



BALANSYS

## Consultation 1 Report

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Status: Final

Classification: Public

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## 1. INTRODUCTION

From the 12<sup>th</sup> of November 2019 until the 11<sup>th</sup> of December 2019 included, Balansys consulted the market on its balancing services in order to follow the regulatory procedure which enable it to operate as a balancing operator in Belgium and Luxembourg.

The proposed modifications aim at:

- (i) Counterparty risk management
- (ii) Invoicing
- (iii) Imbalance pooling
- (iv) Alignment of the definitions and clauses in the BA, BC and BP
- (v) Technical changes and material error corrections

The documents subject to these modifications are the balancing agreement, balancing program and balancing code, which describe the balancing services offered by Balansys.

## 2. CONSULTATION PROCESS

Balansys launched this market consultation by publishing the proposed documents on its website - at the usual location for such consultations, supported by an announcement on the homepage - and via direct e-mailing to all registered market participants and associations. During the period from November 12<sup>th</sup> until December 11<sup>th</sup> 2019 (included), stakeholders were invited to submit their written feedback.

Taking into account the different comments received, Balansys submits for approval to both regulatory parties, ILR and CREG, the so amended version of the Balancing Agreement, the Balancing Program and the Balancing Code.

## 3. OUTCOME OF CONSULTATION PROCESS

All comments received are listed and individually treated in the “Q&A’s” included in the consultation report submitted to CREG – see appendices.

Feedback was received from 1 individual Grid User: Shell Energy Europe Limited (Shell).

The Network User submitted two suggestions. The first suggestion concerned §6.2 of the Balancing Program in which Shell expressed its desire for further clarification of the addition made by Balansys. Balansys recognises the need for further clarification and adjusted the addition accordingly.

*'... for the allocation or communication of the required data related to the Balancing or Force Majeure invoked by one or both TSOs under the STA and/or CCF that hinders the provision of Transmission Services by one or both TSOs.'*

The second suggestion concerned the addition in §6.6 of the Balancing Program, in which the Network User is requesting the deletion as it would imply uncertainty. As the addition is implemented to protect the Network User for events clearly described in Article 6.1, the insertion will not be deleted.

## 4. APPENDICES

### 4.1 Appendix 1: Market consultation – public material

### 4.2 Appendix 2: Market consultation – confidential material

## 1. Market consultation - public material

- a. E-mail: invitation to submit comments
- b. List of documents in consultation
- c. Questions & Answers
- d. Printed copy of written comments

E-mail: invitation to submit comments

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## Market Consultation 1 : Changes in the Balansys regulatory documents

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Dear customer,

**As from 12 November until 11 December 2019**, participate in the market consultation of Balansys, which is consulting the market on its regulatory documents with the aim to extend the balancing activities to the whole BeLux market area.

### Related documents

- Balancing Agreement
- Balancing Program
- Balancing Code
- Description of changes

We kindly invite you to send your written comments to [info@balansys.eu](mailto:info@balansys.eu) by **Wednesday 11 December 2019**. We remind you that, unless otherwise stated, your responses will be considered as non-confidential.

You will find more information [here](#).

Should you have any further questions regarding the above, please do not hesitate to contact your Key Account Manager or [info@balansys.eu](mailto:info@balansys.eu).

Thank you in advance for your feedback.

Yours sincerely,



Luc Gossuin  
Managing Director



Ilse Guedens  
Administrator

## List of documents in consultation

The documents are available on our website, via the following link :

<http://www.balansys.eu/market-consultation/>

## MARKET CONSULTATION

### **Market consultation ( 12 November – 11 December 2019)**

Balansys is consulting the market on its balancing services in order to follow the regulatory procedure which enable it to operate as a balancing operator in Belgium and Luxembourg.

The market consultation is open from November 12,2019 to December 11,2019 on the following documents: the balancing agreement, balancing program and balancing code, which describe the balancing services offered by Balansys.

#### Related downloads

- [Balancing Agreement](#)
- [Balancing Program](#)
- [Balancing Code in the Belux Area](#)
- [Description of changes](#)

## Questions & Answers



From	Topic	Confidential	Questions / Comments by Stakeholders	Answers / Comments by Balansys
Shell Energy Europe Limited	Technical changes	No	<p>\$6.2 proposed addition of the following sentence: 'Force Majeure invoked by one or both TSOs that hinders the provision of Transmission Services by one or both TSOs.'</p> <p>The proposed wording lacks sufficient clarity and a TSO invoking a Force Majeure does not in itself constitute the cause of a FM event. The proposed wording does not tie to any objective criteria but opens space for a contract party's sole discretion. On this basis, we trust that the sentence will be deleted.</p>	<p>In order to clarify, the sentence has been changed accordingly: '... for the allocation or communication of the required data related to the Balancing or Force Majeure invoked by one or both TSOs under the STA and/or CCF that hinders the provision of Transmission Services by one or both TSOs.'</p>
Shell Energy Europe Limited	Technical changes	No	<p>\$6.6(ii) Proposed insertion of following wording: 'unless Network User is itself affected by an event of Force Majeure under the conditions of Article 6.1.'</p> <p>We suggest the proposed insertion is deleted on the basis that it would lead to uncertainty and potentially a prolonged legal process to demonstrate whether a Network User is affected, given that the impact of a FM on network user could be indirect as well as direct and based on a number of variable factors.</p>	<p>As the addition is inserted in order to protect the Network User for events clearly described in Article 6.1, the insertion will not be deleted.</p>

Printed copy of written comments – Public

All reactions			
Company	First Name	Last Name	Confidential
Shell Energy Europe Ltd	Christiane	Sykes	NO



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11 December 2019

**Shell Energy Europe Limited (SEEL) response to Balansys consultation on balancing services.**

Dear Sir or Madam

Thank you for the opportunity to respond to the Balansys market consultation on balancing services. Please find our comments on the following clauses in the Balancing Agreement, below.

**§6.2** proposed addition of the following sentence: 'Force Majeure invoked by one or both TSOs that hinders the provision of Transmission Services by one or both TSOs.'

The proposed wording lacks sufficient clarity and a TSO invoking a Force Majeure does not in itself constitute the cause of a FM event. The proposed wording does not tie to any objective criteria but opens space for a contract party's sole discretion. On this basis, we trust that the sentence will be deleted.

**§6.6(ii)** Proposed insertion of following wording: 'unless Network User is itself affected by an event of Force Majeure under the conditions of Article 6.1.'

We suggest the proposed insertion is deleted on the basis that it would lead to uncertainty and potentially a prolonged legal process to demonstrate whether a Network User is affected, given that the impact of a FM on network user could be indirect as well as direct and based on a number of variable factors.

Please do not hesitate to contact me, should you wish to discuss our points set out above.

Your faithfully

Christiane Sykes  
Commercial Regulatory Affairs Manager  
Shell Energy Europe Ltd

## 2. Market consultation – confidential material

- a. Questions & Answers: details
- b. Printed copy of written comments
- c. List of bilateral meetings

Questions & Answers: details

Questions and Answers					Answers / Comments by Fluxys Belgium
#	From	Confidential?	Topic	Questions / Comments by Stakeholders	
No confidential reactions					

Printed copy of written comments - Confidential



All reactions			
Company	First Name	Last Name	Confidential
No confidential reactions			

## List of bilateral meetings

Bilateral Meetings			
Date	Company	Attendees	Subject
No bilateral meetings			

