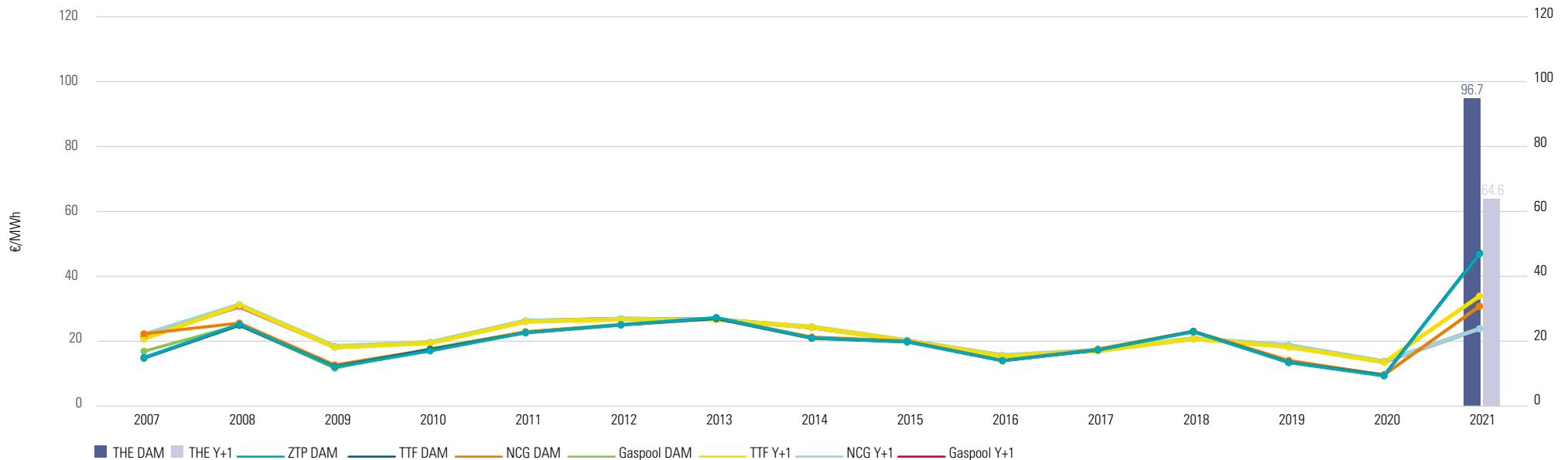
The price curves in Figure 18 show the annual average day-ahead (DAM) price of natural gas for the Belgian natural gas market ZTP (since 1 October 2015 ZTP also comprises the Luxembourg natural gas market), the Dutch TTF and the integrated German market THE. These price curves converge, which indicates that smooth trade in natural gas is possible between these markets. The annual average year-ahead price of natural gas (Y+1) is also shown. Given the price convergence and correlation on the short-term market, the long-term price in the Netherlands and Germany can also be used as a reference price for the Belgian-Luxembourg market. The average gas price on the short-term market fell sharply in 2019 and continued to fall to €9.4/MWh in 2020; the average gas price also fell on the long-term market to €13.7/MWh. In 2021, on the other hand, prices in the short-term market and in the long-term market increased sharply, especially in the last three months of the year, to €96.7/MWh and €64.6/MWh (figures from THE) respectively. In 2021, the average gas price on the daily market was systematically higher than the year-ahead price.

Figure 18: Net natural gas transactions between the Belgian ZTP natural gas market\* (Belux) and the markets in the neighbouring countries in the period 2012-2021 (H gas and L gas) (Sources: CREG, processed data from Fluxys Belgium)



\* Since 1 October 2015 ZTP also encompasses the Luxembourg natural gas market.  
 \*\* On 1 October 2021, the German gas markets Gaspool and NCG (Netconnect Germany) merged into a new German integrated gas market called THE (Trading Hub Europe).

Figure 19: Average annual gas price on the day-ahead and year-ahead markets (Sources: CREG, data taken from icis.com, ice.com, eex.com and powernext.com)



## 4.2. Competition

### 4.2.1. Monitoring of wholesale and retail prices

#### • Natural gas supply to large industrial customers

On 1 July 2021, the CREG conducted a new study into natural gas supply to large industrial customers in Belgium. These customers, which are connected directly to the Fluxys Belgium transmission system, accounted for 25.7% of consumption by Belgian end consumers in 2020.

Analysis of the supply contracts shows that industrial customers mainly enter into short-term contracts (with a duration of 1, 2 or 3 years). In 2020, these supply contracts represented 26%, 28% and 25% of contracts respectively.

Variable price contracts based on quoted gas prices represent 83% of customers, 16.5% of customers have a fixed price contract and for one customer (0.5% of the total) the contract is indexed on the basis of quoted oil prices.

The market for industrial customers directly connected to Fluxys Belgium's grid remains dynamic and competitive. Despite the fall in the HHI index and the increase in the number and volumes of supplier switches, this market segment still needs to be monitored.<sup>165</sup>

#### • Prices on the Belgian market in 2020

The aim of the CREG study of 2 December 2021 on the prices on the Belgian market is to analyse the market, price setting, price levels, price breakdown and billing in the different segments (import, resale, supply of household customers, industrial customers and power plants) of the Belgian natural gas market in 2020.

The Belgian natural gas market is very open to competition and had 41 active suppliers in 2020. The market shares of the main suppliers (Engie Electrabel, Total Energies, Eni SpA Belgium and Luminus) remained stable or increased slightly depending on the segment.

The analysed gross sales margins on the various market segments are lower on the market for industrial customers than on that for residential customers. Gross margin means the unit difference calculated between sales prices and supply costs for each segment of the market in question.

The study also analyses the indexation parameters used on the gas market. As such, quoted gas prices are the vector of the price, both for supply and for (re)sale and regardless of the market (industrial or residential). They have become the reference in all market segments. Oil prices, on the other hand, are no longer used in supply contracts for the Belgian market and have also almost disappeared in supply to industrial customers.<sup>166</sup>

#### • Regulatory framework for the transport of hydrogen

On the basis of a survey of current and future customers and producers of hydrogen, the CREG stated in its study that a regulatory framework to allow the hydrogen market to develop further as an energy carrier appears to be advisable. The basic principles of regulation, such as third-party access, transparency and non-discrimination, should allow the market for hydrogen to be further stimulated and create a predictable and stable framework that provides greater legal certainty for investment.<sup>167</sup>

#### • Other studies

Readers are referred to point 3.2.1 of this report.

### 4.2.2. Monitoring of market transparency and openness

#### • REMIT

Readers are referred to point 3.2.2.4 of this report.

#### • Charter of best practices for electricity and gas price comparison websites

Readers are referred to point 3.2.2.5 of this report.

## 4.3. Consumer protection

Readers are referred to point 3.3 of this report.

<sup>165</sup> Study (F)2239 of 1 July 2021 on the supply of natural gas to large industrial customers in Belgium in 2020.

<sup>166</sup> Study (F)2307 of 2 December 2021 on the prices used on the Belgian natural gas market in 2020.

<sup>167</sup> Study (F)2291 of 25 November 2021 on a regulatory framework for the transport of hydrogen.



## 4.4. Security of supply

### 4.4.1. Monitoring the balance between supply and demand

#### A. Natural gas demand

In 2021, the second year of the Corona pandemic, natural gas consumption (190.3 TWh) remained almost stable (-0.2%) compared to 2020. The temperature fluctuations in 2021 indicate that the heating demand was 22.4% higher than in 2020. Consequently, natural gas consumption on the distribution systems was 14% higher than in 2020 (101.9 TWh compared to 89.2 TWh in 2020). Industrial gas consumption fell by 4.9%. Natural gas consumption by natural gas-fired power plants fell even more sharply by 20.3%. In 2021, prices in the short-term market and in the long-term market increased sharply, especially in the last three months of the year, to €96.7/MWh and €64.6/MWh (figures from THE) respectively. In 2021, the average gas price on the daily market was systematically higher than the year-ahead price.

Figure 20: Distribution of Belgian H gas and L gas demand by user segment in 2020 and 2021 (Source: CREG, processed data from Fluxys Belgium)

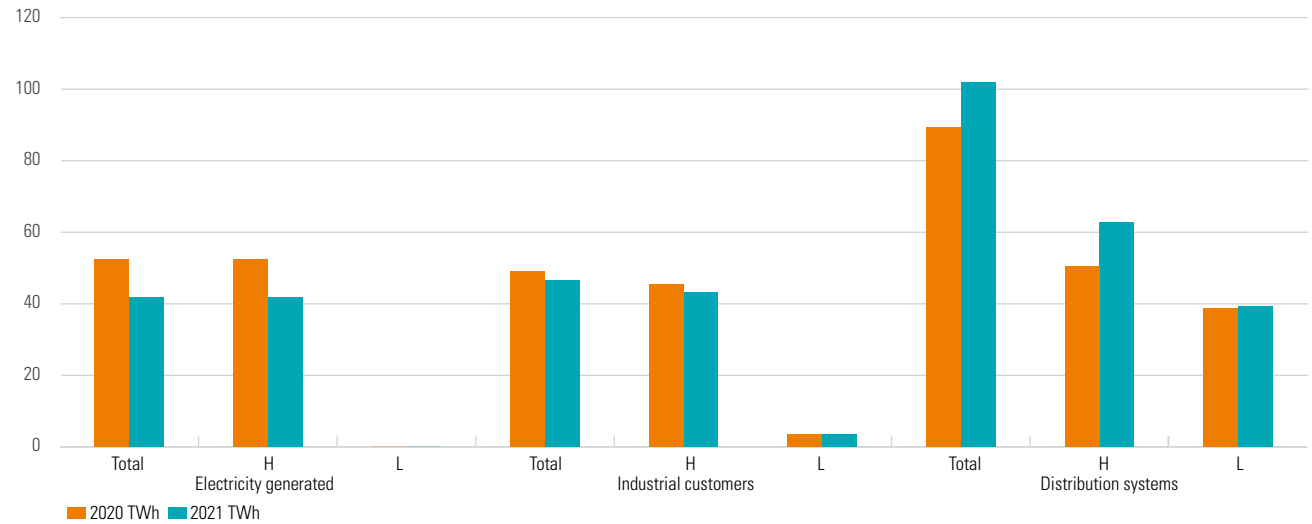
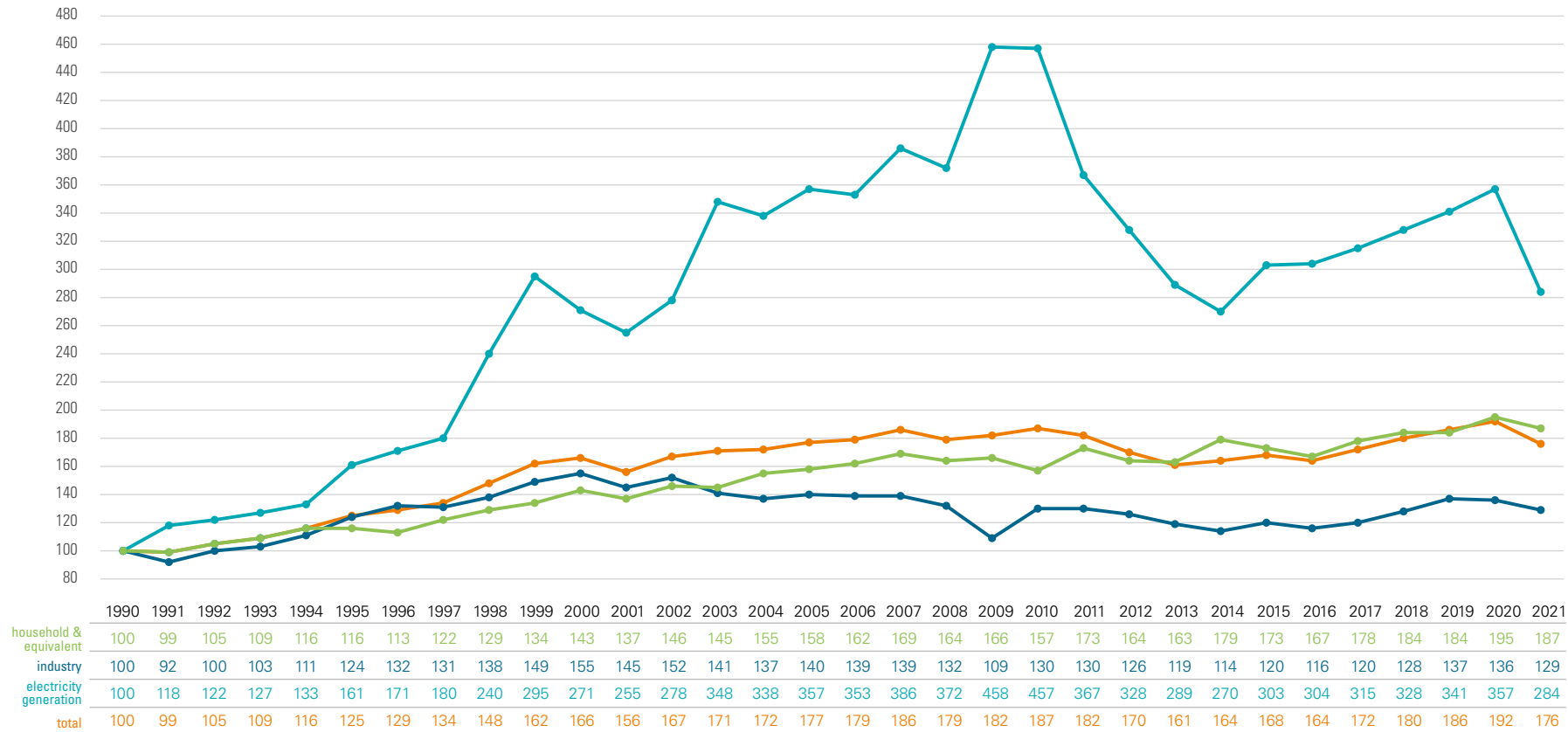


Table 11: Distribution of Belgian gas demand by user segment between 2012 and 2021 (in TWh) (Source: CREG, processed data from Fluxys Belgium)

User segment	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2021/2020
Distribution	92.0	97.9	79.6	88.0	93.0	91.9	92.8	93.2	89.2	101.9	+14.2%
Industry (direct customers)	45.5	42.8	41.2	43.1	41.8	43.4	46.1	49.4	49.0	46.6	-4.9%
Electricity generation (centralised facilities)	48.2	42.5	39.7	44.6	44.7	46.3	48.2	50.2	52.5	41.8	-20.3%
<b>Total</b>	185.6	183.2	160.4	175.8	179.4	181.5	187.1	192.8	190.7	190.3	-0.2%

Figure 21: Evolution of natural gas consumption per user segment during the period 1990-2021 (1990=100), corrected for climate variations (Source: CREG, processed data from Fluxys Belgium)



### B. Natural gas supply

Natural gas suppliers can choose from a range of entry points on the natural gas transmission system to both carry out national and international natural gas transactions and to supply their Belgian customers with H gas. Customers who consume L gas are supplied from the Netherlands. LNG imports, primarily from Qatar via the Zeebrugge terminal, accounted for a 12.5% share of the average import portfolio in 2021 for the Belgian market. Zeebrugge (Zeepipe (NO), Interconnector (GB)) is the main supply point

for Belgium and in 2021 represented a share of 52.6%. With the LNG terminal, Zeebrugge therefore supplies 65.1% of Belgium's gas liquidity.

The supply portfolios of the individual natural gas suppliers resulted, overall, in a differentiated supply depending on the type of contract. The share of long-term contracts concluded directly with natural gas producers with a remaining duration of more than 5 years is 39.4% (41.9% in 2020). The total supply provided through supply contracts concluded directly with natural gas

producers was 42.8% (46.5% in 2020). The net supply offering on the wholesale market was 57.2% (53.5% in 2020). Long-term contracts signed with natural gas producers remain important in the portfolios of the major suppliers on the Belgian market, but an increasing number of suppliers are taking supplies from the wholesale market (hubs).

#### 4. The natural gas market

Figure 22: Breakdown of incoming natural gas by entry zone in 2021 (Source: supplier data, CREG consolidation)

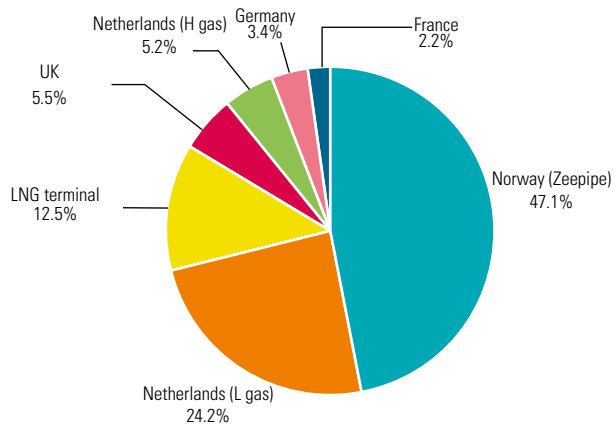


Figure 23: Composition of the average supply portfolio of suppliers operating in Belgium in 2021 (Source: supplier data, CREG consolidation)

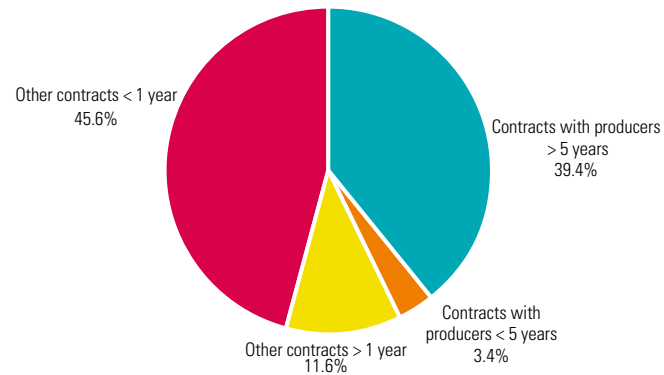
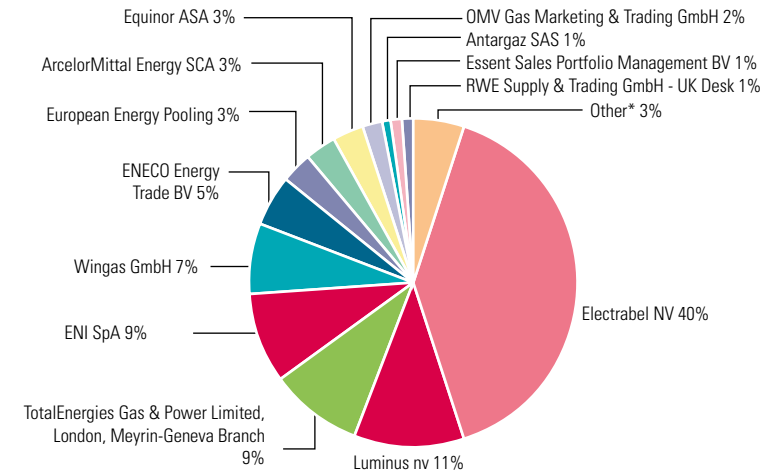


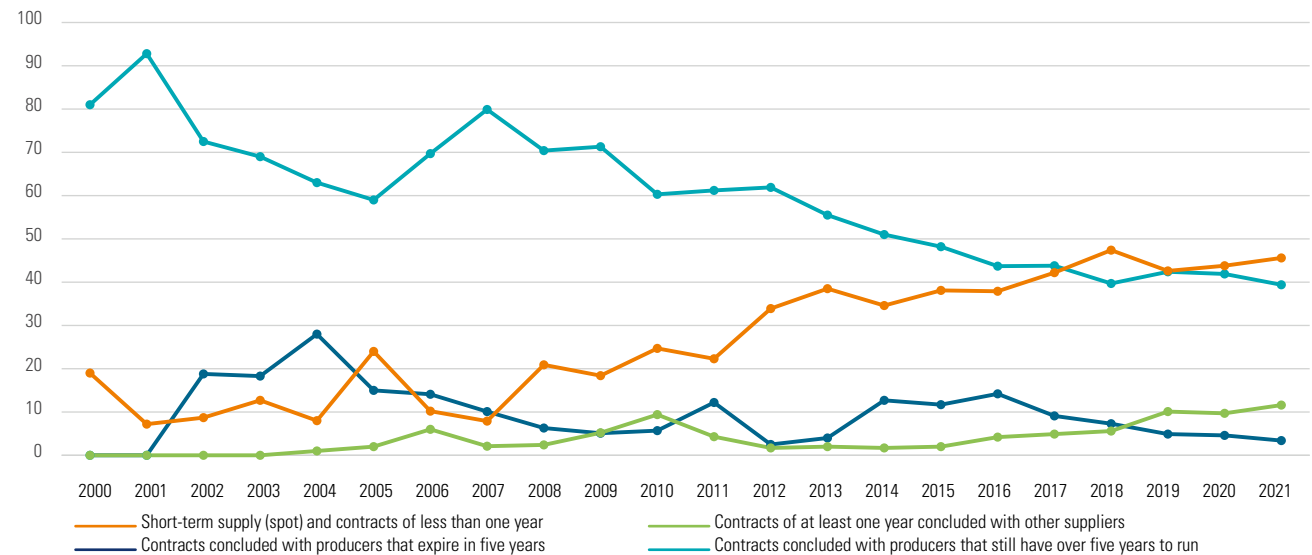
Figure 24: Market shares of supply companies in the transmission system in 2021 (Source: supplier data, CREG consolidation)



\* Supply companies active on the transmission network, each with a market share of less than 1%: Axpo Solutions AG, Belgian Eco Energy NV, Energy Global Handel B.V., Enovos Luxembourg SA, GETEC Energie GmbH, Lampiris SA, Novatek Gas & Power GmbH, Progress Energy Services, Scholt Energy Control NV, Société Européenne de Gestion de l'Énergie S.A., TotalEnergies Electricité et Gaz France and Uniper Global Commodities SE.

In 2021, a total of 26 supply companies (shipping) were operating on the Belgian market. Electrabel (Engie) with 40% (36% in 2020) and EDF Luminus with 11% (11% in 2020) together accounted for 51% of natural gas supplies to large consumers directly connected to the transmission and distribution systems. The third largest supplier is TotalEnergies Gas & Power with a share of 9% in 2021 (10% in 2020). In 2021, Eni S.p.A (9%), Wingas (7%) and Eneco Energy Trade (5.2%) joined the group of supply companies with a market share of at least 5%. The remaining 20 supply companies (together accounting for a market share of 19%) each held a market share of less than 5%, while 13 of these supply companies had market share of less than 1%. Market concentration increased in 2021 compared to 2020.

Figure 25: Composition of the average supply portfolio for the Belgian natural gas market between 2000 and 2021 (shares in %) (Source: supplier data, CREG consolidation)



#### 4.4.2. Monitoring TSO investment plans

The natural gas transmission system, operated by Fluxys Belgium, has developed in such a way that it has become an important intersection for transmission pipelines in North-West Europe, reporting a record level in terms of coupling with neighbouring transmission systems. Import capacity increased to more than ten million cubic metres of natural gas per hour (100 GWh/hour) with natural gas flowing in both directions and no congestion problems. This maturity explains why no immediate significant investments in extensions are planned. The need to replace some elements of some facilities will however increase.

There are some unfavourable developments in Europe that make decisions to invest further in extensions less clear-cut. Demand for natural gas is generally stagnating or even shrinking, and is also showing increased volatility. Short-term transmission capacity orders continue to increase without, however, showing any commitments in long-term transmission contracts with the natural gas transmission system operator. Furthermore, there is uncertainty about the use of natural gas-fired plants for future electricity generation.

Under the influence of Europe's ambitious energy and climate targets, the deployment of green gas such as biomethane and the conversion of electricity (in particular solar and wind energy) into hydrogen (and possibly subsequently into synthetic methane) will help determine the future of the natural gas infrastructure. In any case, the natural gas infrastructure has assets to make an important contribution to a cost-efficient energy transition, partly because the storage of large volumes of electrical energy remains a difficult link to bridge.

In 2021, Fluxys Belgium drafted a ten-year plan concerning the development of the system (2022-2031), in accordance with Article 15/1, paragraph 5 of the Gas Act.<sup>168</sup> The CREG evaluated this plan in parallel with the ENTSO-G's 10-year network development plan (TYNDP 2022) and the regional investment plan (North West Gas Regional Investment Plan, NW GRIP 2020) of the TSOs of North-West Europe, and found no inconsistencies.

An important transition currently being rolled out is the conversion of the separate L gas transmission system towards a Belgian natural gas market (integrated Belux market) supplied exclusively with H gas. This conversion is necessary because no new long-term contracts will be concluded with the Netherlands for the supply of L gas, given the way in which the Netherlands is managing the remaining stocks of L gas. Furthermore, the Dutch government has taken drastic measures to limit the extraction of L gas in Groningenveld because of the risk of earthquakes in the region. The most recent decisions in the Netherlands even envisage that the extraction of L gas from Groningenveld will be halted during normal winters as soon as the planned quality conversion in the Dutch Zuidbroek becomes operational in August 2022. This means that from then on only pseudo L gas will be supplied that is obtained by diluting H gas with nitrogen. This alternative L gas production requires interventions in the Netherlands but does not in itself affect the supply of natural gas to the remaining L gas market.

Together with the CREG, Fluxys Belgium has worked out an arrangement so that suppliers can switch smoothly and fairly flexibly to H gas, so that they can continue to supply customers who have already made the switch. During the conversion period in France, the necessary transport capacity for L gas supplies to France will continue to be provided. The aim is to follow the indicative L/H conversion plan proposed

by Synergrid, the federation of electricity and gas network operators in Belgium, with a view to a full exit from L gas by the end of 2024. This plan is based on the maximum reuse of existing infrastructures to avoid investments that are only needed for the conversion period. The gradual adjustment to a market supplied exclusively by H gas is included in the draft 10-year system development plan.

Limited annual growth on the distribution systems and the expected development for industrial customers and power stations have given rise to some local reinforcement. Moreover, carrying out this investment continues to depend on adequate payment for the capacity by end users.

For several years now, the European investment context has been shifting, with, firstly, changes in demand-side behaviour. Secondly, European regulations are focusing more on building trans-European gas corridors (see point 4.1.3.1 of this report), not only helping with the need for physical supply, but also with a view to encouraging market integration, competition, security of supply and sustainability. The aim is also to establish a sectoral link between electricity and natural gas. Cost issues remain of crucial importance to the CREG, and it is obvious that more attention will be paid to alternative solutions to avoid wasted investment and safeguard the competitiveness of natural gas. Cross-border investment decisions are increasingly subject to new factors beyond the national interest.

The energy transition and making the existing natural gas transmission infrastructure suitable for alternative gases (e.g. hydrogen) are currently the biggest challenges at both Belgian and European level. Fluxys Belgium and the CREG are jointly analysing the possibilities of making optimal use of the existing natural gas infrastructure for the energy transition.

<sup>168</sup> <https://www.fluxys.com/en/company/fluxys-belgium/infrastructure>.

### 4.4.3. Expected future demand, available reserves and additional capacity

#### • Demand

Given the many current uncertainties and energy transition policies that are in full development, the outlook for future gas demand is highly hypothetical and subject to short-term changes as market conditions and policies evolve.

We are observing in particular a high sensitivity of demand due to the use of the existing gas-fired power plants and the construction of new plants of this type, the competitive position of natural gas in the energy mix (especially for large consumers), the economic outlook and the role of natural gas, as well as the introduction of alternative gases (e.g. biomethane, hydrogen (power-to-gas)) in the transition to a low-carbon economy.

The forecasts also depend on the replacement of demand for L gas, scheduled for the end of 2024 according to the L/H conversion plan included in the draft 10-year system development plan for Fluxys Belgium (see section 4.4.2. of this report). accelerated convergence towards an integrated H gas market in a context of stagnating demand for natural gas coupled with an energy transition will prompt a rethink of the natural gas market, its final structure being difficult to predict at present.

#### • Supply

The number of importers (shipping) of H gas for the Belgian market is currently 26 (25 in 2020). Among all importers there

is a high degree of diversification, both in terms of supply sources and in terms of supply routes. The trends that are emerging on the natural gas market, namely due to European market organisation, include a rise in the number of short-term natural gas transactions, a greater volume of trade, increased volatility, more international arbitrage and price coupling between European markets. In Belgium the conditions for the attraction and distribution of natural gas flows are favourable and this can be further enhanced by the gradual transition to a single integrated H gas market by the end of 2024. Maintaining the liquidity of the market in Belgium is essential both for Belgium's security of supply and that of other markets in north-western Europe.

As for L gas suppliers, there are currently 17 suppliers (like in 2020), (which are also active on the Belgian H gas market) and depend exclusively on the Hilvarenbeek/Poppel interconnection point for supplies from the Netherlands. Trends on the Belgian L gas market are defined to a great extent by the gradual conversion of L gas customers to H gas. The current timetable stated in Fluxys Belgium's draft investment plan for 2022-2031 envisages completion of the conversion by the end of 2024.

### 4.4.4. Covering peak offtake

The peak offtake day for natural gas in 2021 was recorded on Monday 7 December. At that time, Belgian natural gas consumption was 1,148 GWh (949 GWh in 2020), which is 2.2 times the average daily consumption. Distribution systems accounted for 64% of peak consumption, 22% was used in generating electricity, and the remaining 14% was used by industry.

This peak daily consumption was covered by a range of natural gas sources. The net natural gas supply from the Netherlands covered 47% of peak demand (29% H gas and 18% L gas). Around 32% came directly from the Norwegian gas fields in the North Sea and reached Zeebrugge via the Zeepipe. Natural gas flows entering the Belgian market via Germany covered 11% of peak demand. In addition, 3% of this peak demand came from the LNG terminal in Zeebrugge and 7% from the underground storage in Loenhout.

Figure 26: Breakdown of the peak offtake by user segment in 2021 (Source: CREG)

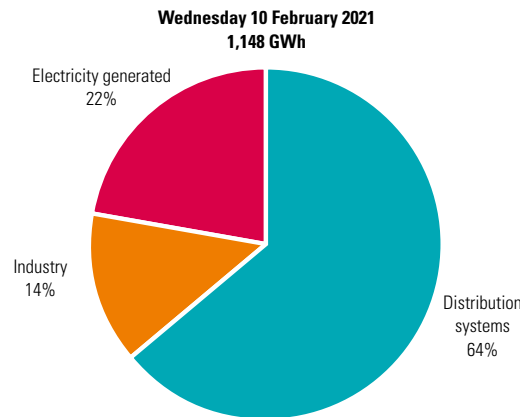
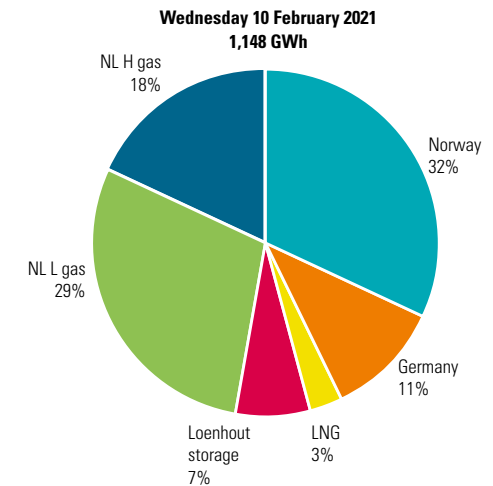


Figure 27: Breakdown of the sources of natural gas to cover the peak offtake in 2021 (Source: CREG)





# 5 The CREG







### 5.1. The CREG's Board of Directors and staff

The Board of Directors is responsible for the operational management of the CREG and undertakes everything that is necessary or useful for the fulfilment of the assignments entrusted to it by the Electricity Act and Gas Act. Mr Koen Locquet, who is also director of the Directorate for general affairs, assumes the function of Chairman of the Board of Directors. The two other directors are Mr Laurent Jacquet, who is in charge of price and accounts monitoring, and Mr Andreas Tirez, who is in charge of the technical operation of the electricity and natural gas markets.

As of 31 December 2021, in addition to the three members of the Board of Directors, the CREG had 68 employees.

### 5.2. Gas and Electricity Advisory Board

The Gas and Electricity Advisory Board provides advice and acts as a discussion forum, created by the CREG and the Federal Minister for Energy.

Its role is to set out, on its own initiative or at the request of the Minister, guidelines for the application of the Electricity Act and the Gas Act and their implementing decrees, to formulate an opinion on any issue submitted to it by the CREG Board of Directors and to act as a forum for discussion on the objectives and strategies of energy policy.

The Advisory Board held seven plenary meetings in 2021. The Chairman is Mr Mathieu Verjans and the Vice-Chairman Mr Peter Claes.<sup>169</sup>

Participation by the Federal Minister for Energy, or a representative of the Minister enabled the latter to focus its work on the most urgent aspects and to be kept informed periodically of the Government's concerns regarding gas and electricity. The members' questions enabled the Minister and his representative to be kept informed of the Advisory Board's concerns. Guidelines (R)2205 of 17 December 2021 on the information to be considered confidential on account of its commercially sensitive or personal nature.

The Advisory Board issued one opinion in 2021, namely opinion CC210421-075 "concerning the energy standard, in response to the letter (8 March 2021) from Ms Tinne Van Der Straeten".<sup>170</sup>

In October 2021, Deloitte also carried out a study on behalf of the Advisory Board. This study with title "Internationale benchmark studie over het opnemen van sociale voorwaarden of clausules in concurrerende aanbestedingsprocedures voor offshore windenergie" (International benchmark study on the inclusion of social conditions or clauses in competitive tendering procedures for offshore wind energy) was published on the CREG website.

Finally, a new Royal Decree on the composition and functioning of the Advisory Board was published on 1 October 2021.

### 5.3. Policy note, annual report and comparative report on the objectives and achievements of the CREG

In accordance with the Electricity Act, on 28 October 2021 the CREG drew up its policy note for the year 2022.<sup>171</sup> The policy

note sets out the objectives which the CREG will be pursuing in 2022 with due observance of its legal duties and in the context of the strategic guidelines defined by the Federal Parliament and the Federal Government in the area of energy. Each specific objective is described in detail, as are the resulting activities for the year 2022, with a list of deliverables and an indicative implementation date.

The policy note accompanies the CREG's draft budget for the year 2022. Both documents were handed over to the chairman of the Chamber of Representatives and the chairman of the Energy, Environment and Climate Commission (hereinafter: the Energy Commission) on 6 December 2021 at a hearing of the CREG before that commission.

A comparative report<sup>172</sup> has also been drafted on the objectives formulated in the 2020 policy note and their achievement in 2020. This report, together with the CREG's Annual Report 2021, was submitted to the Minister for Energy, the President of the Chamber of Representatives and the full members of the Energy Commission on 22 April 2021. In its policy note for 2020, the CREG had identified 14 issues for which the different objectives needed to be achieved using different deliverables. The comparative report shows, for each action, the degree of completion achieved and explains why if a given action was not completed, or only partially. It is provided as an annex to the CREG's Annual Report.

### 5.4. Confidentiality guidelines

Due to the recently promulgated legislation on confidentiality, the CREG deemed it necessary to draft a new version of the 2015 guidelines.<sup>173</sup>

<sup>169</sup> The full list of members of the Advisory Board is available on the CREG website.

<sup>170</sup> The opinions of the Advisory Board are available on the CREG website.

<sup>171</sup> General policy note (Z)2324 for the year 2022, 28 October 2021.

<sup>172</sup> Comparative report (Z)2208 of the objectives formulated in the CREG's policy note and the accomplishments of the year 2020, 22 April 2021.

<sup>173</sup> Guidelines (R)2205 of 17 December 2021 regarding the information to be treated as confidential due to its commercially sensitive or personal nature.

## 5.5. Handling questions and complaints

The CREG continued to handle the questions and complaints raised by consumers, businesses in the sector, lawyers, consultants, researchers, students, administrations, federal and regional mediation services or international authorities on a voluntary basis in 2021.

It also continued to cooperate with the Federal Energy Mediation Service, the three regional energy regulators (BRUGEL, CWaPE and VREG) and the FPS Economy, SMEs, the Self-employed and Energy (Directorate-General for Economic Inspection and Directorate-General for Energy). This cooperation is the result of an agreement signed in 2011 in which the services involved agreed on the procedure for the handling of complaints and questions that do not fall under the competence of the service that receives the complaint or question. In the context of this cooperation, in February 2021 the CREG sent the Federal Energy Mediation Service its complaints statistics for 2020, the latter service having an annual obligation to report to the European Commission. In 2020, the CREG handled a total of 448 questions and 37 complaints (understood as any form of dissatisfaction).

## 5.6. Sustainable development at the CREG

In order to sustainably anchor its actions in the context of the energy transition, the CREG set up an internal reflection exercise on the Sustainable Development Goals (SDGs).

The internal working group for Sustainable Development (set up in 2020 with a view to developing a systematic sustainability policy that will sustainably anchor the energy transition) organised a series of interactive and externally guided SDGs workshops in 2021, among other things to familiarise CREG employees with Agenda 2030 and the United Nations' SDGs. The core exercise was to identify the SDGs that are most relevant to the CREG in the first instance. This resulted in the following SDGs, which were identified by CREG staff bottom-up, as the most relevant SDGs for the CREG:

- SDG 7: Affordable and clean energy (lead SDG)
- SDG 1: No poverty
- SDG 9: Industry, innovation and infrastructure
- SDG 12: Responsible consumption and production
- SDG 13: Climate action
- SDG 16: Peace, justice and strong institutions (transversal)

- SDG 17: Partnerships for the goals (transversal)

As such, in addition to one lead SDG, four core SDGs and two transversal side objectives were selected.

The question of which SDGs could have the greatest impact on (the work of) the CREG was decisive in this regard.

The ultimate goal is to gradually integrate and further develop the selected SDGs into the operations of the CREG (on an internal, operational level) and the execution of its tasks and activities on a more strategic level.

The internal working group for Sustainable Development drafted a first sustainability plan in 2021, which was approved by the Board of Directors. This sustainability plan contains a number of strategic sustainability goals and a pathway for the further development and integration of these sustainability goals into both the internal operations and the strategic policy of the CREG.

## 5.7. Presentations made by the CREG

Table 12: Overview of presentations made by members of the CREG in 2021

ORGANISING AUTHORITY	EVENT	TITLE OF THE PRESENTATION	DATE
CREG	DG Ener ACER CORE CREG telco	Implementation of a scarcity pricing mechanism in Belgium	11/01
CREG	Réunion CREG/Cabinets Van der Straeten/Dermagne/Lalieux	Consumentenakkoord - L'accord des consommateurs	18/01
CREG	Réunion CREG/DG Énergie/Bureau du Plan dans le cadre du projet de loi donnant compétence à la DG Énergie de déterminer le VoLL	VoLL determination for reliability standard – input by CREG	22/01
ACER	Expert group meeting Acer TF Adequacy	VoLL determination for reliability standard – input by CREG	22/01
CREG	Réunion CREG/Cabinets Van der Straeten/Dermagne	Tarif social chaleur	2/02
Conseil Consultatif	Groupe de travail Composants des prix	Briefing presse CREG du 15 décembre 2020 - Plus de 1 million de ménages belges payent 500 €/an de trop pour leur gaz et leur électricité Persbriefing CREG dd. 15 december 2020 - Meer dan 1 miljoen Belgische huishoudens betalen € 500/jaar te veel voor hun aardgas en hun elektriciteit	3/02
Conseil Consultatif	Groupe de travail Composants des prix	Élargissement temporaire du tarif social - présentation de la mesure	3/02
CREG	Réunion CREG/Czech Regulator	CREG Scan	5/02
Commission de l'Énergie, de l'Environnement et du Climat de la Chambre des représentants	Audition	CRM	9/02
CREG	Réunion SLRB-BRUGEL-CREG	Discussion Marché gaz	17/02
CREG	Rencontre avec monsieur Van Quickenborne	Ontmoeting met Vice-eersteminister en minister van Justitie, belast met Noordzee Vincent Van Quickenborne	22/02
ACER	ACER Electricity Working Group	MACZT Compliance monitoring : Methodological aspects for discussion at AEWG	24/02
Conseil Consultatif	Groupe de travail Énergies renouvelables	Offshore Tendering Prinses Elisabethzone Offshore Tendering Zone Princesse Elisabeth	2/03
Cabinet Van der Straeten	IKW	CREG-ontwerpvoorstel over aan te kopen capaciteit en prijs (vraagcurve) en CREG-advies over veilingparameters (reductiefactoren, IPC,...) Seuils et critères d'investissement	4/03 4/03
Régulateur ukrainien	Réunion CREG/Régulateur ukrainien	Tarifs sociaux régulateur ukrainien	5/03
CREG	Réunion CREG/SPF Économie/Cabinet Van der Straeten	Implementation of a scarcity pricing mechanism in Belgium	5/03
Conseil Consultatif	Groupe de travail Fonctionnement marchés électricité et gaz	Flash monitoring 2020 – CREG Note n°2187	8/03
Conseil Consultatif	Réunion plénière	Étude (F)2142/2 relative à l'impact du coût des OSP fédérales sur la facture d'électricité et pour une proposition de soutien à la compétitivité des entreprises qui ne grève pas la facture des ménages et des PME pour le CRM et la surcharge offshore Studie (F)2142/2 over de impact van de kosten van de federale ODV's op de elektriciteits-factuur en voor een voorstel van steun voor het concurrentievermogen van de ondernemingen die niet weegt op de factuur van de huishoudens en de kmo's voor het CRM en de toeslag offshore	10/03

ORGANISING AUTHORITY	EVENT	TITLE OF THE PRESENTATION	DATE
KUL	Guest lecture	Efficient price signals in liberalized power markets	10/03
ACER	Taskforce Capacity calculation	CACM 2.0 Best forecast - Input for discussion ET CC	15/03
BoR	BoR	Judgment of the Court (10th Chamber) of 3 December 2020 – European Commission v. Belgium	17/03
Maatschappij van de Brugse Zeehaven (MBZ)	Meeting CREG/MBZ	LNG regulation in Belgium: an introduction	22/03
CREG	Meeting CREG - EC DG COMP	Implementation of a scarcity pricing mechanism in Belgium	25/03
Florence School of Regulation	Workshop on Brexit and Electricity Trading	The Loose Volume Coupling as seen from the Impacted NRAs	26/03
CREG	Groupe de travail Tarifs sociaux - fondation roi Baudouin	Groupe de travail Tarifs sociaux - fondation roi Baudouin	29/03
ULB	Guest lecture	Electricity markets liberalization story	30/03
UDA - UCL	Conférence: Pas de marché de l'énergie sans gendarme	Pas de marché de l'énergie sans gendarme	20/04
Florence School of Regulation	Joint Training - Introduction to Fundamentals of Energy Regulation	Energy Regulation Explained	20/04
Logistics in Wallonia & Entreprendre.WAPI	Séminaire sur les carburants gazeux	Étude sur la compétitivité du gaz naturel comme carburant (CNG et LNG) pour différents types de véhicules	22/04
FORBEG	WG Gas	WG Gas	23/04
CREG	Sensibilisation CREG Scan	Session d'information sur les prix de l'électricité et du gaz naturel : des éclaircissements sur ce sujet complexe !	26/04 25/05
Umons	Energy Markets Course	Electricity and gas markets in Belgium: important issues regarding prices and regulation	27/04
Florence School of Regulation	Practical approaches	Network tariffs: in practice	29/04
FOD	Présentation IEA IDR Belgium - meeting with energy regulators	Présentation IEA IDR Belgium - meeting with energy regulators	30/04
CREG	Sensibilisering CREG Scan	Informatiesessie over de elektriciteits- en aardgasprijzen: licht in de duisternis!	03/05 17/05 18/05
Cabinet Van der Straeten	IKW	Tarif social chaleur	4/05
Conseil Consultatif	Groupe de travail SoS	CREG-(ontwerp)voorstel over aan te kopen capaciteit en prijs (vraagcurve)	6/05
ACER	SO GC TF Workshop	Uncertainty management for effective system operation	19/05
CREG	ACER-CREG meeting	Bidding, caps & market power considerations	25/05
Conseil Consultatif	Groupes de travail Composants des prix et Fonctionnement marchés électricité et gaz	Étude (F)2142/2 relative à l'impact du coût des OSP fédérales sur la facture d'électricité et pour une proposition de soutien à la compétitivité des entreprises qui ne grève pas la facture des ménages et des PME pour le CRM et la surcharge offshore Studie (F)2142/2 over de impact van de kosten van de federale ODV's op de elektriciteits-factuur en voor een voorstel van steun voor het concurrentievermogen van de ondernemingen die niet weegt op de factuur van de huishoudens en de kmo's voor het CRM en de toeslag offshore	3/06
		Étude (F)2223 sur les composantes des prix de l'électricité et du gaz naturel Studie (F)2223 betreffende de componenten van de elektriciteits- en aardgasprijzen	3/06
CREG - Elia	Workshop CREG-Elia	Planning des procédures d'adoption de la méthodologie tarifaire et d'approbation de la proposition tarifaire pour la période 2024-2027	4/06
		Energietransitiestrategie van de regulator	4/06
		Efficient electricity prices	4/06

## 5. The CREG

ORGANISING AUTHORITY	EVENT	TITLE OF THE PRESENTATION	DATE
Conseil Consultatif	Groupe de travail Fonctionnement du marché électricité	Study (F)2183 on Elia's compliance with the obligations related to the interconnection capacity made available for cross-zonal trade in 2020	7/06
		Evaluation of RAM incentive – year 2020	7/06
Fédération des CPAS	REC'onnectés - Oser comparer et choisir un contrat d'énergie adapté !	REC'onnectés - Oser comparer et choisir un contrat d'énergie adapté !	14/06
CREG - Fluxys Belgium	Seminar CREG - Fluxys Belgium	Planning des procédures d'adoption de la méthodologie tarifaire et d'approbation de la proposition tarifaire pour la période 2024-2027	15/06
ACER	REMIT Market Monitoring Standing Committee 31	REMIT Case – High bids on BE energy balancing market	16/06
CREG - Elia	Workshop CREG-Elia	Barriers to entry to the electricity markets: current state and proposed solutions	22/06
		Compétitivité de notre industrie : quel(s) impact(s) pour les tarifs de transport ?	22/06
Ecole des Mines de Paris	Tarifs sociaux en pratique : cas de la Belgique	Les tarifs sociaux - cas de la Belgique	25/06
CREG	Taskforce Offshore	Studie inzaken de aan te bevelen ontvankelijkheids- en toekenningscriteria en de financiële voorwaarden voor de concurrerende inschrijvingsprocedure voor de tendering van de Prinses Elisabethzone	29/06
Regulae.fr	Prochain atelier de travail juillet 2021	La place du consommateur résidentiel dans le design du marché	6/07
Cabinet Van der Straeten	IKW	Coût de l'extension des tarifs sociaux électricité et gaz naturel aux BIM	8/07
CREG - KULeuven	Presentatie CREG Studie 2261 aan minister Tinne Van der Straeten	Versnelde aansluiting 2e fase offshore windenergie	8/07
CREG	Presentatie CREG Studie 2261 aan minister Tinne Van der Straeten - vervolg	Offshore bidding zone for renewables integration	15/07
ACER	CACM Taskforce	Entso-E's self-assessment of MACZT compliance: discrepancies with ACER / NRAs' reports	25/08
Cabinet Van der Straeten	IKW	Hausse des prix de gros – impact sur le coût de l'extension des tarifs sociaux aux BIM et sur la cotisation fédérale	2/09
CEER	CEER Training on Electricity Market Design and the Implementation of the Clean Energy Package	General principles of electricity market design	8/09
		Scarcity pricing design using multi-agent reinforcement learning	9/09
CREG - KULeuven	Presentatie CREG Studie aan minister Tinne Van der Straeten - deel 2	Versnelde aansluiting 2e fase offshore windenergie	15/09
ELIA	Belgian Grid	CREG Code of conduct electricity	17/09
Conseil Consultatif	Groupe de travail Fonctionnement marché gaz	Étude 2239 sur la fourniture en gaz naturel des grands clients industriel en Belgique en 2020 Studie 2239 over de aardgaslevering aan grote industriële klanten in België	30/09
CREG	Meeting Forsyningstilsynet - Danish Utility Regulator (DUR) Energimarknadsinspektionen / Energy Markets Inspectorate (Ei)	Market Based Balancing Gas Market Belgium	30/09
KUL	Guest lecture	Organisatie van elektriciteitsmarkten en marktkoppeling in een Europese context	12/10
Conseil Consultatif	Groupes de travail Composants des prix et Fonctionnement marchés électricité et gaz	Étude 2247 sur les critères d'éligibilité et d'attribution et les conditions financières recommandés pour la procédure de mise en concurrence dans le cadre de l'appel d'offres pour la zone Princesse Elisabeth	12/10
FORBEG	WG Gas	Update Gas Market	18/10
		LT Gas Supply Contracts	18/10
Conseil Consultatif	Groupe de travail Composants des prix et Fonctionnement marchés gaz et électricité	Étude relative à la hausse des prix de l'électricité et du gaz naturel en Belgique Studie over de stijging van de elektriciteits- en aardgasprijzen in België	25/10
Norwegian Embassy	Meeting CREG- Norwegian Embassy	Prices gas market	25/10

ORGANISING AUTHORITY	EVENT	TITLE OF THE PRESENTATION	DATE
INFORMS	Annual Meeting 2021- Anaheim, California	Market design options for scarcity pricing in European balancing markets	25/10
FORBEG	Leveranciers op de markt - Fournisseurs sur le marché	Update Market	25/10
CEER	CEER Specialized Legal Training	Hydrogen and Gas Decarbonisation Package	29/10
		Enforcement challenges of RAs and ACER regarding legal obligations of TSOs, NEMOs, ENT-SO-E, EU-DSO entity, RCCs	29/10
		CEER & Offshore Renewables	29/10
FORBEG	Leveranciers op de markt - Fournisseurs sur le marché	Update Market	3/11
			8/11
Conseil Consultatif	Groupe de travail Fonctionnement marché électricité	Étude 2229 : Study on the functioning and price evolution of the Belgian wholesale electricity market – Monitoring Report 2020	15/11
Commission de l'Énergie, de l'Environnement et du Climat de la Chambre des représentants	Audition	CRM - Etat des lieux - Missions attribuées à la CREG CRM - Stand van zaken - Opdrachten toegeschreven aan de CREG	16/11
FORBEG	Leveranciers op de markt - Fournisseurs sur le marché	Update Market	17/11
ACER	ECRB WS	Application of a flow-based market coupling in the Core CCR	19/11
ACER	CACM TF Workshop	CREG approach to 70% compliance monitoring	23/11
FORBEG	Leveranciers op de markt - Fournisseurs sur le marché	Update Market	30/11
CREG	Exchange of views between BNetzA and CREG, CRE and CREG, ACM and CREG, ILR and CREG	The Belgian CRM and Cross-Border Participation - Presentation for Regulators of Neighbouring Countries	30/11 et 2-6-8/12
CREG	6th Western Continental Regional Group Meeting	6th Western Continental Regional Group Meeting	6/12
Commission de l'Énergie, de l'Environnement et du Climat de la Chambre des représentants	Audition	Budget - Note de politique générale 2022 Begroting - Algemende beleidsnota 2022	6/12
UCL/ULB	Conférence UDA	Pas de marché de l'énergie sans gendarme	9/12
FORBEG	FORBEG plénière / FORBEG plénair	Surcharges fédérales -> accises : état des lieux de la réforme qui entrera en vigueur le 1 <sup>er</sup> janvier 2022	13/12
		Tariefvrijstellingen voor installaties voor de opslag van elektriciteit en aansluitingsopties	13/12
Fluxys Belgium	CREG/Fluxys Belgium seminar	ACER position on H2 unbundling	16/12
		CREG studie (F)2291 – H2 Étude concernant un cadre réglementaire pour le transport d'hydrogène	16/12
FORBEG	Leveranciers op de markt - Fournisseurs sur le marché	Update Gas Market	20/12
Commission de l'Énergie, de l'Environnement et du Climat de la Chambre des représentants	Audition	La gestion des prix de l'énergie : conséquences pour le budget, les ménages et les entreprises Beheer van de energieprijzen: gevolgen voor de begroting, de huishoudens en de ondernemingen	21/12

## 5.8. The CREG and other bodies

### 5.8.1. The CREG and the European Commission

In 2021, the CREG participated directly or indirectly in the work of the European Commission. It did this, among other things, by participating in consultations and workshops launched by the European Commission. The issues discussed there pertained to:

- the planning of a regulatory framework for a European hydrogen system: to decarbonise the energy system by 2050;
- the revision of the Trans-European Energy Networks Regulation (TEN-E) and oversight of the infrastructure to improve the European framework for the development of energy infrastructure;
- the first ever EU legislative proposal on reducing methane emissions: with measures to prevent and limit greenhouse gases;
- the implementation of the EU strategy for offshore renewable energy: to make offshore energy as sustainable, effective, inclusive and ambitious as possible;
- the priority list of network codes: a useful legal tool to take further steps towards the integrated EU energy market;
- the planned procedural clarifications in four electricity directives: changes that should enable the unambiguous implementation of the legislative package "clean energy for all Europeans";
- the implementation of the trade agreement between the United Kingdom and the European Union, in particular as regards the development of an alternative trading regime for daily markets for electricity (via a "Loose Volume Coupling" method).

Most of the above themes are linked to the European Green Deal, published in November 2019, which already made it clear that all existing regulations need to be adapted and/or new strategies need to be elaborated. With the adoption of the European Climate Law on 28 June 2021, the climate targets for the next 30 years have been enshrined in European legislation.

By 2050, Europe will have to be climate-neutral. To achieve this goal, the Climate Law stipulates that by 2030 net greenhouse gas emissions must be reduced by at least 55% compared to 1990.

On 14 July 2021, the European Commission published additional proposals to revise certain sectoral policy objectives in the area of climate, energy, land use, transport and taxation in line with the Climate Law. Among other things, the "Fit for 55" package proposes revising upwards our target of generating 40% of our energy from renewable sources by 2030, imposes on Member States a quasi-doubling of the annual energy efficiency obligation, calls for taxes on energy products to be aligned with EU energy and climate policy, and suggests promoting clean technologies and removing outdated exemptions and reduced tariffs that currently still encourage the use of fossil fuels. In addition, a new "Carbon Border Adjustment Mechanism" will impose a carbon price on imports of a targeted selection of goods, to ensure that ambitious climate action in Europe does not lead to "carbon leakage".

On 15 December 2021, the European Commission proposed a clean energy legislative package for gas, the "hydrogen and gas decarbonisation package", which, firstly, focuses on the implementation of the hydrogen strategies, the integration of the energy sector and methane, and secondly, takes over the 2019 "Clean Energy for All Europeans" legislative package. This gas package is the result of an analysis of the need for energy gases to replace carbon-based fuels, such as coal, fuel oil and natural gas.

In this context, the CREG fulfilled its advisory role in 2021 by assisting the Federal Government at the various meetings held under the chairmanship of the European Commission. These were cross-border meetings of the gas committee and the electricity committee, which aimed to discuss the changes to the network codes, meetings of the Gas Coordination Group on security of supply and adequacy of supply, and the development of gas infrastructure in the interests of Europe and meetings of the Electricity Coordination Group on

security of supply for electricity, the development of electricity interconnections and cyber security.

It also followed the work of the North Seas Energy Cooperation (NSEC) of the European Commission and the North Sea countries concerned. In 2021, Belgium, as chair for the Benelux, also chaired the NSEC. More specifically, and in cooperation with the Directorate General for Energy, the CREG has actively participated in the work of two specific working groups that are part of the updated NSEC structure: Support Group 1 "Hybrid and joint projects" and Support Group 4 "Delivering 2050" (the latter with a focus on the "Challenges ahead to 2050" including visionary future ideas such as hub-and-spoke concepts, power-to-x and other potential offshore technologies). The CREG also made a contribution by taking part in a workshop and surveys by the consultant responsible for drafting the study "Offshore renewable energy and grids - Visions towards 2050 for the North Seas region".

In a similar vein to these activities, the CREG also actively participated in the forums chaired by the European Commission, including the European Gas Regulatory Forum, the European Electricity Regulatory Forum, the Citizens' Energy Forum and the Energy Infrastructure Forum (see points 5.8.4 to 5.8.7 below). Finally, the 2020 National Report from Belgium was submitted to the European Commission and ACER by the CREG. This was drafted in close collaboration with the regional regulators (BRUGEL, CWaPE and VREG) and the Federal Energy Mediation Service, and includes the measures taken and the results obtained within the framework of the legal missions of these authorities.

Finally, the CREG, together with the regional regulators, participated where necessary in a large number of consultations and reports of the European bodies in the context of the harmonisation and integration of the European gas and electricity market. In 2021, these included the following themes: OECD Survey on the Resourcing Arrangements of Economic Regulators, Investigating the benefits of aligning EU Consumer Protection and information rules in the gas and

electricity sector; North Seas Energy Cooperation Support Group 4 stakeholder's questionnaire on offshore renewable energy and grids; European Commission questionnaire: the implementation of Article 17 of the EU Directive 994/2019 on Demand Response; Task Force IO: CNOTS - European Commission questionnaire: gas quality, DSO/ BAL/ with biomethane – survey - EC questionnaire on the DSOs in the context of balancing and entry-exit system; and EC Gender Equality survey.

### 5.8.2. The CREG within ACER

ACER (the Agency for the Cooperation of Energy Regulators) was created by the third energy package in order to encourage the completion of the internal energy market, both for electricity and for natural gas.

The three objectives that it formulated based on the drawn-up legislation concern:

- a more competitive integrated market offering more choice to consumers;
- an efficient energy infrastructure in which the free circulation of energy beyond borders and the transmission of new energy sources are guaranteed, thereby improving security of supply for the companies of the European Union and consumers;
- a controlled and transparent energy market in which consumers pay a price which is guaranteed to be fair and reflect costs, and in which abuse is prevented.

ACER developed activities for each of these objectives in 2021, according to the challenges presented by the energy market. ACER still devotes a large part of its resources to implementing the Clean Energy for All Europeans (CEP) legislative package, published on 14 June 2019. This package has given ACER

greater responsibilities in certain processes in which it was already involved. But taking into account the more recent decarbonisation goals set at political level, the foundations for a more integrated, efficient and competitive energy system in Europe are being further developed together with national energy regulators, ENTSOs and others, based on the CEP.

The role of renewable and carbon-free gases in decarbonising the economy was intensively debated within ACER in 2021 and some of the governance and regulatory arrangements for the gas market deemed necessary were published as recommendations. Now that the European Commission has published its legislative package on hydrogen and low-carbon gases at the end of 2021, ACER is preparing to carry out the roles it will subsequently be tasked with in the context of the future gas market legislation.

In the TEN-E regulation, ACER has a role in identifying critical energy infrastructure (PCIs) and in assisting the European energy regulators in dealing with requests for investment - including for cross-border cost allocation. The revision of this TEN-E legislation, approved by the European authorities at the end of 2021 as part of the European Green Deal and the objectives of the low carbon energy policy, modernises and improves the TEN-E framework, again with additional roles for ACER.

While ACER continues to focus on its statutory mandate, it also exercises its advisory role as a European Agency to the European authorities on the functioning of the energy markets. Since energy prices in Europe reached unprecedented levels in mid-2021, ACER, together with national energy regulators, has started to assess the main drivers, dynamics and future prospects of energy prices in Europe and their potential impact on European wholesale markets and consumers. An interim assessment published in November 2021 will be further elaborated in 2022.

#### ■ *The Gas Working Group*

The CREG is closely involved in ACER's Gas Working Group (GWG). It acts as Vice-Chair.

In 2021, the ACER GWG issued four formal opinions, namely on the "ENTSOG Summer Supply Outlook 2021", the "ENTSOG Winter Supply Outlook 2021/2022", the "ENTSOG Ten-Year system investment plan 2020", and the draft list of projects classified as PCI (Projects of Common Interest). The GWG also approved the PCI Monitoring Report and a note on repurposing natural gas infrastructure for pure hydrogen.

The various task forces of the ACER GWG worked on three other reports, namely the "8th Annual Report on Contractual Congestion at Interconnection Points" and the two "Implementation Monitoring Reports on Incremental Capacity and the Balancing network codes". Closely related to this last report, recommendations were set out to avoid wrongdoing in the area of balancing in the European gas markets. Recommendations on multipliers for daily and intra-day tariffs were also approved.

A large part of the work of the task forces involved handling questions raised by market participants at the FUNC transparency platform, which was set up to provide further clarification on the European network codes and, for example, to create greater flexibility in booking fixed transmission capacity at interconnection points.

Finally, the ACER GWG, in cooperation with the CEER GWG, approved the reference publication on monitoring natural gas wholesale markets and organised a webinar on the subject.



### ■ *The Electricity Working Group*

The EWG of ACER is made up of the following task forces (TF):

- the CACM TF, which is responsible for the introduction of the network code CACM (Capacity Allocation and Congestion Management);
- the FPTF, which is responsible for developing the Future Policy (FP) of the electricity market;
- the FCA TF, which is responsible for implementing the network code FCA (Forward Capacity Allocation) as regards long-term transmission capacity allocation;
- the EB TF (Electricity Balancing), which is responsible for matters relating to the balancing of the control area;
- the INF TF, which is responsible for matters related to the development of the network and the 10-year plan of ENT-SO-E (European Network of Transmission System Operators for Electricity);
- the SOGC TF (System Operation and Grid Connection), which is responsible for questions relating to system operation and grid connection;
- the Adequacy & CRMsTF, which is responsible for implementing the methodologies related to the European assessment of electricity supply adequacy and the possible national introduction of a capacity mechanism.

In 2021, the CREG was also in charge of the task forces CACM, FCA and Adequacy & CRMs and the work stream of the FP.

The ACER EWG focused its activities on the implementation of the European CACM, FCA, SO and EB regulations, which required a large amount of coordinated decisions at European or regional level (as the regulatory body for Elia, the CREG is part of the regional groupings of the regulatory bodies of the Core regions). These coordinated decisions require a considerable volume of work and follow a very formal process described in the European regulations and the operating rules of the respective groups. These decisions are explained in section 3.1.4.3 of this report.

The ACER EWG also played a coordinating role in the preparation of ACER's annual market monitoring report and in the preparation of the implementation of the Clean Energy Package and in particular in the modalities of implementation of the 70% rule for the offered capacity for cross-zonal trade.

Finally, the ACER EWG played a coordinating role between the participating regulators, including in the revision process of the approval procedures relating to various directives (CACM, FCA, EB and SO), the anticipated revision process of the CACM Regulation ("CACM 2.0") and the development of coordinated standpoints in consultations of the European Commission and ACER.

### ■ *ACER REMIT Committee*

The activities of the Working Group in 2021 focused on various topics: REMIT post Brexit, the update of the ACER guidelines on the application of REMIT, analysing the publication of confidential information and information on this subject in the registration platform for market participants (CEREMP), analysing the quality of STRs (Suspicious Transaction Reports), analysing the development of prices in the different markets, with a focus on the balancing market and other subjects following the development of energy markets (integration of SIDC data -Single Intraday Coupling- into the data collection for REMIT).

ACER's guidance was revised twice this year. The publication of the fifth edition of the ACER Guidance on 11 May 2021 provides more information on what information, and in particular inside information, is covered by REMIT. With the publication of the 6th edition of the ACER Guidance on 22 July 2021, the structure has been completely revised to make it more intuitive and adapt it to the developments arising from the implementation of the European Green Deal, and the experiences of national regulators, market participants and other stakeholders to date. Additional content was provided on the scope of REMIT and on the main bans on insider trading and market manipulation. In-depth analysis of the other elements cited above will continue in 2022.

During the meetings with ACER, the national regulatory authorities also exchange experience on alleged cases of market abuse in the respective countries. At the Belgian level, ACER and the other regulators have held several meetings on balancing prices.

### ■ *Legal Experts Network*

The Legal Experts Network (LEN), established within ACER in December 2017, is a network made up of legal experts from ACER and national regulators, including the CREG. The aim of the LEN is to support ACER, the BoR and its working groups, and to provide expert advice on technical/legal issues. There were no activities in 2021.

### ■ *Questionnaires*

The CREG actively contributed to the creation of the following ACER questionnaires and responded to them in the context of the harmonisation and integration of the European gas and electricity markets:

1. *Questionnaire on NDP-TYNDP consistency - Part 1*
2. *ACER survey on NRA's Congestion Income Report 2021*
3. *ACER survey: "Fostering our internal dialogue: your view matters!"*
4. *Infrastructure Efficiency Expert Group: "Innovative and advanced transmission network solutions"*
5. *Implementation monitoring questionnaire on the Network Code Electricity Emergency and Restoration*
6. *Survey EU-TYNDP 2020 (Part 2) - Consistency check Federal Development plan 2020-2030*
7. *Questionnaire on barriers to market entry and obstacles to price formation*
8. *Request for data to monitor regulatory barriers for new market entrants and smaller actors, and state interventions preventing prices from reflecting actual scarcity*
9. *NRA survey on consulted amendments for CACM 2.0*
10. *ACRM-TF survey on monitoring strategy for adequacy*

11. *Study on the identification of barriers preventing prosumers being active in energy markets across the EU Member States*
12. *Questionnaire ACER Gas Infrastructure TF voor NRA's (CREG lead): EU-27 Gas Storage Regulation & Indicators*

All these questionnaires were used as a basis to write reports, status reviews, position papers and other documents issued by ACER. They not only give a detailed description of the differences and similarities between the Member States, but also provide information on the degree of application of European legislation in each Member State. The European Commission, for its part, uses these documents as the basis for the creation of legal initiatives.

### 5.8.3. The CREG within CEER

In its role as a founding member of CEER (Council of European Energy Regulators), the CREG also takes an active part in the discussions, deliberations and decisions of the CEER's General Assembly, which met eight times in 2021. Since 22 March 2019, the position of vice-chairman of the CEER has been held by Mr Koen Locquet, acting chairman of the CREG Board of Directors.

The CREG actively took part in the working group meetings of the CEER (and work streams set up within these different working groups) as a Chair, Co-Chair, or member.

#### ■ *The Electricity Working Group*

The EWG consists of four work streams:

- a Renewables work stream (RES WS) which addresses, inter alia, questions related to renewable energy;
- a Future Policy work stream (FP WS), which is responsible for developing the future policy of the electricity market;

- an Incentives Regulation and Efficiency Benchmarking (IRB WS) work stream that ensures the collection and exchange of essential data between national regulators to enable the efficient monitoring of transmission system operators' tariffs; and
- an Infrastructure work stream (INF WS) responsible for infrastructure and network planning.

The CREG co-chaired the FP WS in 2021. In 2021, the CREG's work included the design of electricity markets and the energy transition, in particular with regard to supporting a market design suited to the anticipated evolution in terms of installed offshore generation capacity. In addition, the CREG was also actively involved in drafting a vision document on the role of redispatching in the European electricity markets, in the light of the provisions of the Clean Energy Package.

#### ■ *The Gas Working Group*

The Gas Working Group (GWG) of the European energy regulators handles questions relating to the European gas transmission systems and the European Union's gas market. The CREG acts as Vice-Chair.

The GWG works on the various issues in close collaboration with ENTSO-G, GIE, GSE and GLE, as well as with the other market participants, and ACER and CEER working groups.

In 2021, the CEER GWG approved the "White Paper on Long-Term Storage".

The CEER GWG also gave its input on several consultations organised by the European Commission:

- Hydrogen and Gas Markets Decarbonisation Package Roadmap;
- Hydrogen and Gas Market Decarbonisation Package;

- Review of the Directive on the Promotion of the Use of Energy from Renewable Sources;
- EU renewable energy rules - review;
- Priority list of Network Codes.

Finally, and perhaps most importantly, there are the various position papers produced by the CEER GWG together with the ACER GWG:

- White Paper on Hydrogen;
- White Paper on P2G;
- White Paper on Rules to Prevent Methane Leakage in the Energy Sector (+webinar);
- Position Paper on the Key Regulatory Requirements to Achieve Gas Decarbonisation;
- Paper on Improving the Proposed TEN-E Revision.

#### ■ *The Market Integrity and Transparency Working Group*

The Market Integrity and Transparency Working Group (MIT WG) handles matters relating to transparency and the surveillance of energy exchanges, as well as the correlation between the legislation of the wholesale energy market and that of the relevant financial market.

In 2021, the Working Group focused on three themes: the implementation of REMIT legislation at the national level, REMIT-related questions post-Brexit, financial regulation and the links to REMIT.

Regarding the implementation of REMIT at the national level, seven regulators (ERSE, BNetzA, CNMC, CRE, MEKH, Ofgem and EICOM) drew up a questionnaire to have an overview of the situation in the different Member States. This year, additional questions were added, at the request of ACER. These related to the tools used by the National Regulatory Authorities (NRAs) for monitoring, the legal basis of the NRAs' powers to investigate and sanction violations of REMIT, and the specific human

resources allocated by the NRAs to REMIT cases. A report is then drawn up containing the responses to the questionnaire.

With regard to REMIT-related questions post-Brexit, various issues were raised: the division between NRAs of the monitoring of Persons Professionally Arranging Transactions on wholesale energy markets (PPAT) that were supervised by Ofgem, the exchange of information with Ofgem, the drafting of a protocol agreement for cooperation in detecting and preventing transactions based on insider information and market manipulation, and to exchange information on the monitoring of the market and the applicable activities under Article 305 (3) of the Trade and Cooperation Agreement between Ofgem and the NRAs of the EU.

For the monitoring of financial regulation and the links with REMIT, the Working Group examined the activities of the European Securities and Markets Authority on the post-Brexit talks and the possibility of market manipulation in the CO<sub>2</sub> market.

#### ■ *Regulatory Benchmarking Work Stream*

The Regulatory Benchmarking Work Stream (RBM WS) met eight times in 2021.

The group's work focused on dynamic regulation and the independence of national regulatory authorities.

As regards dynamic regulation, the Group's reflection exercise resulted in a public note on CEER's approach to more dynamic regulation and an internal report, based on the results of an internal questionnaire, highlighting the understanding, key developments and approaches to dynamic regulation in the energy sector. This report is intended to back up the discussions on CEER's 3D strategy, and provide an overview of the situation in terms of "whether" and "how" national regulatory authorities are approaching dynamic regulation from a cross-sectoral perspective. It is intended to be a reference document and an

exploratory study for identifying best practice in dynamic regulation. A specific workshop and the setting up of a special web corner on the CEER website also characterised the group's work in 2021, demonstrating the growing interest of European regulators in this future-oriented theme.

In line with its previous work, the group also invested in the independence of national regulatory authorities and drew up a public report on the supervision of this independence. This report highlights the organisational framework in which regulators operate on a day-to-day basis, in particular their powers and prerogatives, resources, independence, transparency and reporting. The group also monitored the European developments in the area of independence, in particular the ruling of the European Court of Justice of 2 September 2021 on the independence of the German regulator.

#### ■ *The Customers and Retail Markets Working Group*

The Customers and Retail Markets WG (CRM WG), of which the CREG is an active member, focuses its activities on the position of consumers and the protection of their interests in the context of the liberalised market on the one hand and the operation of the retail market on the other, in order to develop optimum competition in the interests of consumers.

The CRM WG pays particular attention to the new dimensions of the consumer in the energy market, in particular the active role expected of consumers in competitive and integrated energy markets. As such, the CRM WG closely monitors consumer protection, provides the necessary tools for vulnerable consumers, warns of possible loopholes in certain technological or commercial developments and ensures that consumers are sufficiently empowered to act according to the principles of the new European legislative packages (e.g. price comparison tools, right of action, information on bills, sufficient understanding of the market) and to make informed choices on the energy market.

The CRM WG consists of five work streams (WS) and the Partnership for the Enforcement of European Rights (PEER).

The Customer Empowerment Work Stream (CEM WS) handles aspects related to the retail market, such as billing to end consumers, handling their complaints, procedures for settling extra-judicial disputes, price comparison tools, and the protection of vulnerable energy consumers.

The Innovation and Retail Markets Work Stream (IRM WS) considers questions relating to the proper functioning of the retail market, including the introduction of smart meters, dynamic energy pricing and the design of the electricity and gas retail markets. The focus is on how to empower consumers through increased competition between the market participants, and how to enhance consumer choice by putting in place robust market procedures and metering services. The aim is to make energy consumers more responsible while at the same time providing them with adequate protection.

The Monitoring Customer Empowerment Work Stream (MCE WS) primarily works on the chapter on consumer protection and empowerment in the annual ACER/CEER Joint Market Monitoring Report.

The Monitoring Retail Markets Work Stream (MRM WS) is responsible for drafting the monitoring report on the retail market (for CEER only) and for managing the database of national CEER indicators.

The Retail Markets Roadmap Work Stream (RMR WS) coordinates the self-assessment between the regulatory bodies, in order to achieve a harmonised assessment of the retail markets in each Member State. The aim of this group is to get a clear picture of the shortcomings in the retail markets by 2025.

The CRM WG is also responsible for the PEER initiative (for the Enforcement of European Rights) within the CEER. This

initiative is driven by the European energy regulators and aims to enhance the protection of European consumer rights through better cooperation between public authorities at EU level. The PEER brings together the public authorities which, with a cross-sectoral approach, are involved in protecting and/or supporting European consumers. These may include data protection authorities, consumer associations, mediation services, competition authorities and sectoral regulators (e.g. energy, telecommunications, finance, etc.). One of the objectives is the exchange of good practices, which will allow, if necessary, for solutions to be adapted or proposed that are more appropriate or more in line with our respective sectoral needs.

Finally, the CRM WG participated in several workshops and conferences in 2021, including the annual Citizen's Forum in Dublin, which the European Commission hosted virtually, and the European Consumer Summit 2021. In addition, the CRM WG also participated in the Consumer Engagement WG, one of the three working groups set up by the European Commission to focus on the issue of "green offers and greenwashing" coordinated by the CEER.

#### ■ *The Distribution Systems Working Group*

The Distribution Systems Working Group (DS WG) deals with potential developments and changes in the energy distribution sector, the consequences for the regulatory framework, and matters related to the current and future activities of the distribution system operators, namely the quality of electricity and natural gas supply, cyber security, smart networks, distribution tariffs and flexibility in the operation of the distribution systems.

In 2021, the DS WG completed and published the following documents:

- the "CEER Response to the European Commission ASSET Study on Regulatory Priorities for Enabling Demand Side Flexibility" ;

- the "CEER Response to the European Commission Public Consultation on the Data Act";
- the "CEER Input to the European Commission Roadmap for the Action Plan on the Digitalisation of the Energy Sector";
- and the "CEER Views on Electricity Distribution Network Development Plans". This document concerns the aspects to be taken into account by DSOs when they prepare and consult on their system development plans, as well as the measures that could be taken by the NRAs to promote transparency and participation in the distribution system planning processes.

#### ■ *Legal Affairs Committee*

The CREG plays an active role in the Legal Affairs Committee (LAC). In 2021, the chairmanship and vice-chairmanship of this committee (which depends on and directly reports to the CEER General Assembly) was also taken up by the CREG.

The LAC gives opinions on the legal and institutional aspects of the implementation of the Clean Energy Package, as well as on the various legislative texts in the context of the new "EU Green Deal". The LAC also provides specific legal support to other working groups, task forces and work streams of the CEER, when requested. In addition, the LAC also handles specific legal questions raised by national regulators with regard to the implementation of provisions of European legislation.

In 2021, as usual, the LAC addressed one-off questions from national regulators on the implementation of European energy regulations, including questions related to sanctions imposed by NRAs on system operators for non-compliance with timelines/plans for implementation set out in system development plans.

In March 2021, the LAC organised a workshop "Exchange on Post-Brexit Regulatory Arrangements in Energy Cooperation" in cooperation with the UK regulator Ofgem and EPU, during which the provisions of the energy component of the

"EU-UK Trade and Cooperation Agreement" were presented and discussed.

With regard to offshore renewable energy, the LAC published an "Internal LAC note on large scale offshore wind development: regulatory challenges and NRAs' powers" and continued to work with the EWG on the further follow-up of this offshore reflection note. Furthermore, the work of the LAC in 2021 included drafting questionnaires as preparatory work for 2022 deliverables regarding the so-called "Energy communities" and the planned Status Report on TSO and DSO unbundling.

Finally, as usual, the LAC supervised a two-day legal training course organised by the CEER Training Academy entitled "CEER Specialised Legal Training on EU Green Deal and remaining legal challenges CEP Implementation"; this hybrid event was held in October 2021. The CREG once again played an active role in organising this training course; the LAC vice-chairman of CREG was responsible for the composition of the programme as co-Course Director, and chaired part of the sessions of this training course; three CREG staff members also participated as lecturers on various topics.

#### ■ *International Relations Group*

The International Relations Group (IRG) is the group within the CEER that maintains links with counterparts in third-party countries and with international institutions in the energy regulation sector. The primary objective of creating the international network is to exchange good regulatory practices throughout the world, and to provide specific opinions on the matter to governments.

As a member of this group, the CREG has supported the CEER for many years in receiving delegations from all over the world. However, no delegation could come to Brussels in 2021 on account of the pandemic, or no delegations were sent. The activities of this working group, with the participation of the CREG, was therefore limited to providing online training and presentations in the context of, on the one hand, the second

capacity building initiative with the Regional Association of Energy Regulators for Eastern and Southern Africa (RAERESA), supported by the 11th European Development Fund of the European Union, and on the other hand, a number of events organised in the margins of the 26th UN Climate Change Conference of the Parties (COP26).

#### ■ Questionnaires

The CREG actively contributed to the creation of the following CEER questionnaires and responded to them within the framework of the harmonisation and integration of the European gas and electricity markets.

1. *2020 CEER Covid-19 Questionnaire*
2. *First Wave MMR Consumer Volume Questionnaire*
3. *2030 CEER-BEUC Vision for Energy Consumers - Survey for NRAs and Consumer Organisations*
4. *2021 Roadmap Questionnaires to Well-Functioning Retail Markets - Gas, Electricity*
5. *REMIT questionnaire on target organisation & implementation*
6. *Retail MMR questionnaire - electricity*
7. *Retail MMR questionnaire - gas*
8. *Second Wave MMR Consumer Volume Questionnaire*
9. *Measures against energy prices increases - Part 1*
10. *CEER wholesale gas indicators questionnaire (2020 data)*
11. *CEER wholesale electricity indicators questionnaire (2020 data)*
12. *CEER 2022 Work Programme - online resource poll*
13. *Impact of the wholesale price increases 2021*
14. *Impact of the Wholesale Price Increases 2021 (Part 2)*
15. *Survey on Regulatory sandboxes in energy regulation*
16. *Cybersecurity Benchmark*
17. *2022 Market Monitoring Report planning - Wave 0 Questionnaire*

#### 18. *CEWG/FP short survey on offshore bidding zones vs home market approach*

These questionnaires were used as a basis to write reports, status reviews, position papers and other documents issued by CEER. They not only give a detailed description of the differences and similarities between the Member States, but also provide information on the degree of application of European legislation in each Member State. The European Commission, for its part, uses these documents as the basis for the creation of legal initiatives.

#### 5.8.4. European Gas Regulatory Forum

The European Gas Regulatory Forum, also known as the Madrid Forum, serves as a platform for consultation on the development of the internal natural gas market in Europe. The Member States, the European regulators (including the CREG) and all other European market stakeholders take part in it, under the presidency of the European Commission. In 2021, the forum took place for the 35th time, on 29 and 30 April. As was the case the previous year, the 2021 edition was organised online due to the Covid measures.

Building on the discussion at the previous forum, this forum looked in more detail at the access of renewable and low-carbon gases to the existing infrastructure within the gas market. The integration of these new types of gases into the existing and future energy system proposed by Europe in the European Green Deal is crucial for achieving the 55% reduction in CO<sub>2</sub> emissions envisaged by 2030, as set out in the Climate Law<sup>174</sup>, which at the time of the forum was still being discussed between the various European bodies.

To integrate renewable and low-carbon gases into the existing European internal gas market, the Forum is already deeming identification by certification of the origin of these gases to

be necessary. It was also evident from the discussion that involving the distribution and retail market will become more important within the European system in the future, due to more local production of this type of gas. This does not prevent consideration for the cross-border exchange of renewable and low-carbon gases through the intra-EU interconnection points, in order to safeguard the "gas-to-gas" competition in the energy system. An integrated infrastructure planning and fine-tuning of procedures at European and national level is essential in this regard, taking into account the climate and energy efficiency targets imposed by Europe.

In preparation for the publication of the legislative package on hydrogen and decarbonised gas<sup>175</sup>, and following the previous statements of the European Commission expressing a preference for a new European regulatory framework to ensure the role of hydrogen in an integrated and flexible energy system, the Forum asks that the main market design factors of the natural gas market are also considered for the hydrogen market, namely the unbundling of regulated system and supply/generation activities, non-discriminatory third party access, transparency, consumer protection, tariff principles, system development based on expected demand and appropriate oversight and governance.

#### 5.8.5. European Electricity Regulatory Forum

The European Electricity Regulatory Forum, also known as the Florence Forum, serves as a platform for consultation on the development of the internal electricity market in Europe. The Member States, the European regulators (including the CREG) and all other European market stakeholders take part in it, under the presidency of the European Commission. The 36th meeting of the forum was organised online on 14 and 15 June 2021.

In 2021, the forum was largely dominated by the "Fit for 55" package, published by the European Commission on 14 July 2021<sup>176</sup>,

<sup>174</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law').

<sup>175</sup> Commission proposes new EU framework to decarbonise gas markets, promote hydrogen and reduce methane emissions, European Commission, 15 December 2021.

<sup>176</sup> Commission proposes transformation of EU economy and society to meet climate ambitions.

With this, the Commission sought support for making existing climate, energy, land use and transport legislation more ambitious, so that net greenhouse gas emissions can be reduced by 55% by 2030 compared to 1990 levels. The cost-effective and energy-efficient integration of renewable electricity in all end-user sectors, and removing all barriers that prevent the rapid roll-out of renewable electricity, are put forward as priorities.

An integrated approach is recommended within the forum, bearing in mind that certain aspects of the Clean Energy Package adopted in 2019 still need to be implemented in the Member States. However, the strict time frame imposed by the EU should ensure that Europe becomes the world's first climate neutral continent by 2050 and the European Green Deal becomes a reality.

The European strategy will therefore be a mixture of new targets and supporting measures, with electrification becoming a requirement in many sectors. Integrated system planning for consumers and developers, taking into account the benefits of hybrid offshore connections, should promote efficient market functioning. It is therefore self-evident to align hydrogen and gas markets. These are all elements that can contribute to adequate and cost-efficient supply for European consumers. Strict monitoring and enforcement of the guidelines remains essential.

### 5.8.6. Citizens' Energy Forum

At the Citizens' Energy Forum, which like last year took place online due to the Covid measures, the European Commission puts the active and involved consumer at the centre of a competitive, efficient and fair retail market. This forum offers consumer organisations and local market players the opportunity to discuss issues within working groups with representatives of various Member States, regulators (including the CREG) and

The 13th Forum, held on 8 and 9 December 2021, was the first Citizens' Energy Forum to take place following the publication of the European Commission's Fit for 55 package. The forum focused on consumer protection measures in the city heating sector, measures to facilitate private investment in energy efficiency, incentives for the use of renewable energy in buildings and integrating electromobility into the energy system.

There was a general acknowledgement that legislation alone is not enough to encourage consumers to use renewable energy. More insight into the drivers and levers of people's behaviour, as well as organising a public dialogue, help to stimulate consumers more effectively. A new boost in consumer confidence is needed, which goes hand in hand with the correct framework for consumer protection. However, certain commercial practices still currently give rise to too much mistrust and confusion among consumers. This is one of the main factors that discourage consumers from making green choices.

Differentiated approaches, supported by suitable digital tools, are needed to achieve the desired levels of consumer involvement in the energy market and bring all available flexibility to the market. This requires mutual cooperation, as well as secure information flows, along trusted value chains and between all relevant market participants and their assets.

Specifically with regard to energy-poor and vulnerable consumers, support mechanisms are needed to manage their energy use and expenditure through structured and permanent solutions. Access to energy efficiency measures and to renewable energy production facilities must be guaranteed for all. Acting locally against energy poverty with the actors who know the reality on the ground and the different contexts better than anyone else, is crucial. An incentivising European and national framework must be in place to support and guide them.

### 5.8.7. Energy Infrastructure Forum

Under the chairmanship of the European Commission, this Forum brings together the main market players around the theme of 'infrastructure'. The members of the regional groups are present, which were set up for the corridors which are essential for European Union supply (Member States, system operators, regulators and project promoters), together with representatives of several European institutions (the European Parliament, the Committee of the Regions and the Economic and Social Committee) and European organisations (NGOs, ENTSO-E, ENTSO-G, ACER, INEA and the EIB).

Like the other forums in 2021, the seventh edition of the Energy Infrastructure Forum took place virtually, on 25 November 2021. This edition focused on further system integration in the energy sector and enhanced cooperation between the transmission and distribution level. After years of developing joint scenarios, there is a growing realisation that no sector can exist in isolation and that the development of integrated infrastructure, based on a 'one system approach', is necessary to achieve carbon neutrality by 2050. Hydrogen and offshore planning need to be included in this initiative.

Not everything needs to be organised at European level. A trade-off between centralised (most rapid solution) and decentralised (lowest risk) investments must be found in order to achieve the objectives. Energy efficiency is the main concern, but always with an eye on security of supply. The cooperation between transmission and distribution system operators is therefore anchored between ENTSO-E and the EU DSO Entity, through management measures and exchanges among experts.

key European stakeholders.

### 5.8.8. The CREG and the other national regulators

In 2021, the CREG also continued to maintain good direct relations with its regulatory counterparts in other countries. As regards the neighbouring countries, the CREG ensured that good contacts were maintained at the highest level, despite the restrictions on travel.

For example, thanks to co-financing from the European Commission, the development work carried out with the presidency of the French energy regulator (CRE) to develop Regulae.fr, the international network of French-speaking energy regulators, was continued.

In 2021, this network, in which the CREG participates in the coordination committee and the communication committee, organised two workshops and its fourth general meeting.

The first workshop, which was organised remotely from 6 to 9 July, in cooperation with the European Commission, and in particular the Technical Assistance Facility (TAF) of the Directorate-General for International Partnerships (DG INTPA) was about consumers at the heart of the energy system. The CREG was invited to explain the place of the domestic consumer in the Belgian market design. The CREG explained the broad outlines of the European and national regulatory framework within which the Belgian national regulator operates for the benefit of consumers, as well as the concrete actions taken for the benefit of household consumers in the broad sense on the one hand and vulnerable consumers on the other. The second part of the event was devoted to a detail-workshop adapted to the specific needs of the member countries of the network, organised by TAF and focusing on the following themes: the challenges of digitisation, transparency and quality of services and dispute settlement.

From 30 November to 2 December 2021, the network held its fourth general meeting and its second joint workshop with the TAF in hybrid form (physical and remotely). The General Meeting was marked by the switch from the French presidency to the Benin presidency of the network, and the appointment of the Québécoise vice-president of the network. The workshop was dedicated to the role of the regulator of the sector in the emergence and promotion of renewable energy. For the occasion, the network welcomed a new member, the Regulator of Rwanda (RURA), meaning that RegulaE.Fr now has 31 members.

Information is still being exchanged on the national measures imposed to contain the fall-out from the Covid-19 virus. The first analysis of the effects of the pandemic in the energy sector was published in 2021. The report maps out the impact of the pandemic on the energy market as a whole and on energy companies in particular. Moreover, it summarises the measures taken by national regulators from 28 participating countries to protect energy customers in these unprecedented times.

Similarly, an information exchange between the European regulators was launched to monitor the impact of high prices on consumers and the retail market. Based on a survey every two weeks, regulators provide an update on the rising wholesale energy prices in their country, report the impact on the energy markets and pass on the measures taken by themselves or other government bodies. This provides a basis for further reporting to ACER, which on 13 October 2021 was requested by the European authorities to carry out an assessment of the advantages and disadvantages of the current wholesale electricity market, by April 2022.

At the end of the transition period agreed between the United Kingdom and the European Union, the CREG monitored the

implementation of a temporary alternative trading regime on the interconnector with the United Kingdom (Nemo Link). To this end, since 1 January 2021, interconnection capacity has been explicitly allocated in the various time frames (long term, day-ahead and intraday). At the same time, the CREG worked with the regulators of other countries bordering the United Kingdom (mainly France, the Netherlands, Denmark and Ireland) on the implementation of the trade agreement between the United Kingdom and the EU. The development of a Loose Volume Coupling method where capacity is allocated on the interconnectors between the UK and continental Europe was the main project.

In addition to maintaining these direct bilateral contacts with neighbouring colleagues, in 2021 the CREG also answered questions on various topics coming from the German, Cypriot, Danish, English, Portuguese, French, Czech, Finnish, Hungarian, Lithuanian, Greek, Polish, Ukrainian and Georgian regulators or regulatory authorities.

The European Regulators Forum, set up to meet to the obligation for all national energy regulators in the European Union to take joint decisions ("all NRA decisions"), on joint proposals from all of the transmission system operators, ("all TSO proposals") did not meet in 2021. This is because, since the entry into force of the Regulation (EU) 2019/942 on 1 January 2020, all new methodologies requiring a joint European decision are transmitted directly to ACER.

At regional level, in 2021 the CREG was part of the Core region (for the interconnections with neighbouring continental countries France, Germany and The Netherlands), for the further development of harmonised rules for the allocation of capacity in the short and long term, and of the synchronous zone of continental Europe for the management and maintenance of the balance within all the interconnected grids with a

grid frequency of 50 Hz. In the Core region, one decision was made regarding changes to the coordinated capacity calculation methodology. Furthermore, the work between the regulators and transmission system operators of the Core region was dominated by the implementation of flow-based market coupling in this region, currently scheduled for the second quarter of 2022.

### 5.8.9. The CREG and the FSMA

The collaboration protocol between the CREG and the Financial Services and Markets Authority (FSMA) was approved by their respective Board of Directors in December 2016. This protocol lays down the conditions for the collaboration between the two authorities as regards the exchange of information and expertise, to ensure the integrity and transparency of the energy markets. This agreement is important because there is more and more interaction between REMIT and the financial domain. Apart from this agreement, the FSMA can also be contacted for other matters. In 2021, the CREG contacted the FSMA in the context of a dossier that required collaboration.

### 5.8.10. The CREG, parliament and the federal government

The excellent relations that the CREG also maintained with the Federal Parliament in 2021 continues the trend of previous years. Also in 2021, the CREG accepted various invitations from the Energy, Environment and Climate Commission to make its expertise available and participate in hearings on various energy topics that were the subject of debate (see the table of presentations in paragraph 5.7 of this report). At the session on 7 December 2021, for example, the policy plan and budget proposal for 2022 were unanimously approved following a detailed presentation.

The CREG made its expertise available not only to Parliament, but also to the competent federal ministers and government.

For example, not only were notes, studies and reports published that helped progress the implementation of initiatives on the energy transition in general, such as the opening up of the second offshore zone and the development of a regulatory framework for hydrogen, but also on subjects directly related to the exceptional rise in energy prices (analysis of the input causes and simulations regarding the additional measures taken to protect consumers). There was also continued close cooperation with the administration and the relevant minister in providing the necessary technical input to answer various parliamentary questions.

### 5.8.11. The CREG and the regional regulators

The CREG's informal collaboration with the three regional regulators (BRUGEL, CWaPE and VREG) continued in 2021 with Forbeg. Six plenary sessions were held. BRUGEL acted as Chairperson in the first semester and the CREG in the second semester. The CREG also chaired the Information Exchange, Europe and Distribution System working groups.

Under the chairmanship of the CREG, weekly consultations were held with the regional regulators on the situation in the wholesale and retail markets in Belgium, in order to promptly discuss any problems identified with suppliers, balance responsible parties and shippers, and immediately assess the potential impact on each market segment. The procedures and timing of the implementation of emergency supply arrangements in the different Regions, in order to secure the supply of affected consumers in the event of a supplier's bankruptcy, were therefore monitored more effectively.

In 2021, the 'information exchange' working group continued its work on the joint annual publication of the four regulators on the evolution of the Belgian energy market. Using a statistical overview of the electricity and natural gas markets, the regulators follow the evolution of these markets and the competition in Belgium. The working group is also involved in completing

market indicators for gas and electricity, which are used by ACER and CEER for the consumer and retail market monitoring report, the Belgian national report and the monitoring of the functioning of the retail market.

The "Europe" working group held eight meetings in 2021. This working group provides a formal framework that enables the CREG to perform its tasks as national regulator and represent Belgium within CEER and ACER. This working group concentrates on the optimal general workflow of European dossiers between the four Belgian regulators. As in previous years, the focus was on the topics discussed at the various European forums, the General Assembly within CEER and the Board of Regulators within ACER. The various legislative initiatives of the European Commission, which are the Fit for 55 package and the hydrogen & decarbonisation package for 2021, were closely monitored.

The Distribution Systems Working Group aims to inform the regional regulators of the activities of the CEER DS WG, and present the documents that are on the agenda to the regional regulators so that these can submit comments on these documents, thereby improving the information exchange between the Belgian and the European regulators. In 2021, the working group convened eight times and continued discussions on the work of CEER DS WG (see point 5.8.3. of this report).

The aim of the "Consumers" working group is to inform the regional regulators about the activities of the CEER CRM WG, to submit the documents on the agenda to the regional regulators for feedback, signal points of interest or pass on questions to the other members of the CRM WG and therefore promote the exchange of information between the Belgian and European regulators. In 2021, this working group met eight times.

Within the "gas" working group, advice was given on Synergrid regulations G8/01 and G1/13, work continued on accelerating



L/H conversion, the regulations on biomethane injection and the adjustments to the market model and technical regulations.

The CREG also took part in the "gas", "electricity", "tariffs", "renewable energy sources", and "smart meters" working groups set up within Forbeg.

### 5.8.12. The CREG and the Belgian Competition Authority

As explained in previous annual reports, the general cooperation between the CREG and the Belgian Competition Authority (BCA) was formalised in the Royal Decree of 3 December 2017, which established systematic cooperation between the two bodies.

In this context, the fourth annual meeting between the two bodies took place in 2021. In addition to the points set out in the context of their general collaboration, specific topics were addressed, namely the cooperation in the context of REMIT, the sharp price rises and the studies conducted in this context by the CREG into possible windfall profits and the new powers of the BCA in terms of enforcing the ban on abuse of economic dependency.

It was also decided at this annual meeting to set up a CREG/Audit working group to further discuss certain topics at working level and exchange best practice.

In addition, the CREG and the BCA had informal discussions on various topics in 2021.

### 5.8.13. The CREG and Belgian universities

In the context of its strategic objectives, the CREG regularly works together with Belgian universities, by participating in colloquia and scientific activities, and by giving lectures on topics related to its competences as part of university courses.

Since 2015, it has also awarded an annual prize for the most innovative Master's thesis on energy which are linked to the competences of the CREG. In this way, the CREG aims to support and encourage developments in the energy sector. Each winner receives a cheque worth €2,500 and the possibility of work experience at the CREG.

On 16 June 2021, the 2020 prize was awarded to Alexandre de Cannière from the Université Catholique de Louvain for his thesis entitled "Convex hull pricing in local energy markets" and to Julien Garçia Arenas of the Vrije Universiteit Brussel - Université Libre de Bruxelles for his thesis entitled "Simulation of integrated systems - A first contribution towards a techno-economic assessment tool for multi-energy systems".

## 5.9. The finances of the CREG

### 5.9.1. Federal contribution

The federal contribution for gas and electricity, as we have known it for many years, was abolished on 31 December 2021. It was a cascading levy system for a surcharge levied on the amount of electricity and natural gas consumed in Belgium. The contribution was used to supply the various funds run by the CREG (see point 5.9.2 of this report).

The Programme Law of 27 December 2021<sup>177</sup> amended the Electricity Act and the Gas Act as of 1 January 2022. The

system of the federal contribution for electricity and natural gas will now be replaced by a system of gas and electricity excise taxes. This programme law also amends the programme law of 27 December 2004, which introduced a special excise duty for electricity and natural gas and which will be managed by the FPS Finance going forward. In December 2021, the CREG therefore no longer had any reason to calculate and publish the unit surcharges of the various components of the federal contribution for electricity and natural gas for the year 2022. It will now request the cash it needs, to finance all the funds under its management, from the FPS Finance and then repay the amounts due to the various beneficiaries.

Since the amounts available in the various funds on 31 December 2021 can no longer be taken into account in calculating the federal contribution for the following year, they are temporarily held by the CREG. 2022 will be a transitional year since, in addition to the financing of the funds by the excise duties, the CREG will still receive a federal contribution relating to energy offtake in 2021, will have to reimburse degressivity to suppliers and regularise the 2021 irrecoverable amounts and the 2021 overpayments received from distribution system operators. The Royal Decrees of 24 March 2003 and 4 April 2014 remain expressly applicable for this purpose. In accordance with the above-mentioned programme law of 27 December 2021, all these amounts will be regularised with the FPS Finance in 2023.

In June 2021, following a recommendation from the Court of Auditors, the Minister for Energy submitted a draft royal decree to the CREG which, among other things, planned to oblige natural gas companies to have the amounts of the exemptions and reductions in the federal contribution for natural gas which they granted to their customers and then reclaimed from the CREG, certified by a company auditor or accountant. With the

<sup>177</sup> Programme law of 27 December 2021 (Belgian Official Gazette of 31 December 2021).

same objective, the Minister also asked the CREG to submit a proposal to amend the Royal Decree of 16 July 2002 on the offshore surcharge. To this end, the CREG drew up a proposal<sup>178</sup> and an opinion<sup>179</sup>. However, the recommended regulatory change proved to be redundant, as the above-mentioned system of federal contribution was abolished.

Various legislative changes were made in 2021 to counteract the negative effects of the rise in energy prices on the most vulnerable consumers. This resulted first and foremost in the Programme Law of 20 December 2020 and the Royal Decree of 28 January 2021<sup>180</sup> raising the number of beneficiaries of the social tariff for electricity and natural gas during the months of February to December 2021 (see section 2.1 of this report). As such, an advance of €88 million was paid to the energy suppliers who granted the extended social tariff to allow them to cover part of the cost of this first measure.

The law of 9 December 2021<sup>181</sup>, the law of 15 December 2021<sup>182</sup> and the Royal Decree of 15 December 2021<sup>183</sup> adopted various additional measures: for example, at the end of December 2021, the PCSW received an additional envelope of €16 million for 2022, and the energy suppliers who granted the extended social tariff in 2021 received an additional €100 million to cover the additional cost of this measure. Finally,

protected customers will receive a one-off fixed amount of €80 from their supplier, representing an estimated total cost of €72 million. In accordance with the amendments to the Electricity Act and the Gas Act, the cost of all these measures was covered by the state budget. The CREG therefore received these amounts from the FPS Economy in order to pass them on to the beneficiaries.

Finally, we would like to highlight the fact that in its judgment no. 5/2021 of 14 January 2021, the Constitutional Court rejected the requested cancellation by the CREG of Article 42 and, as a secondary consideration, of Article 31 of the Decree of the Flemish Region of 26 April 2019 "amending the Energy Decree of 8 May 2009, as regards the rollout of digital meters and amending Article 7.1.1, 7.1.2 and 7.1.5 of the same decree", but retained the legal effects of the amounts invoiced up to the date of publication of the judgment in the Belgian Official Gazette. The CREG established a longer transition period than the one granted in its Guidelines (R)2076 for invoicing and collecting the federal contribution for "electricity", which gives suppliers and other market participants more time to adapt. To avoid any contradictions with regard to this judgment and to obtain the same date of entry into force in all regions, the CREG decided to postpone the application of these guidelines

once again.<sup>184</sup> The new date is the date of the publication of the judgment in the Belgian Official Gazette, 1 March 2021.

#### A. Federal natural gas contribution

Each quarter, the natural gas transmission system operator (Fluxys Belgium) and the operators of a direct pipeline<sup>185</sup> have to pay the federal contribution for which they had previously billed their customers to the CREG. In 2021, these companies also directly financed the CREG fund, the social energy fund, and the protected clients fund.

For their part, natural gas companies that offered their customers discounts (degressivity) and exemptions have submitted their applications for reimbursement to the CREG on a quarterly basis.

#### ■ Exemptions and degressivity

CAs explained above, the full federal contribution is invoiced by Fluxys Belgium to the natural gas companies, but these companies cannot recover the full amount from their end customers because some of them benefit from a reduction (degressivity) or even an exemption. In this context, the applicable legislation in 2021 stipulated that they can request from the

178 Proposal (C)2256 of 24 June 2021 of the Royal Decree amending the Royal Decree of 16 July 2002 concerning the establishment of mechanisms for the promotion of electricity generated from renewable energy sources and the compensation of holders of an offshore domain concession in the event of the unavailability of the Modular Offshore Grid.

179 Opinion (A)2257 of 24 June 2021 relating to a draft Royal Decree amending the Royal Decree of 24 March 2003 setting the federal contributions destined for the financing of certain public service obligations and costs related to the regulation and control of the electricity market and the Royal Decree of 2 April 2014 laying down the rules for the federal contribution destined for the financing of certain public service obligations and costs related to the regulation and control of the natural gas market.

180 Royal Decree of 28 January 2021 supplementing the list of protected household customers referred to in Article 15/10, §2/2, first paragraph of the Act of 12 April 1965 on the transport of gaseous and other products by pipeline and in Article 20, §2/1, first paragraph of the Act of 29 April 1999 on the organisation of the electricity market and amending the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by the natural gas companies and the intervention rules for taking these costs into account and the Royal Decree of 29 March 2012 laying down the rules for determining the costs of the application of the social tariffs by the electricity companies and the intervention rules for taking these costs into account, (Belgian Official Gazette of 1 February 2021). This Royal Decree was confirmed by the Law of 27 June 2021 ratifying three Royal Decrees on social energy tariffs (Belgian Official Gazette of 30 June 2021).

181 Act of 9 December 2021 containing the fifth amendment to the General expenditure budget for the financial year 2021 (Belgian Official Gazette of 16 December 2021).

182 Act of 15 December 2021 containing measures in view of the high energy prices in 2021 and ratifying the Royal Decree of 22 December 2020 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market (Belgian Official Gazette of 22 December 2021).

183 Royal Decree of 15 December 2021 amending the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by natural gas companies and the intervention rules for taking these costs into account, and the Royal Decree of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account (Belgian Official Gazette 21 December 2021). To this end, the CREG had published its Opinion (A)2403 of 17 November 2021 on a draft Royal Decree granting a one-off fixed amount of €80 to customers benefiting from the social electricity tariff and (ii) on a draft Royal Decree amending the Royal Decrees on electricity and natural gas of 29 March 2012 laying down the rules for calculating the costs for applying social tariffs by electricity companies and the intervention rules for taking these costs into account.

184 Guidelines (R)2199 of 4 February 2021 for the invoicing and collection of the federal contribution for "electricity". These replace Guidelines (R)2076 of 16 April 2020.

185 On 31 December 2021 Wingas was the only operator of a direct connection in Belgium.

CREG every quarter a refund of the difference between the federal contribution paid to Fluxys Belgium and what they have received from their customers.

As such, in 2021, the CREG reimbursed natural gas companies a total of €22,195,483 on the one hand, corresponding to the exemption from the federal contributions for natural gas destined for the generation of electricity injected into the system (electricity power plants and quality cogeneration units), and €209,465 on the other, which corresponds to the exemption from the federal contribution granted to the international institutions. These reimbursements were made with the help of the available means in the various funds.

The same natural gas companies also made degressivity reimbursement applications totalling €17,851,891.

Additionally, an amount of €2,162,853 in federal contributions, not paid to the CREG by the direct pipeline operator, Wingas, due to the granting of degressivity measures to their customers, was also requested from the FPS Finance to be split between the various funds.

Finally, only four end customers with a consumption location for which a separate bill was issued by different suppliers submitted an application to the CREG for adjustment based on the degressivity measure from which they had benefited in 2020. The CREG reimbursed them a total amount of €2,524,445.

In 2021, the FPS Finance made an advance of €24,625,000 available to the CREG to cover the applications for reimbursement of the degressivity. At the end of the financial year, €2,085,811 was ultimately not used and this amount will be deducted by the FPS Finance from the amount requested by the CREG in 2022.

#### ■ Irrecoverables

In 2021, the legal flat-rate increase of 0.7% earmarked to cover natural gas companies against federal contributions that they have been unable to recover from their customers due to non-payment, generated an amount of €297,328, which, at the end of the year, was distributed between the funds financed by the federal natural gas contribution.

#### B. The federal electricity contribution

The electricity transmission system operator (Elia Transmission Belgium) must pay the contribution it has billed to its customers the previous quarter to the CREG on a quarterly basis. In 2021 Elia financed the CREG funds, the social energy fund, the denuclearisation fund and the protected customers fund. Due to the emptying of the greenhouse gas fund (see point 5.9.2.D below), Elia did not make any contribution to this fund in 2021.

For their part, electricity companies that offered their customers discounts (degressivity) and exemptions could submit their applications for reimbursement to the CREG on a quarterly basis.

At the time of the annual closure of the 2020 accounts, the DSOs sent the CREG the certified statement of the difference between their revenue and costs from the 2020 federal contribution. In 2021, the CREG, together with the DSOs, therefore regularised the excess amounts of the 2020 federal contribution for electricity collected.

The following amounts were paid into the federal contribution fund for electricity:

Table 13: Distribution among the funds managed by the CREG of the excess amounts collected from the federal contribution for electricity from the distribution system operators (€) (Source: CREG)

FUNDS	2021	2020	2019
CREG	761 459	738 219	901 627
Denuclearisation	5 168 504	5 032 151	6 244 277
Greenhouse gases	0	0	0
Social energy	2 216 828	2 242 958	2 876 452
Protected customers	7 935 957	7 770 400	10 075 462
<b>TOTAL</b>	<b>16 082 748</b>	<b>15 783 728</b>	<b>20 097 818</b>

Finally, the law of 29 April 1999 stipulates since 1 January 2018 that storage facilities are exempt from the federal contribution for electricity. There was uncertainty for some time about the need for the implementing Royal Decree to grant this exemption. As soon as this was removed, the CREG was able to regularise the situation of the two storage facilities in question.

#### ■ Exemption and degressivity

As explained above, the full federal contribution is invoiced by Elia and the DSOs to the electricity companies, but these companies cannot recover the full amount from their end customers because some of them benefit from a reduction (degressivity) or even an exemption. In this context, the legislation stipulated that they can request from the CREG every quarter a refund of the difference between the federal contribution paid to Elia and the distribution system operators and what they have received from their customers.

In total, the CREG used the resources available in the various funds to pay back to the electricity companies €1,677,826 in

federal contributions in 2021 that they were unable to invoice to international institutions. They were also repaid €24,783,316 in the context of reductions (degressivity) granted to their customers. This amount was due to the fact that the amount for regularisation was submitted by a final customer with a consumption location for which a separate invoice was issued in 2020 by different suppliers.

Additionally, an amount of €41,400,303 in federal contributions, not paid to the FPS Finance by Elia due to the granting of degressivity measures to some of their customers, was requested to be split between the various electricity funds.

In 2021, the FPS Finance made an advance of €67,500,000 available to the CREG to cover the applications for reimbursement of the degressivity. At the end of the financial year, €1,316,381 was ultimately not used and this amount will be deducted by the FPS Finance from the amount requested by the CREG in 2022.

#### ■ Irrecoverables

In 2021, the legal flat-rate increase of 0.7% earmarked to cover electricity companies against federal contributions that they have been unable to recover from their customers due to non-payment, generated an amount of €159,124, which, at the end of the year, was distributed between the funds financed by the federal electricity contribution.

### C. Offshore surcharge

This surcharge levied by Elia to its end customers and electricity companies, who then pass it on to their own customers, was intended to offset the costs due to its obligation to purchase the green certificates granted to electricity generation in the North Sea.

The CREG was responsible for reimbursing Elia and the electricity companies who granted their customers degressivity on this surcharge. In 2021, the CREG reimbursed them with €89,947,346 and €153,271,251 respectively. The latter amount includes the amount for regularisation that was submitted by a final customer with a consumption location for which a separate invoice was issued in 2020 by different suppliers.

In 2021, the FPS Finance made an advance of €241,000,000 available to the CREG to cover all applications for reimbursement. This was insufficient. The shortfall of €2,218,597 will therefore be added by the FPS Finance to the amount requested by the CREG in 2022.

### 5.9.2. Funds

#### A. The CREG Fund

At its plenary session of 17 December 2020, the Chamber of Representatives set the amount intended for the partial financing of the operating costs of the CREG for 2021 at €16,304,320.

For the calculation of the unit value of the 2021 CREG surcharge, this amount was supplemented by €102,349 from the electricity reserve and €45,983 from the gas reserve, as well as €36,799 and €8,461 with a view to reimbursing the electricity and natural gas companies of the exemptions granted to the international institutions. On the other hand, the electricity and natural gas profits from the financial year 2019 and the €738,219 from the 2020 regularisation of the federal electricity contribution that the DSOs overcollected in 2019 were deducted from the amount to be covered by the federal contribution in order to be reimbursed to the end customers<sup>186</sup>.

#### B. Social Energy Fund

For 2021, the amounts intended for PCSW to help them in their role of providing guidance and financial social support for energy were indexed in accordance with the Royal Decree of 24 March 2003 and that of 2 April 2014. Only €52,890,292 had to come from the federal contribution for electricity (€30,750,170) and natural gas (€22,140,122), since the 2021 indexation (€6,669,700) was covered by the dormant fund "for fixed reductions for heating with natural gas and electricity" (see point F below), to avoid the cost of these indexations being passed on via the consumer's bill.

However, these amounts of €30,750,170 and €22,140,122, which correspond to the amounts frozen since 2012, had to be supplemented by €108,639 and €39,364 respectively to reimburse the exemptions granted to international institutions.

In addition, €5,000,000 is deducted from the envelope originating from the natural gas sector to correct for the previous excessive financing of the fund by the gas sector compared to the financing by the electricity sector.

In December 2021, the Federal Government decided to allocate an additional €16 million to the PCSW; these were released in the state budget.<sup>187</sup> This amount was paid to the CREG, which immediately passed it on to the PCSW to enable them to give priority support to persons in financial difficulties due to high gas and electricity prices and who are not covered by the SOC-TAR-BIM system (beneficiaries of the social tariff for gas and electricity).

Ultimately, in 2021 a total net income of €30,012,386 was recorded for this fund for electricity (including €2,216,828 regularisation with the distribution system operators) and €20,850,025 for natural gas.

<sup>186</sup> See Annual Report 2019, point 5.7.3.

<sup>187</sup> The above-mentioned law of 9 December 2021 and of 15 December 2021.

In addition to the additional €16 million cited above, the social fund for energy allowed the PCSW to pay the fourth instalment of 2020 (€13,220,162) and the full first three instalments of 2021, requested by the PPS Social Integration (€44,661,930).

On 31 December 2021, the assets of the fund totalled €26,322,513. As such, the CREG will be able to pay the full fourth instalment for 2021 to the PCSW in January 2022.

### C. Denuclearisation Fund

This fund was financed exclusively by the federal contribution charged by the electricity sector. It was €69,000,000 for the year 2021,<sup>188</sup> to which was added €250,122 to offset the exemption for the international institutions.

Thanks to the €5,168,504 extraordinary income from the regularisation with the distribution system operators (see point 5.9.1.B above), a total net income of €70,196,418 could be booked in the fund in 2021.

That way, the CREG was able to pay ONDRAF/NIRAS the full sum of €69,000,000 that it had been allocated for 2021 and carry out the reimbursements of exemptions granted to the international institutions.

On 13 December 2021, the assets of the fund totalled €3,664,234.

### D. Greenhouse Gas Fund

Despite the lack of revenue in the greenhouse gas fund<sup>189</sup>, the resources still available in the fund made it possible to pay the legal flat-rate amount of €3,600,000 for the year 2021 into the organic budget fund of the FPS Public Health, Food Chain Safety and Environment, for the financing of the federal policy for the reduction of greenhouse gas emissions.

In addition, this fund pre-financed, via quarterly instalments, the €14,490,000 corresponding to the VAT due on the annual amount earmarked for the ONDRAF/NIRAS. The VAT administration then refunded this amount to the CREG. This mechanism of pre-financing the VAT payable by ONDRAF/NIRAS was abolished from 1 January 2022 by the above-mentioned Programme Law of 27 December 2021. Finally, the amount earmarked for financing the greenhouse gas fund in 2022 was again set at zero<sup>190</sup>

On 31 December 2021, the assets of the fund totalled €33,284,011.

### ■ Kyoto JI/CDM Fund

The Kyoto Joint Implementation/Clean Development Mechanism fund, which is also managed by the CREG, collects the amounts originating from the greenhouse gas fund specifically allocated to the financing of greenhouse gas reduction projects that allow Belgium to achieve its objectives under the Kyoto Protocol.

Since 2017, the DG Environment has no longer used the fund to purchase CO<sub>2</sub> emission credits.

On 31 December 2021, the assets of the fund totalled €14,972,767.

### E. The protected customers funds for electricity and natural gas

For the year 2021 the needs of these funds<sup>191</sup> totalled €108,100,000 for electricity and €63,200,000 for natural gas, to which €384,750 and €156,958 must be added, respectively, for the reimbursement of the exemptions of the international institutions.

In early 2021, the Federal Government decided to pay an advance of €88 million to electricity and natural gas suppliers

<sup>188</sup> Royal Decree of 19 December 2018 setting the amounts provided for the financing of nuclear liabilities BP1 and BP2 for the period 2019-2023 (Belgian Official Gazette of 28 December 2018).

<sup>189</sup> Royal Decree of 22 December 2020 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market, set the amount allocated to finance the greenhouse gas fund for 2021 at €0 (Belgian Official Gazette of 28 December 2020). This Decree was confirmed by the above-mentioned law of 15 December 2021.

<sup>190</sup> Royal Decree of 13 December 2021 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market (Belgian Official Gazette of 17 December 2021).

<sup>191</sup> Royal Decree of 22 December 2020 determining the amounts for 2021 of the funds destined to finance the actual costs resulting from the application of maximum prices for electricity and natural gas supply to protected residential customers (Belgian Official Journal of 29 December 2020). This Royal Decree was confirmed by the Law of 27 June 2021 ratifying three Royal Decrees on the social energy tariffs (Belgian Official Gazette of 30 June 2021).

who grant the social tariff to RVT customers<sup>192</sup> (see section 2.1 of this report).

In the autumn of 2021, the Federal Government decided to allocate an additional €172 million to the suppliers; this was released in the state budget.<sup>193</sup> This amount was paid to the CREG, which immediately passed it on to the electricity and natural gas suppliers. Of this amount, €100 million was earmarked for suppliers who granted the extended social tariff in 2021<sup>194</sup> and €72 million to pay a one-off premium of €80 to their protected customers.<sup>195</sup>

A total net revenue of €111,525,246 was recorded in the electricity fund (including the €7,935,957 from the regularisation with the distribution system operators). For natural gas a net total revenue of €75,701,383 was recorded.

In 2021, the refunds to the companies from the sector that supplied protected residential customers in 2020 at the social tariff amounted to €103,050,095 for electricity and €78,807,040 for natural gas, in addition to the €260 million paid to them in the context of the support measures. All energy companies were reimbursed as soon as their files were reimbursed (in full or in part) by the CREG.

On 31 December 2021 the assets of the two funds totalled €38,914,933 for electricity and €36,054,115 for natural gas.

#### F. The fund for flat-rate reductions for natural gas and electricity heating

This fund, also known as the heating premium fund and which has been inactive since 2012, has been abolished from the Electricity Act, but remains included in Article 3, § 6 of the above-mentioned Royal Decree of 24 March 2003. As mentioned in point B above, the balance was partly used to cover the cost of the 2021 indexation of the social energy fund, i.e. €6,669,700.

On 31 December 2021, the assets of the fund still totalled €5,232,867. This amount will be used one last time to partly cover the cost of the 2022 indexation.

#### G. Fund to offset the loss of income suffered by the municipalities

The balance of this fund, which has been completely inactive since 2011, has not changed since then and amounts to €578,691, which corresponds to the interest received since 2005 and invested until it can be used.

Following the publication of the Royal Decree of 16 September 2021<sup>196</sup> and after contact with the Flemish Association of Cities and Municipalities (VVSG) and the Flemish Government, Agency for Domestic Administration, the CREG distributed

this amount among the Flemish municipalities. This fund could therefore be closed.

#### 5.9.3. 2021 Accounts

The revenues from the federal contribution for electricity (€11,672,041) grew by 7.7% compared to last year, which was a particularly difficult year due to the Corona crisis. However, this rise is smaller than could have been expected, as the unit value of the federal contribution for electricity 2021 had increased by 10.4% compared to 2020 (€3.4700/MWh versus €3.1428/MWh). This rise in the federal contribution therefore did not allow the expected revenues to be achieved, due to the amount of electricity transported in 2021. The revenue from the federal contribution for natural gas (€5,972,574) increased by 6.4% compared to last year, while the unit value of the federal contribution for natural gas for 2021 decreased by 12.6% compared to 2020 (€0.6482/MWh versus €0.7416/MWh). Nevertheless, real revenues were again significantly higher than expected.

On top of these specific revenues are the sums from the distribution of profits from the irrecoverables fund electricity and natural gas, the charges for applications for natural gas supply licences and miscellaneous and exceptional income and financial income.

<sup>192</sup> Above-mentioned Royal Decree of 28 January 2021

<sup>193</sup> Above-mentioned law of 9 December 2021.

<sup>194</sup> Above-mentioned Royal Decree of 15 December 2021 amending the Royal Decree of 29 March 2012.

<sup>195</sup> Royal Decree of 23 December 2021 establishing the detailed rules concerning the one-off fixed amount referred to in Article 4 of the Act of 15 December 2021 containing measures in view of the high energy prices in 2021 and ratifying the Royal Decree of 22 December 2020 amending the Royal Decree of 24 March 2003 laying down the federal contribution modalities for the financing of certain public service obligations and costs associated with the regulation and control of the electricity market (Belgian Official Gazette of 27 December 2021).

<sup>196</sup> Royal Decree of 16 September 2021 establishing the detailed rules for spending the balance of the fund to compensate for the loss of revenue suffered by the municipalities following the liberalisation of the electricity market (Belgian Official Gazette of 27 September 2021).

The income from the irrecoverables fund natural gas and the natural gas supply licences are directly linked to the revenue from the natural gas sector. The income from the irrecoverables fund electricity are directly linked to the revenue from the electricity sector. However, the miscellaneous and extraordinary income and financial income are divided between the electricity sector and the natural gas sector at a ratio of 69%-31%.

Revenue of €210,694 divided between the electricity sector (€133,593) and the natural gas sector (€77,101) is therefore added to the specific above-mentioned revenues from the federal contribution for electricity and natural gas.

The total revenue of the electricity sector therefore amounts to €11,805,634. The total revenue of the natural gas sector amounts to €6,049,675. This equates to total revenues of €17,855,309 for the CREG.

The total expenses of the CREG for financial year 2021 amount to €15,388,840; this is a rise of 4.2% compared to 2020 (see table 14).

The subtotal of personnel expenses increased by 2.4% compared to 2020. This increase is partly due to the recruitment of three CRM consultants and the statutory wage indexation that was implemented in October 2021. However, this was mitigated by the fact that several advisers retired in 2020.

The subtotal of operating expenses increased by 12.3% compared to 2020. This increase is mainly due to the 36.8% increase in costs for external experts to conduct technical-economic studies (€415,930 of which €216,227 for CRM and €47,190 for the Advisory Board), legal opinions (€372,249 of which €242,713 for CRM) and the costs of legal assistance in

disputes (€85,954). On the other hand, the costs of the communication service and the fees for the social secretariat fell slightly.

In addition, general costs remain generally stable, having dropped by only 0.1% compared to 2020. Although we have observed a significant increase in certain posts (+16.1% for IT support and maintenance), others, such as insurance, taxes and miscellaneous (-14.4%), are down thanks to the new public contract for our insurance business.

Table 14: Result of the 2021 financial year in general accounts  
(in €) (Source: CREG)

Revenues	(a)	17 855 309
Costs	(b)	15 388 840
Result	(c) = (a) – (b)	+ 2 466 469

The above shows that the 2021 financial year closed with an overall surplus of the revenues recorded by the CREG compared to the costs of €2,466,469, of which €1,187,334 for the electricity sector and a surplus of €1,279,135 for the natural gas sector.

Since the budget for 2021 has been approved with an increase of €910,000 (to cover the costs arising from the CRM (staff, studies, legal opinions, disputes), the reserve needs to be adjusted accordingly. To this end, the above-mentioned profits were used to revalue the electricity and natural gas reserves by €94,185 and €42,315 respectively (15% of the above-mentioned €910,000). The reserve therefore amounts to 100% of the 2021 budget.

Subsequently, in accordance with Article 11, §4, last paragraph of the Royal Decree of 24 March 2003 and Article 17,

last paragraph of the Royal Decree of 2 April 2014, the profit balance of 2021 should be reimbursed to the end customers. However, due to the abolition of the federal contribution mechanism by the Programme Law of 27 December 2021, this will not be possible. However, this programme law stipulated that in 2023, the balance of each fund (including the CREG) will be regularised with the FPS Finance.

As of 31 December 2021 the balance sheet total consolidated with the funds was €174,708,359 (see table 18).

During the 2021 financial year, the CREG reclassified certain accounts from the balance sheet and the profit and loss account in order to fully comply with the accounting plan of the Royal Decree of 10 November 2009 establishing the accounting plan applicable to the Federal State and to the Communities, Regions and Joint Community Commission. For example, certain accounts previously in the balance sheet under trade receivables and payables [4009] and [4449] were reclassified as holding accounts [488] and [496]. These amounts are therefore now shown under the heading "Holding and regularisation accounts". The balance sheet figures of financial year 2020, shown in table 18, were similarly adjusted to allow for comparison between the two financial years.

Since 1 January 2013, the CREG has organised its bookkeeping in accordance with the principles laid down in the law of 22 May 2003 on the organisation of the budget and accounts of the Federal State, and following the accounting schedule set out by the above-mentioned Royal Decree of 10 November 2009.

The following tables give an overview of the revenue and expenditure of the budget outturn account.

Table 15: Overview of the 2021 budget outturn account:  
expenditure (€) (Source: CREG)

Budget		16 304 320
Commitments	(a)	15 870 830
Clearances	(b)	15 134 051
Balance 2021	(c) = (a) – (b)	736 779

The CREG budget for 2021 was set at €16,304,320. Commitments for a total amount of €15,870,830 therefore correspond to 97.3% of the budget.

The balance of commitments outstanding at the close of the 2021 financial year is €221,643. Together with the commitments balance for the 2021 financial year of €736,779, the total commitments balances still outstanding on 31 December 2021 amount to €958,422 (CREG Scan and development of the CRM software, technical-economic studies concerning CRM, legal advices concerning CRM, etc.). All these amounts will affect the general accounting results when they are cleared/covered.

Table 16: Overview of the 2021 budget outturn account: revenues  
(€) (Source: CREG)

Budget	14 436 275
Entitlements	15 669 084
Clearances	15 669 084

Overall, the CREG's revenues for 2021 were 8.5% higher than expected.



## 5. The CREG

Table 17: Income statement as of 31 December 2021 (€) (Source: CREG)

	2021	2020
<b>Personnel costs</b>	<b>12 271 797</b>	<b>11 999 498</b>
Salaries and charges	11 867 645	11 539 439
Variation provisions for indemnities for outgoing Members of the Board of Directors	81 094	68 931
Variation in provisions for holiday bonuses	14 530	80 465
Temporary staff	0	19 818
Recruitment costs	16 813	18 793
Continuous training, seminars	49 484	26 909
Leasing of company cars	242 231	245 143
<b>Bodies</b>	<b>27 317</b>	<b>14 383</b>
Remuneration of Gas and Electricity Advisory Board	27 317	14 383
<b>"Personnel costs" sub-total</b>	<b>12 299 114</b>	<b>12 013 881</b>
<b>External experts</b>	<b>1 046 834</b>	<b>765 091</b>
External studies	788 179	504 278
Communication service	61 221	118 519
Translators, Auditor, Social Secretariat	109 519	111 855
Legal fees relating to lawsuits	87 914	30 439
<b>General costs</b>	<b>1 777 291</b>	<b>1 795 939</b>
Rent and charges for premises	854 907	848 471
Parking facilities	51 657	55 911
Building maintenance and security	120 117	111 729
Equipment maintenance and servicing	242 817	209 074
Documentation	138 255	136 932
Telephone, post, Internet	22 258	26 736
Office supplies	1 373	3 890
Meetings and representation costs	27 496	35 616
Travel expenses (including abroad)	2 357	5 341
Membership of associations	45 171	45 897
Insurance, taxes and sundry costs	270 882	316 341
<b>Amortisations</b>	<b>258 959</b>	<b>184 156</b>
Depreciation on tangible fixed assets	258 959	184 156
<b>Financial costs</b>	<b>6 642</b>	<b>6 984</b>
Other	6 642	6 984
<b>"Other operating costs" sub-total</b>	<b>3 089 726</b>	<b>2 752 170</b>
<b>TOTAL CHARGES</b>	<b>15 388 840</b>	<b>14 766 051</b>
<b>Revenues (surcharges and fees)</b>	<b>15 206 146</b>	<b>14 600 094</b>
Federal contribution electricity and natural gas	17 508 115	16 402 330
Transfer of irrecoverable funds - natural gas and electricity	19 000	10 623
CREG adjustment - electricity, year n	-1 093 149	-732 270
CREG adjustment - natural gas, year n	-1 236 820	-1 091 089
Other fees	9 000	10 500
<b>Financial income</b>	<b>19</b>	<b>20</b>
Income from current assets	14	50
Other financial income	5	0
<b>Extraordinary income</b>	<b>182 675</b>	<b>165 936</b>
Other extraordinary income	182 675	165 936
<b>TOTAL INCOME</b>	<b>15 388 840</b>	<b>14 766 051</b>
<b>RESULT FOR THE FINANCIAL YEAR</b>	<b>0</b>	<b>0</b>

Table 18: Balance sheet as of 31 December 2021 (€) (Source: CREG)

	2021	2020
<b>ASSETS</b>		
<b>FIXED ASSETS</b>		
<b>Intangible and tangible fixed assets</b>	<b>718 953</b>	<b>474 305</b>
Building refurbishment	83 250	104 849
Furniture and vehicles	54 615	47 975
IT and telephone equipment	581 088	321 481
<b>Financial fixed assets</b>	<b>655</b>	<b>535</b>
Various guarantees	655	535
<b>CURRENT ASSETS</b>		
<b>Amounts receivable within one year</b>	<b>225 598</b>	<b>948 812</b>
Trade receivables	1 215	245 200
Other receivables	396	0
Funds receivables	223 987	703 612
<b>Cash at bank and in hand</b>	<b>172 856 808</b>	<b>176 726 047</b>
The CREG Fund	9 828 264	9 464 226
Social Energy Fund	26 247 898	26 475 841
Greenhouse Gas Fund	33 284 011	36 884 011
Denuclearisation Fund	3 613 096	1 479 384
Kyoto JI/CDM Fund	14 972 767	14 972 767
Protected Customers Fund - Electricity	38 836 415	28 744 091
Protected Customers Fund - Natural Gas	35 820 935	39 465 370
Municipalities Fund	0	578 691
Heating Grant Fund	5 232 867	11 902 567
Electricity Degressivity Fund	1 411 838	2 098 763
Offshore Degressivity Fund	939 333	2 807 077
Natural Gas Degressivity Fund	2 138 892	1 395 077
Irrecoverable Fund - Electricity	291 053	232 551
Irrecoverable Fund - Natural Gas	238 534	224 726
Cash	904	904
<b>Holding account and accruals</b>	<b>906 346</b>	<b>4 256 408</b>
<b>TOTAL ASSETS</b>	<b>174 708 359</b>	<b>182 406 408</b>

	2021	2020
<b>LIABILITIES</b>		
<b>EQUITY</b>		
<b>Profit brought forward</b>	<b>1 314 222</b>	<b>1 314 222</b>
<b>CREG sector reserve</b>	<b>2 445 648</b>	<b>2 309 148</b>
ELECTRICITY	1 687 497	1 593 312
Gas	758 151	715 836
<b>PROVISIONS</b>		
<b>Compensation for outgoing members of the Board of Directors</b>	<b>800 874</b>	<b>719 780</b>
<b>AMOUNTS PAYABLE</b>		
<b>Amounts payable within one year</b>	<b>3 037 480</b>	<b>2 977 892</b>
Trade debts	343 731	446 651
Taxes, salaries and social charges payable	2 693 750	2 531 241
<b>Various debts</b>	<b>163 232 626</b>	<b>167 774 095</b>
Social Energy Fund	26 322 513	27 049 752
Greenhouse Gas Fund	33 284 011	36 884 011
Denuclearisation Fund	3 664 234	2 699 860
Kyoto JI/CDM Fund	14 972 767	14 972 767
Protected Customers Fund - Electricity	38 914 933	30 618 029
Protected Customers Fund - Natural Gas	36 054 115	39 629 488
Municipalities Fund	0	578 691
Heating Grant Fund	5 232 867	11 902 567
Electricity Degressivity Fund	1 413 286	-1 073 445
Offshore Degressivity Fund	939 333	2 807 077
Natural Gas Degressivity Fund	2 138 892	1 395 077
Irrecoverable Fund - Electricity	295 459	310 006
Irrecoverable Fund - Natural Gas	215	215
<b>Holding account and accruals</b>	<b>3 877 510</b>	<b>7 311 272</b>
<b>TOTAL LIABILITIES</b>	<b>174 708 359</b>	<b>182 406 408</b>

### 5.9.4. Auditor's Report for the year ended 31 December 2021

In the context of the audit of the accounts of the COMMISSION FOR ELECTRICITY AND GAS REGULATION («CREG»), we hereby present our auditor's report. It includes our report on the audit of the accounts as well as the other legal and regulatory requirements. This is an integrated whole and is indivisible.

We have been appointed as auditor by the board of directors of 8 March 2021. This designation, in accordance with article 25 §5 of the law of 29 April 1999 on the organisation of the electricity market, was duly approved on 15 April 2021 by the Federal Minister of Energy.

Our mission as auditor expires on the date of the Board of Director's meeting deliberating on the accounts for the year ended 31 December 2023. We have performed the audit of the accounts of the COMMISSION FOR ELECTRICITY AND GAS REGULATION (C.R.E.G.) for the first year.

#### REPORT ON THE ACCOUNTS

##### Unqualified opinion

We have audited the accounts of the CREG, which comprise the balance sheet as at 31 December 2021, the profit and loss account for the year then ended and the notes to the accounts, characterised by a balance sheet total of € 174,708,359 and a profit and loss account showing a result for the year of € 0, in accordance with the Royal Decrees of 24 March 2003 and 2 April 2014 organising the financing of the CREG.

In our opinion, these accounts give a true and fair view of the assets and liabilities and financial position of the CREG as at 31 December 2021, as well as of its results for the year then ended, in accordance with the accounting standards applicable to the CREG.

##### Basis for the unqualified opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs) as applicable in Belgium. Our responsibilities under those standards are further described in the 'auditor's responsibilities for the audit of the accounts' section in this report. We have complied with all the ethical requirements that are relevant to the audit of accounts in Belgium, including those regarding independence.

We have obtained from the Board of Directors and Company officials the explanations and information necessary for performing our audit.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

##### Other point

The accounts of the CREG for the year ended 31 December 2020 were audited by another auditor who expressed an unqualified opinion on these accounts in their report dated 12 February 2021.

##### Responsibilities of the Board of Directors for the preparation of accounts

The Board of Directors is responsible for the preparation of accounts that give a true and fair view in accordance with the accounting standards applicable to the CREG, and for such internal control as the Board of Directors determines is necessary to enable the preparation of accounts that are free from material misstatement, whether due to fraud or error.

In preparing the accounts, the Board of Directors is responsible for assessing the CREG's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Board of Directors either intends to liquidate the

CREG or to cease operations, or has no realistic alternative but to do so.

##### Responsibilities of the auditor for the audit of the accounts

Our objectives are to obtain reasonable assurance about whether the accounts as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these accounts.

In performing our audit, we comply with the legal, regulatory and normative requirements applicable to the audit of accounts in Belgium. An audit does not provide any assurance as to CREG's future viability nor as to the efficiency or effectiveness of the Board of Directors has conducted or will conduct the business operations of CREG. Our responsibilities in relation to the Board of Director's use of the going concern accounting principle are described below.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the accounts, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the CREG's internal control;
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board of Directors;
- Conclude on the appropriateness of the Board of Directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on GREG's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the accounts or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause CREG to cease to continue as a going concern;
- Evaluate the overall presentation, structure and content of the accounts and whether the accounts represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Board of Directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identified during our audit.

## OTHER LEGAL AND REGULATORY REQUIREMENTS

### Responsibilities of the Board of Directors

The Board of Directors is responsible for the preparation and the content as well as for the compliance with the legal and regulatory requirements regarding bookkeeping, as well as compliance with respect to the law of 12 April 1965 on the transport of gas and other products through pipelines (the "Gas" law) and the law of 29 April 1999 on the organisation of the electricity market (the "Electricity" law) and their implementing decrees.

### Responsibilities of the auditor

In the context of our mission and in accordance with the Belgian standard (revised version 2020) which is complementary to the International Standards on Auditing (ISAs) as applicable in Belgium, it is our responsibility to verify, in all material aspects, the information contained in the annual report and compliance with certain requirements of the Gas and Electricity laws and their implementing decrees, and to report on these elements..

### Aspects relating to other information in the annual report

As part of our audit of the accounts, we must also assess, in particular on the basis of our knowledge acquired during the audit, whether the information contained in the annual report under the header "The finances of the CREG" contains a material misstatement, i.e. incorrectly formulated or otherwise misleading information. Based on this work, we have no material misstatements to report. We do not and will not express any form of assurance on the annual report.

### Statement related to independence

Our audit firm did not provide services which are incompatible with the audit of accounts, and we remained independent of CREG in the course of our mandate.

### Other statements

- Without prejudice to certain formal aspects of minor importance, the accounts are kept in accordance with the general rules defined in the law of 22 May 2003 on the organisation of the budget and the accounts of the Federal State and the Royal Decree of 10 November 2009 on the chart of accounts applicable to the Federal State, the Communities, the Regions and the Joint Community Commission.
- We did not find any irregularities, with regard to the "gas" and "electricity" laws and their implementing decrees, concerning the transactions to be recorded in CREG's accounts.

Zaventem, 9 March 2022

RSM INTERAUDIT BV-SRL AUDITOR  
REPRESENTED BY



CÉLINE ARNAUD  
ASSOCIÉE



KARINE MORRIS  
ASSOCIÉE

## 5.10. List of acts drawn up by CREG in 2021

(B)656G/45 08.07.2021	Décision sur le rapport tarifaire adapté incluant les soldes introduit par la SA Fluxys Belgium concernant l'exercice d'exploitation 2020 Beslissing over het aangepast tariefverslag met inbegrip van de saldi ingediend door Fluxys Belgium nv met betrekking tot het boekjaar 2020
(B)656G/46 01.07.2021	Décision sur les amendements à la proposition tarifaire de Fluxys Belgium relative aux tarifs des services de stockage pour les années 2020-2023 Beslissing over de aanpassingen aan het tariefvoorstel van Fluxys Belgium over de tarieven van de opslagdiensten voor de jaren 2020-2023
(B)657G/21 25.02.2021	Décision sur la proposition tarifaire actualisée de la SA Fluxys LNG pour l'utilisation du terminal méthanier de Zeebrugge Beslissing over het geactualiseerd tariefvoorstel van Fluxys LNG nv voor het gebruik van de methaangasterminal van Zeebrugge
(B)657G/22 08.07.2021	Décision sur le rapport tarifaire adapté incluant les soldes introduit par la SA Fluxys LNG concernant l'exercice d'exploitation 2020 Beslissing over het aangepast tariefverslag met inbegrip van de saldi ingediend door de nv Fluxys LNG voor het exploitatiejaar 2020
(B)657G/23 02.12.2021	Décision sur la proposition tarifaire actualisée de la SA Fluxys LNG pour l'utilisation du terminal méthanier de Zeebrugge Beslissing over het geactualiseerd tariefvoorstel van Fluxys LNG nv voor het gebruik van de methaangasterminal van Zeebrugge
(B)658E/55bis 02.12.2021	Décision modifiant la décision (B)658E/55 sur les modalités de détermination des incitants destinés à l'amélioration des performances du gestionnaire du réseau de transport d'électricité au cours de la période régulatoire 2020-2023 Beslissing tot wijziging van beslissing (B)658E/55 over de modaliteiten voor het bepalen van de stimulansen om de prestaties van de beheerder van het transmissienet voor elektriciteit in de loop van de regulatoire periode 2020-2023 te verbeteren
(B)658E/72 08.07.2021	Décision relative à la demande d'approbation du rapport tarifaire introduit par le gestionnaire du réseau de transport d'électricité et incluant les soldes concernant l'exercice d'exploitation 2020 Beslissing over de vraag tot goedkeuring van het tariefverslag ingediend door de transmissie-netbeheerder voor elektriciteit met inbegrip van de saldi met betrekking tot het boekjaar 2020
(B)658E/73 09.12.2021	Décision sur les objectifs à atteindre par la SA Elia Transmission Belgium en 2022 dans le cadre de l'incitant à la promotion de l'équilibre du système visé à l'article 27 de la méthodologie tarifaire Beslissing over de doelstellingen die Elia Transmission Belgium nv in 2022 moet behalen in het kader van de stimulans ter bevordering van het systeemevenwicht zoals bedoeld in artikel 27 van de tariefmethodologie
(B)658E/74 23.12.2021	Décision sur la mise à jour du plan de recherche et développement de la SA Elia System Operator pour la période régulatoire 2020-2023 dans le cadre de l'incitant à l'innovation visé à l'article 26, §2 de la méthodologie tarifaire Beslissing over het geactualiseerd onderzoeks- en ontwikkelingsplan van de nv Elia Transmission Belgium voor de regulatoire periode 2020-2023 in het kader van de stimulans ter bevordering van de innovatie bedoeld in artikel 26, § 2 van de tariefmethodologie
(B)658E/75 17.12.2021	Décision sur la demande d'approbation de la proposition tarifaire introduite par la SA Elia Transmission Belgium relative au tarif pour l'obligation de service public réserve stratégique à partir du 1 <sup>er</sup> janvier 2022 Beslissing over de vraag tot goedkeuring van het tariefvoorstel ingediend door de nv Elia Transmission Belgium met betrekking tot het tarief voor de openbare dienstverplichting strategische reserve vanaf 1 januari 2022
(B)658E/76 17.12.2021	Décision sur la demande d'approbation de la proposition tarifaire actualisée adaptée introduite par la SA Elia Transmission Belgium relative aux tarifs pour les obligations de service public et aux taxes et surcharges, d'application à partir du 1 <sup>er</sup> janvier 2022 Beslissing over de vraag tot goedkeuring van het aangepast geactualiseerd tariefvoorstel, ingediend door de nv Elia Transmission Belgium, met betrekking tot de tarieven voor de openbare dienstverplichtingen en de taksen en toeslagen, van toepassing vanaf 1 januari 2022
(B)1442/8 08.07.2021	Décision sur le rapport tarifaire incluant les soldes introduit par Interconnector Ltd pour la période du 1 <sup>er</sup> janvier 2020 jusqu'au 31 décembre 2020 Beslissing over het tariefverslag met inbegrip van het saldo ingediend door Interconnector Ltd voor de periode van 1 januari 2020 tot 31 december 2020

(B)2121/3 02.12.2021	Décision sur la redevance d'équilibrage à des fins de neutralité et la valeur du petit ajustement pour la période du 1 <sup>er</sup> janvier 2022 au 31 décembre 2022 Beslissing over de neutraliteitsheffing voor balanceren en de waarde van de kleine aanpassing voor de periode van 1 januari 2022 tot 31 december 2022
(C)2135 04.02.2021	Proposition complémentaire à la proposition (C)1907 d'arrêté royal fixant les seuils d'investissements et les critères d'éligibilité des coûts d'investissement en vue du classement des capacités dans les catégories de capacités Aanvullend voorstel bij voorstel (C)1907 van koninklijk besluit tot vaststelling van de investeringsdrempels en de criteria voor het in aanmerking komen van investeringskosten met het oog op de klassering van capaciteiten in capaciteitscategorieën
(A)2182 07.01.2021	Avis relatif à l'octroi d'une autorisation individuelle pour la construction d'une installation de production d'électricité (920 MWe TGV) à Dilsen par la SA Dils-Energie Advies betreffende de toekenning van een individuele vergunning voor de bouw van een installatie voor de productie van elektriciteit (920 MWe STEG) in Dilsen door de NV Dils-Energie
(F)2183 15.04.2021	Étude relative au respect par Elia Transmission Belgium SA des obligations concernant la capacité d'interconnexion qui a été mise à disposition des échanges entre zones en 2020 Studie over de naleving door de NV Elia Transmission Belgium van de verplichtingen met betrekking tot de interconnectiecapaciteit die in 2020 ter beschikking van de zone-overschrijdende handel werd gesteld
(A)2184 14.01.2021	Avis relatif à la demande d'octroi d'une autorisation individuelle de fourniture de gaz naturel à Essent Belgium SA Advies over de toekenning van een individuele leveringsvergunning voor aardgas aan Essent Belgium NV
(E)2185 14.01.2021	Proposition relative à l'octroi d'une autorisation de fourniture d'électricité à Essent Belgium NV Voorstel betreffende de toekenning van een vergunning voor de levering van elektriciteit aan Essent Belgium NV
(A)2186 21.01.2021	Avis relatif au projet d'arrêté royal modifiant le contenu minimal du type de contrat de raccordement visé à l'article 169 de l'arrêté royal du 22 avril 2019 établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci, et portant introduction d'une procédure pour obtenir un droit de raccordement au réseau qui tient compte du mécanisme de rémunération de capacité Advies over het ontwerp van koninklijk besluit tot wijziging van de minimum inhoud van het type-aansluitingscontract bedoeld in artikel 169 van het koninklijk besluit van 22 april 2019 houdende een technisch reglement voor het beheer van het transmissienet van elektriciteit en de toegang ertoe, en tot invoering van een procedure tot verkrijging van een recht op een netaansluiting die rekening houdt met het capaciteitsvergoedingsmechanisme
(Z)2187 04.02.2021	Note relative aux évolutions marquantes sur les marchés de gros belges de l'électricité et du gaz naturel en 2020 Nota over de opvallende evoluties op de Belgische groothandelsmarkten voor elektriciteit en aardgas in 2020
(B)2056 04.03.2021	Décision relative à la demande d'approbation de la proposition de la SA Elia Transmission Belgium des règles en matière de coordination et de gestion de la congestion Beslissing over de aanvraag tot goedkeuring van het voorstel van de NV Elia Transmission Belgium voor de regels van de coördinatie en het congestiebeheer
(B)2133 21.01.2021	Décision relative à la demande d'approbation de la proposition d'Elia Transmission Belgium, relative aux méthodologies, conditions et valeurs incluses dans les accords d'exploitation de zone synchrone conformément à l'article 118 concernant les propriétés complémentaires des FCR Beslissing over de aanvraag tot goedkeuring van het voorstel van Elia Transmission Belgium over de methodologieën, voorwaarden en waarden vervat in de operationele overeenkomsten van synchrone zones overeenkomstig artikel 118 met betrekking tot de aanvullende kenmerken van de FCR
(A)2148 07.01.2021	Avis relatif à la proposition d'Elia Transmission Belgium SA du 9 septembre 2020 intitulée « Modernisation substantielle : lignes directrices définissant le concept de « modernisation substantielle » dans le cadre du nouveau règlement technique fédéral en vigueur depuis le 22 avril 2019 » Advies over het voorstel van Elia Transmission Belgium NV van 9 september 2020 getiteld "Substantiële modernisering: richtlijnen voor het definiëren van "substantiële modernisering" in het kader van het nieuw Federaal Technisch Reglement van 22 april 2019"
(A)2161 02.02.2021	Avis relatif à la proposition de paramètres d'enchère du rapport du gestionnaire de réseau Elia pour l'enchère T-4 de 2021 couvrant la période de fourniture 2025-2026 Advies over het voorstel van veilingparameters in het netbeheerdersverslag van Elia voor de T-4 veiling in 2021 met leveringsperiode 2025-2026

(A)2162 07.01.2021	Avis relatif à la demande, formulée par la SA Fluxys LNG, d'avenant aux autorisations de transport A322-1643 en vue de l'augmentation de la capacité d'émission au terminal GNL de Bruges Advies over de aanvraag door de NV Fluxys LNG van een bijvoegsel aan de vervoersvergunningen A322-1643 voor de verhoging van de uitzendcapaciteit van de LNG-Terminal te Brugge
(B)2188 11.02.2021	Décision relative à la demande d'approbation de la SA Elia Transmission Belgium de règles d'allocation et de nomination alternatives pour la frontière entre zones de dépôt des offres Belgique – Grande-Bretagne Beslissing over de goedkeuringsaanvraag van de NV Elia Transmission Belgium voor alternatieve allocatie- en nominatieregels voor de biedzonegrens België–Groot-Brittannië
(B)2189 11.03.2021	Décision relative à la demande d'approbation, formulée par la SA Elia Transmission Belgium, d'une proposition de création de centres de coordination régionaux pour la région d'exploitation du réseau « Europe centrale » Beslissing over de goedkeuringsaanvraag van de NV Elia Transmission Belgium voor een voorstel voor de oprichting van regionale coördinatiecentra voor de systeembeheersregio "Centraal Europa"
(E)2190 21.01.2021	Proposition relative à l'octroi d'une autorisation de fourniture d'électricité à Uniper Global Commodites SE Voorstel betreffende de toekenning van een vergunning voor de levering van elektriciteit aan Uniper Global Commodites SE
(B)2191 11.03.2021	Décision relative à la demande d'approbation, formulée par la SA Fluxys Belgium, du contrat de raccordement standard pour le point de production de gaz local Beslissing over de aanvraag van de NV Fluxys Belgium tot goedkeuring van het standaard aansluitingscontract voor het Lokaal Gasproductiepunt
(C)2192/1 28.01.2021	Projet de proposition relative aux paramètres permettant de déterminer la quantité de capacité à acheter pour l'enchère T-4 couvrant la période de fourniture 2025-2026 Ontwerpvoorstel over de parameters waarmee de aan te kopen hoeveelheid capaciteit wordt bepaald voor de T-4 veiling in 2021 met leveringsperiode 2025-2026
(C)2192/2 30.04.2021	Proposition relative aux paramètres permettant de déterminer la quantité de capacité à acheter pour l'enchère T-4 couvrant la période de fourniture 2025-2026 Voorstel over de parameters waarmee de aan te kopen hoeveelheid capaciteit wordt bepaald voor de T-4 veiling in 2021 met leveringsperiode 2025-2026
(RA)2194 21.01.2021	● Rapport relatif à la vérification, pour les années 2018 et 2019, de l'engagement pris par l'Etat belge afin d'assurer la compatibilité des mesures notifiées pour la prolongation de la durée d'exploitation de Tihange 1, Doel 1 et Doel 2 Rapport betreffende de verificatie, voor de jaren 2018 en 2019, van de toezegging aangegaan door de Belgische Staat, teneinde de verenigbaarheid van de aangemelde maatregelen voor de levensduurverlenging van Tihange 1, Doel 1 en Doel 2, te verzekeren
(B)2195 25.03.2021	Décision relative à la proposition de la SA Elia Transmission Belgium concernant les règles organisant le transfert d'énergie Beslissing over het voorstel van de nv Elia Transmission Belgium betreffende de regels die de energieoverdracht organiseren
(B)2196 11.02.2021	Décision sur la demande d'approbation du programme modifié de terminalling de GNL Beslissing over de aanvraag tot goedkeuring van het gewijzigde LNG Terminalling Programma
(A)2197 04.02.2021	Avis relatif à l'octroi d'une autorisation individuelle relative à l'établissement d'une installation de production d'électricité du type Turbine à gaz de maximum 320 MWe à Roux par la SA Electrabel Advies betreffende de toekenning van een individuele vergunning voor de bouw van een installatie voor de productie van elektriciteit van het type gasturbine van maximum 320 MWe te Roux door de NV Electrabel
(A)2198 11.02.2021	Avis relatif à l'octroi d'une autorisation individuelle relative à l'établissement d'une installation de production d'électricité du type turbine à gaz ou turbine gaz-vapeur de maximum 595 ou 870 MW, sur le site de Seraing, située sur le territoire de Seraing par la SA Luminus Advies betreffende de toekenning van een individuele vergunning voor de bouw van een installatie voor de productie van elektriciteit van het type gasturbine of stoom-en gasturbine van maximum 595 MWe of 870 MWe op de site van Seraing, gesitueerd op het grondgebied van Seraing door de NV Luminus
(R)2199 04.02.2021	Lignes directrices relatives à la facturation et la perception de la cotisation fédérale électricité Richtlijnen voor de facturatie en inning van de federale bijdrage elektriciteit
(A)2200 11.02.2021	Avis relatif à la proposition de résolution (DOC 55 1650/001) visant la simplification de la facture énergétique Advies over het voorstel van resolutie (DOC 55 1650/001) betreffende het vereenvoudigen van de energiefactuur



(Z)2140 11.02.2021	Note relative à la détermination d'une estimation unique du coût de l'énergie non distribuée (value of lost load) pour le territoire belge Nota over de vaststelling van een enkele raming van de waarde van de niet-geleverde energie (value of lost load) voor het Belgisch grondgebied
(A)2201 11.03.2021	Avis relatif à la demande d'avenant aux autorisations de transport A322-2869 du 4 décembre 1998 pour l'augmentation de la capacité de la station de détente existante de Wuustwezel (Loenhout Leiweg) Advies over de aanvraag van een bijvoegsel aan de vervoersvergunningen A322-2869 van 4 december 1998 voor de verhoging van de capaciteit van het bestaande drukreducerstation Wuustwezel (Loenhout Leiweg)
(Z)2202 11.02.2021	Note d'observation à la consultation publique organisée par le SPF Economie relative aux nouveaux articles à insérer dans l'avant-projet d'arrêté royal fixant la méthode de calcul du volume de capacité nécessaire et des paramètres nécessaires pour l'organisation des enchères dans le cadre du mécanisme de rémunération de capacité Nota: antwoord op de openbare raadpleging georganiseerd door de FOD Economie in verband met de nieuwe artikelen die moeten worden ingevoegd in het voorontwerp van koninklijk besluit tot vaststelling van de berekeningsmethode van het noodzakelijke capaciteitsvolume en de parameters die nodig zijn voor de organisatie van de veilingen in het kader van het capaciteitsvergoedingsmechanisme
(F)2203 23.12.2021	Étude relative à la mise en œuvre d'un mécanisme pour la tarification de la rareté en Belgique Studie over de implementatie van een scarcity pricing mechanisme in België
(B)2204/1 17.02.2021	Décision relative à la demande d'approbation d'une proposition de modification de modalités et conditions applicables au responsable d'équilibre ou « BRP » dans le cadre de la mise en œuvre du transfert d'énergie pour les marchés journalier et intrajournalier Beslissing inzake de aanvraag tot goedkeuring van een voorstel tot wijziging van de voorwaarden van de Evenwichtsverantwoordelijke of "BRP" in het kader van de implementatie van energieoverdracht voor de day-ahead en intraday markten
(B)2204/2 20.05.2021	Décision relative à la demande d'approbation d'une proposition modifiée de modification de modalités et conditions applicables au responsable d'équilibre ou « BRP » dans le cadre de la mise en œuvre du transfert d'énergie pour les marchés journalier et intrajournalier Beslissing inzake de aanvraag tot goedkeuring van een gewijzigd voorstel tot wijziging van de voorwaarden van de Evenwichtsverantwoordelijke of "BRP" in het kader van de implementatie van energieoverdracht voor de day-ahead en intraday markten
(R)2205 17.12.2021	Lignes directrices concernant les informations à considérer comme confidentielles en raison de leur caractère commercialement sensible ou de leur caractère personnel Richtsnoeren over de informatie die als vertrouwelijk te beschouwen is omwille van het commercieel gevoelige karakter of persoonlijke karakter ervan
(A)2206 22.02.2021	Avis relatif à l'évaluation du coût du mécanisme de rémunération de la capacité (CRM) Advies met betrekking tot de evaluatie van de kostprijs van het capaciteitsvergoedingsmechanisme (CRM)
(A)2207 04.03.2021	Avis relatif à un projet d'arrêté royal modifiant les articles 71, 161 et 162 de l'arrêté royal du 22 avril 2019 établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci Advies over een ontwerp van koninklijk besluit tot wijziging van de artikelen 71, 161 en 162 van het koninklijk besluit van 22 april 2019 houdende een technisch reglement voor het beheer van het transmissienet van elektriciteit en de toegang ertoe
(Z)2208 22.04.2021	Rapport comparatif des objectifs formulés dans la note de politique générale de la CREG et des réalisations de l'année 2020 Vergelijkend verslag van de doelstellingen geformuleerd in de algemene beleidsnota van de CREG en van de verwezenlijkingen van het jaar 2020
(A)2209 05.03.2021	Avis relatif à la demande de prolongation de la concession domaniale octroyée, par arrêté ministériel du 4 juin 2009, à Rentel pour la construction et l'exploitation d'installations de production d'électricité à partir du vent dans les espaces marins Zuidwest-Schaar entre le Thorntonbank et le Bank zonder Naam Advies over de aanvraag tot verlenging van de domeinconcessie die, bij ministerieel besluit van 4 juni 2009, werd toegekend aan Rentel voor de bouw en de exploitatie van installaties voor de productie van elektriciteit uit wind in de zeegebieden Zuidwest-Schaar tussen de Thorntonbank en de Bank zonder Naam
(B)2210 22.04.2021	Décision relative à la demande d'approbation d'une proposition de modification des conditions applicables au fournisseur de services d'équilibrage ou « BSP » (Balancing Service Provider) pour les réserves de restauration de la fréquence avec activation automatique (aFRR) Beslissing inzake de aanvraag tot goedkeuring van een voorstel tot wijziging van voorwaarden voor de aanbieder van balanceringsdiensten of "BSP" (Balancing Service Provider) voor Frequentieherstelreserves met automatische activering (aFRR)

(B)2211 25.03.2021	Décision relative à la demande de la SA SEAMADE d'octroi de certificats verts pour l'électricité produite par les éoliennes GMA1, GMA2, GMA3, GMA4, GMB1, GMB2, GMB3, GMB4, GMC1, GMC2, GMC3, GMC4, GMC5, GMD1, GMD2, GMD3, GMD4, GMD5, GME1, GME2, GME3, GME4, GME5, GMF1, GMF2, GMF3, GMF4, GMF5, GSA1, GSA2, GSA3, GSA4, GSA5, GSB1, GSB2, GSB3, GSB4, GSB5, GSC1, GSC2, GSC3, GSC4, GSC5, GSD1, GSD2, GSD3, GSD4, GSD5, GSE1, GSE2, GSE3, GSE4, GSE5, GSF1, GSF2, GSF3, GSF4 et GSF5 Beslissing over de aanvraag van de N.V. SEAMADE voor toekenning van groenestroom-certificaten voor de elektriciteit opgewekt door de windmolens GMA1, GMA2, GMA3, GMA4, GMB1, GMB2, GMB3, GMB4, GMC1, GMC2, GMC3, GMC4, GMC5, GMD1, GMD2, GMD3, GMD4, GMD5, GME1, GME2, GME3, GME4, GME5, GMF1, GMF2, GMF3, GMF4, GMF5, GSA1, GSA2, GSA3, GSA4, GSA5, GSB1, GSB2, GSB3, GSB4, GSB5, GSC1, GSC2, GSC3, GSC4, GSC5, GSD1, GSD2, GSD3, GSD4, GSD5, GSE1, GSE2, GSE3, GSE4, GSE5, GSF1, GSF2, GSF3, GSF4 en GSF5
(Z)2212 01.04.2021	Note concernant la fixation des prix maximaux sociaux et des composantes énergie de référence pour l'électricité et le gaz naturel d'application au 2 <sup>e</sup> trimestre 2021 Nota over het vastleggen van sociale maximumprijzen en van referentie-energiecomponenten voor elektriciteit en aardgas van toepassing op het 2de trimester van 2021
(A)2213 18.03.2021	Avis relatif à la demande d'octroi d'une autorisation individuelle de fourniture de gaz naturel à ArcelorMittal Energy S.C.A. Advies over de toekenning van een individuele leveringsvergunning voor aardgas aan ArcelorMittal Energy S.C.A.
(A)2214 18.03.2021	Avis relatif à la demande d'octroi d'une autorisation individuelle de fourniture de gaz naturel à RWE Supply & Trading GmbH Advies over de toekenning van een individuele leveringsvergunning voor aardgas aan RWE Supply & Trading GmbH
(A)2215 18.03.2021	Avis relatif à la proposition de listes adaptées des utilisateurs significatifs du réseau de haute priorité dans le cadre du plan de défense du réseau et du plan de reconstitution d'Elia Transmission Belgium SA Advies over het voorstel van aangepaste lijsten van significante netgebruikers met hoge prioriteit als onderdeel van het systeembeschermingsplan en van het herstelplan van Elia Transmission Belgium NV
(A)2216 18.03.2021	Avis relatif à un projet d'arrêté royal déterminant des modalités du contrôle du bon fonctionnement du mécanisme de rémunération de capacité par la commission de régulation de l'électricité et du gaz Advies over een ontwerp van koninklijk besluit tot bepaling van de nadere regels voor het toezicht op de goede werking van het capaciteitsvergoedingsmechanisme door de Commissie voor de Regulering van de Elektriciteit en het Gas
(B)2217 01.04.2021	● Décision d'imposer une amende administrative à [confidentiel] Beslissing tot oplegging van een administratieve geldboete aan [vertrouwelijk]
B)2218 01.04.2021	Décision relative à la demande d'approbation du règlement d'accès modifié pour le chargement de camions GNL au terminal GNL de Zeebrugge Beslissing over de aanvraag tot goedkeuring van het gewijzigde toegangsreglement voor het laden van LNG Trucks voor de LNG Terminal van Zeebrugge.
(A)2219 01.04.2021	Avis sur la fourniture de chaleur au moyen de réseaux de distribution de chaleur à distance à des clients protégés résidentiels et sur les règles du mécanisme de financement et de détermination du coût réel net Advies over de levering van warmte via netten voor warmtevoorziening op afstand aan beschermde residentiële klanten en over de regels van het mechanisme voor de financiering en bepaling van de reële nettokost
(B)2220 22.04.2021	Décision relative à l'accréditation du comparateur de prix en ligne « Mijnenergie.be / Monenergie.be » de la SA DPG Media Beslissing over de accreditatie van de online prijsvergelijking 'Mijnenergie.be/Monenergie.be' van DPG Media NV
(A)2221 01.04.2021	Avis relatif à la proposition adaptée de plan d'essais de la SA Elia Transmission Belgium Advies over het voorstel van aangepast testplan van Elia Transmission Belgium NV
(B)2222 29.04.2021	Décision relative à la demande de Elia Transmission Belgium SA en vue de l'approbation de la proposition de contrat à conclure entre Elia et le FSP pour la fourniture du service de flexibilité Day-Ahead/Intraday Beslissing betreffende het verzoek van Elia Transmission Belgium NV met het oog op de goedkeuring van het voorstel van het te sluiten contract tussen Elia en de FSP voor de levering van de Day-Ahead/Intraday-flexibiliteitsdienst

(F)2223 22.04.2021	Étude relative aux composantes des prix de l'électricité et du gaz naturel Studie over de componenten van de elektriciteits- en aardgasprijzen
(B)2224 03.06.2021	Rapport relatif à l'enquête et l'étude sur le comportement des consommateurs résidentiels sur le marché de détail belge de l'électricité et du gaz naturel Rapport over de bevraging en studie over het gedrag van huishoudelijke consumenten op de Belgische kleinhandelsmarkt voor elektriciteit en aardgas
(A)2225 29.04.2021	Avis relatif à l'octroi d'une autorisation individuelle pour la modification de l'installation de production d'électricité située sur le site de Saint-Ghislain par la SA Electrabel Advies betreffende de toekenning van een individuele vergunning voor de wijziging van de productie-installatie voor elektriciteit gelegen op de site van Saint-Ghislain door de NV Electrabel
(A)2226 07.05.2021	Avis relatif à l'octroi d'une autorisation individuelle pour la construction d'une installation de stockage d'énergie par batterie de max. 28,4 MWe, située sur le territoire de la commune de Ruien – Kluisbergen par la SA Ruien Energy Storage Advies betreffende de toekenning van een individuele vergunning voor de bouw van een Batterij Energie Opslag Installatie ('BEOI') van max. 28.4 MWe gelegen op het grondgebied van de gemeente Ruien – Kluisbergen door de NV Ruien Energy Storage
(B)2227 14.05.2021	Décision établissant les règles de fonctionnement du mécanisme de rémunération de capacité Beslissing tot vaststelling van de werkingsregels van het capaciteitsvergoedingsmechanisme
(B)2228 29.04.2021	Décision relative à la proposition de la SA Elia Transmission Belgium de modalités et conditions applicables aux fournisseurs de réglage de la puissance réactive et de maintien de la tension, y compris le contrat-type pour la fourniture du service de réglage de la puissance réactive et du maintien de la tension, pour la période contractuelle 2022, soumise par courrier du 18 mars 2021 Beslissing over het voorstel van Elia Transmission Belgium NV van de modaliteiten en voorwaarden van toepassing op de aanbieders van de regeling van het reactief vermogen en van de handhaving van de spanning, met inbegrip van de typeovereenkomst voor levering van de dienst van regeling van het reactief vermogen en van handhaving van de spanning, voor de contractuele periode 2022, ingediend per brief van 18 maart 2021
(B)2229 21.10.2021	Étude relative au fonctionnement et évolution des prix sur le marché de gros belge de l'électricité – rapport de monitoring 2020 Studie over de werking van en de prijsevolatie op de Belgische groothandelsmarkt voor elektriciteit – monitoringrapport 2020
(B)2231 03.06.2021	Décision relative à la demande d'approbation de la proposition introduite par la SA Balansys de modification du contrat d'équilibrage, code d'équilibrage et le programme d'équilibrage Beslissing over de aanvraag tot goedkeuring van het door de NV Balansys ingediende voorstel tot wijziging van het balanceringscontract, balanceringscode en het balanceringsprogramma
(A)2232 20.05.2021	Avis relatif à la demande de maintien d'une autorisation individuelle de fourniture de gaz naturel à European Energy Pooling BV Advies over het behoud van een individuele leveringsvergunning voor aardgas door European Energy Pooling BV
(E)2233 27.05.2021	Proposition relative à l'octroi d'une autorisation de fourniture d'électricité à Axpo Benelux SA Voorstel betreffende de toekenning van een vergunning voor de levering van elektriciteit aan Axpo Benelux NV
(A)2234 20.05.2021	Avis relatif à l'octroi d'une autorisation individuelle pour l'établissement d'une centrale de stockage d'énergie d'une puissance maximale de 50 MW située sur la commune du Roeulx par la SA Eneco Wind Belgium Advies over de toekenning van een individuele vergunning voor de bouw van een centrale voor de opslag van energie met een maximale capaciteit van 50 MW gelegen in de gemeente Roeulx door de NV Eneco Wind Belgium
(A)2235 20.05.2021	Avis relatif à l'octroi d'une autorisation individuelle pour l'extension d'un parc éolien jusqu'à 26,125 MW situé sur le territoire des communes de Brecht, Wuustwezel et Hoogstraten par la SA Aspiravi Advies over de toekenning van een individuele vergunning voor de uitbreiding van een windpark tot 26,125 MW gelegen op het grondgebied van de gemeenten Brecht, Wuustwezel en Hoogstraten door de NV Aspiravi

(A)2236 20.05.2021	Avis relatif à l'octroi d'une autorisation individuelle pour l'augmentation de la puissance de production de la centrale d'accumulation par pompage-turbinage de Coe, située à Trois-Ponts, de 1080 MW à 1179 MW et l'addition de batteries d'une puissance maximale de 111 MW par la SA Electrabel Advies over de toekenning van een individuele vergunning voor de verhoging van de productiecapaciteit van de Coe-pompopslagcentrale in Trois-Ponts, van 1080 MW tot 1179 MW en de toevoeging van batterijen met een maximaal vermogen van 111 MW door de NV Electrabel
(B)2237 12.05.2021	Décision relative aux conditions de forme d'une demande de dérogation au prix maximum intermédiaire Beslissing inzake de vormvereisten voor een verzoek tot afwijking van de intermediaire maximumprijs
(B)2237/2 17.06.2021	Décision relative aux conditions de forme d'une demande de dérogation au prix maximum intermédiaire Beslissing inzake de vormvereisten voor een verzoek tot afwijking van de intermediaire maximumprijs
(B)2238 07.05.2021	Rapport de monitoring concernant l'extension de l'application des tarifs sociaux électricité et gaz naturel aux bénéficiaires de l'intervention majorée Monitoringverslag over de uitbreiding van de toepassing van het sociaal tarief elektriciteit en aardgas naar de rechthebbenden van de verhoogde tegemoetkoming
(B)2239 01.07.2021	Étude sur la fourniture en gaz naturel des grands clients industriels en Belgique en 2020 Studie over de aardgaslevering aan grote industriële afnemers in België in 2020
(Z)2240 29.04.2021	Note sur les contrats à prix dynamique : des contrats d'électricité pour des consommateurs dynamiques Nota over de contracten met een dynamische elektriciteitsprijs: contracten voor dynamische verbruikers
(B)2241 10.06.2021	Décision relative à la demande d'approbation, formulée par la SA Elia Transmission Belgium et tous les gestionnaires de réseau de transport de la région de calcul de la capacité Core, de modifications apportées à la méthodologie commune pour le calcul de la capacité Beslissing over de goedkeuringsaanvraag van de NV Elia Transmission Belgium en alle transmissiesysteembeheerders van de Core capaciteitsberekeningsregio voor wijzigingen aan de gemeenschappelijke capaciteitsberekeningsmethodologie
(A)2242 03.06.2021	Avis relatif à l'indépendance de madame Lieve Creten en tant qu'administrateur indépendant du conseil d'administration de la SA Elia Transmission Belgium et de la SA Elia Asset Advies over de onafhankelijkheid van mevrouw Lieve Creten als onafhankelijke bestuurder in de raad van bestuur van Elia Transmission Belgium NV en Elia Asset NV
(C)2243 28.05.2021	Proposition de norme de fiabilité pour le territoire belge Voorstel van betrouwbaarheidsnorm voor het Belgisch grondgebied
(A)2244 24.06.2021	● Avis relatif à la marge de profitabilité de la production industrielle d'électricité par fission de combustibles nucléaires par les centrales soumises à la contribution de répartition (Doel 3, Doel 4, Tihange 2 et Tihange 3) pour l'année 2020 Advies betreffende de winstmarge van de industriële productie van elektriciteit door splijting van kernbrandstoffen door de centrales onderworpen aan de repartitiebijdrage (Doel 3, Doel 4, Tihange 2 en Tihange 3) voor het jaar 2020
(B)2245 20.08.2021	Décision relative à la demande d'approbation de la proposition de contrat type de capacité introduite par Elia Transmission Belgium Voorstel van betrouwbaarheidsnorm voor het Belgisch grondgebied Beslissing betreffende het verzoek tot goedkeuring van het voorstel van standaardcapaciteitscontract dat door Elia Transmission Belgium werd ingediend
(RA)2246 24.06.2021	● Rapport sur la vérification des revenus et des coûts réels de la centrale nucléaire de Tihange 1 pour la période du 1 <sup>er</sup> janvier 2020 au 31 décembre 2020 conformément à la Convention relative à la prolongation de la durée de vie de Tihange 1 datée du 12 mars 2014 et à la modification de la Convention relative à la prolongation de la durée de vie datée du 31 mars 2017 Rapport over de verificatie van de inkomsten en de werkelijke kosten van de kerncentrale van Tihange 1 voor de periode van 1 januari 2020 tot 31 december 2020 overeenkomstig de Conventie aangaande de verlenging van de levensduur van Tihange 1 de dato 12 maart 2014 en de wijziging van de Conventie aangaande de verlenging van de levensduur de dato 31 maart 2017

(F)2247 17.06.2021	Étude sur les critères d'éligibilité et d'attribution et les conditions financières recommandés pour la procédure de mise en concurrence dans le cadre de l'appel d'offres pour la zone Princesse Élisabeth Studie inzake de aan te bevelen ontvankelijkheids- en toekenningscriteria en de financiële voorwaarden voor de concurrerende inschrijvingsprocedure voor de tendering van de Prinses Elisabethzone
(B)2248 01.07.2021	Décision relative à la fixation du facteur de correction pour la période du 1 <sup>er</sup> octobre 2021 au 30 septembre 2022 en vue de déterminer le prix minimum des certificats verts délivrés pour l'électricité produite par les installations de la concession domaniale de Rentel Beslissing over de vastlegging van de correctiefactor voor de periode van 1 oktober 2021 tot en met 30 september 2022 ter bepaling van de minimumprijs voor de groenestroomcertificaten uitgereikt voor de elektriciteit geproduceerd door de installaties in de domeinconcessie van Rentel
(B)2249 10.06.2021	Décision relative au rapport sur la participation de la SA Elia Transmission Belgium en 2020 aux coûts supportés par les NEMO dans le cadre de l'établissement, l'amendement et l'opération du couplage unique journalier et infrajournalier des marchés Beslissing in verband met het verslag over de bijdrage van de nv Elia Transmission Belgium in 2020 in de kosten die door de NEMO's worden gedragen in het kader van het vaststellen, wijzigen en uitvoeren van de eenvormige day ahead en intraday koppeling van de markten
(B)2250 10.06.2021	Décision relative à la proposition quantifiée de la SA Elia System Operator portant sur sa participation aux coûts des NEMO en Belgique relatifs à l'établissement, l'amendement et l'opération du couplage unique journalier et infrajournalier en 2021 Beslissing over het gekwantificeerd voorstel van de nv Elia Transmission Belgium over haar bijdrage aan de kosten van de NEMO's in België voor het vaststellen, wijzigen en uitvoeren van de eenvormige day ahead en intraday koppeling in 2021
(B)2251 16.07.2021	Décision relative à la fixation du facteur de correction portant sur la 4 <sup>e</sup> période (05.10.2021 -04.10.2022) pour la détermination du prix minimum des certificats verts délivrés pour l'électricité produite par les installations de la concession domaniale de Northwester 2 Beslissing over de vastlegging van de correctiefactor voor de 4de periode (05.10.2021-04.10.2022) ter bepaling van de minimumprijs voor de groenestroomcertificaten uitgereikt voor de elektriciteit geproduceerd door de installaties in de domeinconcessie van Northwester 2
(Z)2252 01.07.2021	Note concernant la fixation des prix maximaux sociaux et des composantes énergie de référence pour l'électricité et le gaz naturel d'application au 3 <sup>e</sup> trimestre 2021 Nota over het vastleggen van de sociale maximumprijzen en van de referentie-energiecomponenten voor elektriciteit en aardgas van toepassing op het 3de trimester van 2021
(B)2253 17.06.2021	Avis relatif au besoin de renouvellement de l'autorisation de production individuelle de la SA Dils-Energie pour la construction d'une installation de production d'électricité à Dilsen-Stokkem suite à la vente de toutes les parts de la SA Advanced Power AG à RWE Generation NL BV Advies betreffende de noodzaak van vernieuwing van de individuele productievergunning van de nv Dils-Energie voor de bouw van een installatie voor de productie van elektriciteit te Dilsen-Stokkem na de verkoop van alle aandelen van de nv Dils-energie door Advanced Power AG aan RWE Generation NL BV
(B)2254 17.06.2021	Avis relatif à la demande d'avenant aux autorisations de transport A323-3543 du 4 décembre 2006 pour la pose d'une conduite de gaz naturel haute pression et un embranchement avec vanne de garde Advies over de aanvraag van een bijvoegsel aan de vervoersvergunningen A323-3543 van 4 december 2006 voor de aanleg van een hoge druk aardgasleiding en een aftakking met wachtafsluiter
(F)2255 17.06.2021	Étude relative à la transparence du marché belge de l'électricité garantie par des données fondamentales de haute qualité Studie over de transparantie van de Belgische elektriciteitsmarkt gewaarborgd door fundamentele gegevens van hoge kwaliteit
(R)2129 10.06.2021	Lignes directrices précisant les conditions d'éligibilité des coûts d'investissement Richtsnoeren die de voorwaarden preciseren voor de in aanmerking komende investeringskosten
(C)2256 24.06.2021	Proposition d'arrêté royal modifiant l'arrêté royal du 16 juillet 2002 relatif à l'établissement de mécanismes visant la promotion de l'électricité produite à partir des sources d'énergie renouvelables et l'indemnisation des titulaires d'une concession domaniale offshore en cas d'indisponibilité du Modular Offshore Grid Voorstel van koninklijk besluit tot wijziging van het koninklijk besluit van 16 juli 2002 betreffende de instelling van mechanismen voor de bevordering van elektriciteit opgewekt uit hernieuwbare energiebronnen en de vergoeding van de houders van een offshore domeinconcessie in geval van onbeschikbaarheid van het Modular Offshore Grid

(A)2257 24.06.2021	Avis relatif à un projet d'arrêté royal portant modifications de l'arrêté royal du 24 mars 2003 fixant les modalités de la cotisation fédérale destinée au financement de certaines obligations de service public et des coûts liés à la régulation et au contrôle du marché de l'électricité et de l'arrêté royal du 2 avril 2014 fixant les modalités de la cotisation fédérale destinée au financement de certaines obligations de service public et des coûts liés à la régulation et au contrôle du marché du gaz naturel Advies over een ontwerp van koninklijk besluit tot wijziging van het koninklijk besluit van 24 maart 2003 tot bepaling van de nadere regels betreffende de federale bijdrage tot financiering van sommige openbare dienstverplichtingen en van de kosten verbonden aan de regulering van en controle op de elektriciteitsmarkt en van het koninklijk besluit van 2 april 2014 tot vaststelling van de nadere regels betreffende een federale bijdrage bestemd voor de financiering van bepaalde openbare dienstverplichtingen en van de kosten verbonden aan de regulering van en controle op de aardgasmarkt
(B)2258 16.07.2021	Décision relative à la demande, formulée par la SA Fluxys Belgium, d'approbation de la proposition de modification du contrat standard de stockage, du glossaire de définitions, des annexes B, C1, C2, D1, F, G et H1 du règlement d'accès pour le stockage et du programme de stockage Beslissing over de aanvraag van de NV Fluxys Belgium tot goedkeuring van het voorstel tot wijziging van het Standaard Opslagcontract, het glossarium van definities, de bijlagen B, C1, C2, D1, F, G en H1 van het Toegangsreglement voor Opslag en het opslagprogramma
(B)2259 08.07.2021	Avis relatif à la demande de maintien d'une autorisation individuelle de fourniture de gaz naturel à Eneco Belgium SA Advies over het behoud van een individuele leveringsvergunning voor aardgas door Eneco Belgium NV
(B)2260 08.07.2021	Avis relatif à la demande d'octroi d'une autorisation individuelle de fourniture de gaz naturel à Société Européenne de Gestion de l'Énergie SA Advies over de toekenning van een individuele leveringsvergunning voor aardgas aan Société Européenne de Gestion de l'Énergie SA
(F)2261 01.07.2021	Étude sur le raccordement accéléré d'énergie éolienne offshore Studie over versnelde aansluiting offshore windenergie
(Z)2262 01.07.2021	● REMIT case N200/2018 REMIT case N200/2018
(Z)2263 01.07.2021	Note - Analyse de l'étude d'adéquation et de flexibilité d'Elia pour la Belgique 2022-2032 Nota - Analyse van Elia's Toereikendheids- en Flexibiliteitsstudie voor België 2022-2032
(B)2264 20.08.2021	Décision relative à la fixation du facteur de correction portant sur la 6 <sup>e</sup> période (14.12.2021 - 13.12.2022) pour la détermination du prix minimum des certificats verts délivrés pour l'électricité produite par les installations de la concession domaniale de Norther Beslissing over de vastlegging van de correctiefactor voor de 6de periode (14.12.2021 – 13.12.2022) ter bepaling van de minimumprijs voor de groenestroomcertificaten uitgereikt voor de elektriciteit geproduceerd door de installaties in de domeinconcessie van Norther
(Z)2265 02.09.2021	Note sur la résiliation, la reconduction et le renouvellement des contrats de fourniture d'énergie : points d'attention en fonction de la durée déterminée ou indéterminée du contrat Nota over de opzegging, de verlenging en de hernieuwing van leveringscontracten van energie: aandachtspunten naargelang de bepaalde of onbepaalde duur van het contract
(RA)2266 16.07.2021	Second rapport de monitoring concernant l'extension de l'application des tarifs sociaux électricité et gaz naturel aux bénéficiaires de l'intervention majorée Tweede monitoringverslag over de uitbreiding van de toepassing van het sociaal tarief elektriciteit en aardgas naar de rechthebbenden van de verhoogde tegemoetkoming
(C)2267 10.09.2021	Proposition de coût brut d'un nouvel entrant et de facteur de correction X pour l'enchère Y-4 couvrant la période de fourniture 2026-2027 Voorstel voor de brutokost van een nieuwkomer en de correctiefactor X voor de Y-4 veiling met leveringsperiode 2026-2027
(F)2268 14.10.2021	● Étude relative aux mécanismes de fixation du prix de l'énergie en vigueur en 2020 au sein des contrats de fourniture d'électricité des grands clients industriels d'Electrabel sa Studie over de in 2020 geldende prijsvormingmechanismen in leveringscontracten voor elektriciteit van de grote industriële afnemers van Electrabel nv
(F)2269 14.10.2021	● Étude relative aux mécanismes de fixation du prix de l'énergie en vigueur en 2020 au sein des contrats de fourniture d'électricité des grands clients industriels de Luminus SA Studie over de in 2020 geldende prijsvormingmechanismen in leveringscontracten voor elektriciteit van de grote industriële afnemers van Luminus nv

(B)2270 20.08.2021	Décision relative à la demande de la SA Fluxys Belgium d'approbation du contrat standard de transport de gaz naturel, du règlement d'accès pour le transport de gaz naturel et du programme de transport de gaz naturel modifiés Beslissing over de aanvraag van de NV Fluxys Belgium tot goedkeuring van het gewijzigde Standaard Aardgasvervoerscontract, Toegangsreglement voor aardgasvervoer en Aardgasvervoersprogramma
(B)2272 16.09.2021	Décision relative à la fixation du facteur de correction portant sur la 4 <sup>e</sup> période (03.12.2021 - 02.12.2022) pour la détermination du prix minimum des certificats verts délivrés pour l'électricité produite par les installations de la concession domaniale de Mermaid Beslissing over de vastlegging van de correctiefactor voor de 4de periode (03.12.2021 -02.12.2022) ter bepaling van de minimumprijs voor de groenestroomcertificaten uitgereikt voor de elektriciteit geproduceerd door de installaties in de domeinconcessie van Mermaid
(B)2273 16.09.2021	Décision relative à la fixation du facteur de correction portant sur la 4 <sup>e</sup> période (03.12.2021 - 02.12.2022) pour la détermination du prix minimum des certificats verts délivrés pour l'électricité produite par les installations de la concession domaniale de Seastar Beslissing over de vastlegging van de correctiefactor voor de 4de periode (03.12.2021 -02.12.2022) ter bepaling van de minimumprijs voor de groenestroomcertificaten uitgereikt voor de elektriciteit geproduceerd door de installaties in de domeinconcessie van Seastar
(B)2274 26.08.2021	Proposition de scénario de référence pour l'enchère Y-4 couvrant la période de fourniture 2026-2027 Voorstel van referentiescenario voor de Y-4 veiling met leveringsperiode 2026-2027
(A)2275 20.08.2021	Avis relatif à la demande de l'ASBL SGS Statutory Services Belgium relative au renouvellement de l'agrément en tant qu'organisme de contrôle, en application de l'article 3, § 2 de l'arrêté royal du 16 juillet 2002 relatif à l'établissement de mécanismes visant la promotion de l'électricité produite à partir des sources d'énergie renouvelables Advies over de aanvraag door SGS Statutory Services Belgium vzw tot hernieuwing van de erkenning als keuringsinstelling met toepassing van artikel 3, §2, van het koninklijk besluit van 16 juli 2002 betreffende de instelling van mechanismen voor de bevordering van elektriciteit opgewekt uit hernieuwbare energiebronnen
(A)2276 20.08.2021	Avis relatif à la demande d'octroi d'une autorisation individuelle de fourniture de gaz naturel à Enovos Luxembourg SA Advies over de toekenning van een individuele leveringsvergunning voor aardgas aan Enovos Luxembourg NV
(E)2277 20.08.2021	Proposition relative à l'octroi d'une autorisation de fourniture d'électricité à Enovos Luxembourg SA Voorstel betreffende de toekenning van een vergunning voor de levering van elektriciteit aan Enovos Luxembourg NV
(B)2278 23.09.2021	Décision relative à la modernisation d'une installation de consommation de NLMK Clabecq SA située sur le site de Ittre (remplacement d'un disjoncteur dans le transformateur n° 3) Beslissing inzake de modernisering van een verbruiksinstallatie van NLMK Clabecq NV gelegen op de site te Ittre (vervanging van een stroomonderbreker in transformator nr. 3)
(B)2279 02.09.2021	Décision relative à la prolongation de l'accréditation du comparateur de prix en ligne « Comparateur-Energie.be/Energie-Vergelijker.be/ EnergyPrice.be » de Wikipower SPRL Beslissing over de verlenging van de accreditatie van de online prijsvergelijker "Comparateur-Energie.be/Energie-Vergelijker.be/EnergyPrice.be" van Wikipower bvba
(Z)2280 20.08.2021	Note : les prix de l'électricité et du gaz naturel affichent des niveaux (très) élevés, quel est l'impact sur les factures de décompte des ménages et quels conseils en tirer ? Nota: de elektriciteits- en aardgasprijzen zijn (zeer) hoog, wat is het effect op de afrekeningen van de huishoudens en welke adviezen kunnen hieruit worden afgeleid?
(B)2281 09.09.2021	● Décision relative à la demande d'Arcelor Mittal Belgium SA de classement de la capacité « CMU-36Rvq » (Turbine à vapeur à contre-pression – 67098) dans une catégorie de capacité liée à un contrat de capacité couvrant maximum quinze périodes de fourniture de la capacité Beslissing betreffende het verzoek van ArcelorMittal Belgium NV tot klassering van de capaciteit "CMU-36Rvq" (Tegendrukstoomturbine – 67098) in een capaciteitscategorie verbonden aan een capaciteitscontract dat maximaal vijftien perioden van capaciteitslevering bestrijkt
(B)2282 07.10.2021	Décision relative à l'accréditation de « Wikipower SPRL » en tant qu'intermédiaire en achats groupés d'électricité et de gaz naturel Beslissing over de accreditatie van "Wikipower SPRL" als tussenpersoon inzake groepsaankopen voor elektriciteit en aardgas
(B)2283 13.09.2021	Décision relative à la demande d'approbation de la proposition de modification du contrat type de raccordement introduite par Elia Transmission Belgium Beslissing over de aanvraag tot goedkeuring van het voorstel tot wijziging van het standaard aansluitingscontract ingediend door Elia Transmission Belgium
(F)2285 09.12.2021	Étude relative à la fourniture d'électricité des grands clients industriels en Belgique en 2020 Studie over de elektriciteitsbelevering van grote industriële klanten in België in 2020

(C)2286 12.10.2021	Proposition d'arrêté royal modifiant l'arrêté royal du 28 avril 2021 fixant les paramètres avec lesquels le volume de la capacité à prévoir est déterminé, y compris leurs méthodes de calcul, et les autres paramètres nécessaires pour l'organisation des mises aux enchères, ainsi que la méthode pour et les conditions à l'octroi d'une dérogation individuelle à l'application du ou des plafond(s) de prix intermédiaire(s) dans le cadre du mécanisme de rémunération de capacité Voorstel van koninklijk besluit tot wijziging van het koninklijk besluit van 28 april 2021 tot vaststelling van de parameters waarmee het volume aan te kopen capaciteit wordt bepaald, inclusief hun berekeningsmethode, en van de andere parameters die nodig zijn voor de organisatie van de veilingen, alsook de methode en voorwaarden tot het verkrijgen van individuele uitzonderingen op de toepassing van de intermediaire prijslimiet(en) in het kader van het capaciteitsvergoedingsmechanisme
(B)2287 21.10.2021	Décision relative à la demande d'approbation d'Elia Transmission Belgium SA d'une proposition de modification de modalités et conditions applicables au responsable d'équilibre ou « BRP » dans le cadre de la mise en œuvre de l'assouplissement progressif de l'obligation d'équilibre journalier des BRP Beslissing over de aanvraag van Elia Transmission Belgium NV tot goedkeuring van een voorstel tot wijziging van de voorwaarden van de Evenwichtsverantwoordelijke of "BRP" in het kader van de uitvoering van de progressieve relaxatie van de day-ahead evenwichtsverplichting van BRPs
(B)2289 24.09.2021	Étude relative à la hausse des prix de l'électricité et du gaz en Belgique Studie over de stijging van de elektriciteits- en aardgasprijzen in België
(B)2290 21.10.2021	Décision relative à la demande d'approbation du règlement d'accès GNL modifié pour le terminal GNL de Zeebruges et du programme de terminalling de GNL modifié Beslissing over "de aanvraag tot goedkeuring van het gewijzigde LNG toegangsreglement voor de LNG terminal van Zeebrugge en het gewijzigde LNG terminalling programma
(F)2291 25.11.2021	Étude concernant un cadre réglementaire pour le transport d'hydrogène Studie betreffende een regulerend kader voor vervoer van waterstof
(Z)2292 01.10.2021	Note concernant la fixation des prix maximaux sociaux et des composantes énergie de référence pour l'électricité et le gaz naturel d'application au 4 <sup>e</sup> trimestre 2021 Nota over het vastleggen van de sociale maximumprijzen en van de referentie-energiecomponenten voor elektriciteit en aardgas van toepassing op het 4 <sup>de</sup> trimester van 2021
(A)2293 14.10.2021	Avis relatif à un projet de proposition d'arrêté royal modifiant l'arrêté royal du 28 avril 2021 fixant les paramètres avec lesquels le volume de la capacité à prévoir est déterminé, y compris leurs méthodes de calcul, et les autres paramètres nécessaires pour l'organisation des mises aux enchères, ainsi que la méthode pour et les conditions à l'octroi d'une dérogation individuelle à l'application du ou des plafond(s) de prix intermédiaire(s) dans le cadre du mécanisme de rémunération de capacité, transmis par Elia le 13 octobre 2021 Advies over een ontwerpvoorstel van koninklijk besluit tot wijziging van het koninklijk besluit van 28 april 2021 tot vaststelling van de parameters waarmee het volume aan te kopen capaciteit wordt bepaald, inclusief hun berekeningsmethode, en van de andere parameters die nodig zijn voor de organisatie van de veilingen, alsook van de methode en voorwaarden tot het verkrijgen van individuele uitzonderingen op de toepassing van de intermediaire prijslimiet(en) in het kader van het capaciteitsvergoedingsmechanisme, 13 oktober 2021 bezorgd door Elia
(Z)2294 08.10.2021	Observations de la CREG sur le projet de proposition d'arrêté royal modifiant l'arrêté royal du 28 avril 2021 fixant les paramètres avec lesquels le volume de la capacité à prévoir est déterminé, y compris leurs méthodes de calcul, et les autres paramètres nécessaires pour l'organisation des mises aux enchères, ainsi que la méthode pour et les conditions à l'octroi d'une dérogation individuelle à l'application du ou des plafond(s) de prix intermédiaire(s) dans le cadre du mécanisme de rémunération de capacité Opmerkingen van de CREG over het ontwerpvoorstel van koninklijk besluit tot wijziging van het koninklijk besluit van 28 april 2021 tot vaststelling van de parameters waarmee het volume aan te kopen capaciteit wordt bepaald, inclusief hun berekeningsmethodes, en de andere parameters die nodig zijn voor de organisatie van de veilingen, alsook de methode en de voorwaarden voor het verkrijgen van een individuele uitzondering op de toepassing van de intermediaire prijslimiet(en) in het kader van het capaciteitsvergoedingsmechanisme
(A)2295 17.12.2021	Avis relatif à la demande de la SA Fluxys Belgium d'autorisation de transport pour la reprise de la station de détente de gaz naturel de Fluvius à Merksplas pendant l'état d'alerte Advies over de aanvraag van de NV Fluxys Belgium van een vervoersvergunning voor de overname van het bestaand drukreducerstation voor aardgas van Fluvius te Merksplas tijdens de alarmtoestand
(F)2296 02.12.2021	Étude sur le monitoring annuel des prix du marché de l'électricité et du gaz naturel pour les ménages et les petits professionnels Studie over de jaarlijkse monitoring van de prijzen op de elektriciteits- en aardgasmarkt voor gezinnen en kleine professionele verbruikers



(B)2297 02.12.2021	Décision relative à la demande d'approbation de la proposition, formulée par la SA Elia Transmission Belgium, de dérogation à l'article 16, huitième alinéa du règlement (UE) 2019/943, portant sur une capacité disponible minimale d'échange entre zones Beslissing over de goedkeuringsaanvraag van de NV Elia Transmission Belgium voor een derogatie van artikel 16, achtste lid van Verordening (EU) 2019/943 met betrekking tot een minimale beschikbare capaciteit voor zoneoverschrijdende handel
(B)2298 28.10.2021	Décision relative à la validation des résultats de la mise aux enchères quatre ans avant la période de fourniture de capacité 2025-2026, organisée par Elia Transmission Belgium Beslissing over de validering van de resultaten van de door Elia Transmission Belgium georganiseerde veiling vier jaar voor de capaciteitsleveringsperiode 2025-2026
(B)2299 09.12.2021	Décision relative à la demande d'approbation de la proposition, formulée par la SA Elia Transmission Belgium, d'exemption de l'obligation d'acquiescer séparément de la capacité d'équilibrage à la hausse et à la baisse pour les réserves de restauration de la fréquence avec activation automatique Beslissing over de aanvraag tot goedkeuring van het voorstel van de NV ELIA Transmission Belgium voor de vrijstelling van de verplichting om afzonderlijk opwaartse en neerwaartse balanceringscapaciteit aan te kopen voor de frequentieherstelreserves met automatische activering
(RA)2300 28.10.2021	● Rapport relatif au caractère manifestement déraisonnable ou non des prix offerts à Elia Transmission Belgium SA pour la fourniture du service de réglage de la tension et de la puissance réactive en 2022 Verslag betreffende het al dan niet manifest onredelijk karakter van de aan Elia Transmission Belgium nv aangeboden prijzen voor de levering van de dienst voor de regeling van de spanning en het reactief vermogen in 2022
(RA)2301 10.11.2021	Troisième rapport de monitoring concernant l'extension de l'application des tarifs sociaux électricité et gaz naturel aux bénéficiaires de l'intervention majorée Derde monitoringverslag over de uitbreiding van de toepassing van het sociaal tarief elektriciteit en aardgas naar de rechthebbenden van de verhoogde tegemoetkoming
(A)2302 26.11.2021	Avis sur le Modular Offshore Grid phase 2 : projet d'extension du réseau de transport en mer Advies over de Modular Offshore Grid fase 2: ontwerp van uitbreiding van het transmissienet op zee
(A)2304 17.11.2021	Avis sur le projet d'arrêté royal pour l'attribution d'un forfait unique aux clients qui bénéficient du tarif social électricité et sur le projet d'arrêté royal modifiant les arrêtés royaux électricité et gaz naturel du 29 mars 2012 fixant les règles de détermination du coût de l'application des tarifs sociaux et les règles d'intervention pour leur prise en charge Advies over het ontwerp van koninklijk besluit voor het toekennen van een eenmalig forfait aan klanten die genieten van het sociaal tarief elektriciteit en over het ontwerp van koninklijk besluit tot wijziging van de koninklijke besluiten elektriciteit en aardgas van 29 maart 2012 tot vaststelling van de regels voor het bepalen van de kosten van de toepassing van de sociale tarieven en de tussenkomstregels voor het ten laste nemen hiervan
(RA)2305 02.12.2021	Rapport : Évolution des prix des différents produits sur le marché de détail par rapport aux prix de gros Rapport : Evolutie van de prijzen van individuele producten op de kleinhandelsmarkt ten opzichte van de groothandelsprijzen
(RA)2305/2 17.12.2021	Évolution des prix des différents produits sur le marché de détail par rapport aux prix de gros Evolutie van de prijzen van individuele producten op de kleinhandelsmarkt ten opzichte van de groothandelsprijzen
(B)2306 02.12.2021	Décision sur le rapport ex-ante d'Elia Transmission Belgium relatif à l'utilisation du revenu de congestion pour l'année 2022 visé à l'article 19(1) du règlement (UE) 2019/943 Beslissing over het ex ante verslag van Elia Transmission Belgium over het gebruik van de congestie-inkomsten voor het jaar 2022 zoals bedoeld in artikel 19(1) van verordening (EU) 2019/943
(F)2307 02.12.2021	Étude relative aux prix pratiqués sur le marché belge du gaz naturel en 2020 Studie over de prijzen op de Belgische aardgasmarkt in 2020
(B)2308 23.12.2021	Décision relative à la demande de la SA Elia Transmission Belgium de suspendre les obligations de l'article 4.1, a) du code de réseau européen RfG pour les unités de production d'électricité existantes de type D d'une capacité maximale installée inférieure à 25 MW et d'une tension au point de raccordement égale ou supérieure à 110 kV, dans l'attente de la décision au fond de la CREG sur la demande de dérogation soumise le 28 octobre 2021 Beslissing over het verzoek van de NV Elia Transmission Belgium tot schorsing van de verplichtingen in artikel 4.1, a), van de Europese netcode RfG voor bestaande elektriciteitsproductie-eenheden van het type D met een maximaal geïnstalleerd vermogen lager dan 25 MW en een spanning op het aansluitingspunt hoger dan of gelijk aan 110 kV in afwachting van de beslissing ten gronde van de CREG over het op 28 oktober 2021 ingediende afwijkingsverzoek

(A)2309 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Total Direct Energie - Centrale Electrique de Marchienne-au-Pont une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit tot oplegging aan Total Direct Energie nv - Centrale Electrique de Marchienne-au-Pont van een openbare dienstverplichting met betrekking tot het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2310 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Luminus une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Luminus nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2311 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Electrabel une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Electrabel nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2312 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à RWE Supply &amp; Trading GmbH une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan RWE Supply &amp; Trading GmbH tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2313 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à Aspiravi SA une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Aspiravi nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2314 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA BASF Antwerpen une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan BASF Antwerpen nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2315 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Estor-Lux une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Estor-Lux nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2316 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SRLYUSO une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan SRLYUSO tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2317 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Biostoom Beringen une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Biostoom Beringen nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2318 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Rentel une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Rentel nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>

(A)2319 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA SeaMade une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan SeaMade nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2320 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Northwester 2 une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan NorthWester 2 nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2321 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA Norther une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Norther nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2322 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à la SA C-Power une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan C-Power nv tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(A)2323 17.12.2021	<ul style="list-style-type: none"> <li>● Avis relatif à un projet d'arrêté royal imposant à Nemo Link Ltd une obligation de service public couvrant le volume et le prix du service réglage de la tension et de la puissance réactive du 1<sup>er</sup> janvier 2022 au 31 décembre 2022 inclus</li> </ul> <p>Advies over een ontwerp van koninklijk besluit houdende oplegging van een openbare dienstverplichting aan Nemo Link Ltd tot dekking van het volume en de prijs voor de dienst regeling van de spanning en het reactief vermogen vanaf 1 januari 2022 tot en met 31 december 2022</p>
(Z)2346 28.10.2021	<p>Note de politique générale pour l'année 2022</p> <p>Algemene beleidsnota voor het jaar 2022</p>

- Acte confidentiel en raison du caractère confidentiel des informations qu'il contient. Le comité de direction de la CREG évalue le caractère confidentiel des informations en tenant compte notamment des lignes directrices concernant les informations à considérer comme confidentielles en raison de leur caractère commercialement sensible ou de leur caractère personnel, telles que publiées sur le site Internet de la CREG.

Vertrouwelijke akte omwille van het vertrouwelijke karakter van de informatie die ze bevat. Het directiecomité evalueert het vertrouwelijke karakter van de informatie rekening houdend met de richtsnoeren over de informatie die als vertrouwelijk te beschouwen is omwille van het commercieel gevoelige of persoonlijke karakter ervan, zoals gepubliceerd op de website van de CREG.



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