

Décision

(B)656G/50
6 avril 2023

Décision sur la proposition tarifaire amendée de Fluxys Belgium SA relative aux tarifs de transport pour les années 2024-2027, ainsi que sur les rabais, multiplicateurs et facteurs saisonniers applicables aux tarifs de réseau de transport de gaz naturel de Fluxys Belgium SA pour la période 2024-2027

Articles 15/5bis, § 7 et 15/14, § 2, alinéa 2, 9^obis, de la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations, *juncto* les articles 27, §4 et 28, §1, *in fine*, du règlement (UE) 2017/460 de la commission européenne du 16 mars 2017 établissant un code de réseau sur l'harmonisation des structures tarifaires pour le transport du gaz

Non confidentiel

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INTRODUCTION

La COMMISSION DE REGULATION DE L'ELECTRICITE ET DU GAZ (CREG) examine ci-après la proposition tarifaire amendée de Fluxys Belgium SA relative aux tarifs de transport pour les années 2024-2027 (ci-après : « la proposition tarifaire »). La CREG fait également suite à son projet de décision du 6 octobre 2022 sur les rabais, multiplicateurs et facteurs saisonniers applicables aux tarifs de réseau de transport de gaz naturel de Fluxys Belgium SA pour la période 2024-2027.

Hormis l'introduction et le lexique, la présente décision comporte cinq parties. Le cadre légal est exposé dans la première partie. Dans la deuxième partie les antécédents, y compris les modalités de consultation sont exposées. La troisième partie contient l'analyse de la proposition tarifaire. Une réserve générale est formulée dans la quatrième partie. La cinquième partie contient la décision proprement dite.

Le comité de direction de la CREG a adopté la présente décision lors de sa réunion du 6 avril 2023.

LEXIQUE EXPLICATIF

'ACER' : l'Agence de Coopération des Régulateurs de l'Énergie institué par le Règlement 713/2009 du Parlement européen et du Conseil du 13 juillet 2009.

'CREG' : la Commission de Régulation de l'Electricité et du Gaz telle que décrite dans l'article 23 de la loi du 29 avril 1999 relative à l'organisation du marché de l'électricité.

'Directive 2009/73' du Parlement européen et du Conseil du 13 juillet 2009 concernant des règles communes pour le marché intérieur du gaz naturel et abrogeant la directive 2003/55/CE.

'Fluxys Belgium' : la société anonyme Fluxys Belgium, qui a été désignée comme gestionnaire du réseau de transport de gaz naturel et gestionnaire d'installation de stockage de gaz naturel, par arrêtés ministériels du 23 février 2010.

'Loi gaz' : la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations, telle que modifiée dernièrement par la loi du 26 décembre 2022.

'Méthodologie tarifaire' : la décision (Z)1110/12 fixant la méthodologie tarifaire pour le réseau de transport de gaz naturel, l'installation de stockage de gaz naturel et l'installation de GNL pour la période régulatoire 2024-2027, tel qu'adoptée par le comité de direction de la CREG le 30 juin 2022.

'Règlement 715/2009' du Parlement européen et du Conseil du 13 juillet 2009 concernant les conditions d'accès aux réseaux de transport de gaz naturel et abrogeant le règlement (CE) n° 1775/2005.

'Règlement 2017/460' de la Commission du 16 mars 2017 établissant un code de réseau sur l'harmonisation des structures tarifaires pour le transport du gaz.

1. CADRE LEGAL

1. L'article 15/5 de la loi gaz dispose que l'accès au réseau de transport de gaz naturel se fait sur la base des tarifs approuvés par la CREG.

2. L'article 15/5bis, § 2, de la loi gaz prévoit que la CREG établit la méthodologie tarifaire devant être utilisée par les gestionnaires pour l'établissement de leur proposition tarifaire, en concertation avec ces gestionnaires, et suivant une procédure déterminée d'un commun accord, à défaut de quoi la loi gaz fixe une procédure minimale de concertation à respecter.

3. En outre, l'article 15/5bis, § 8, de la loi gaz prévoit que :

« La procédure d'introduction et d'approbation des propositions tarifaires fait l'objet d'un accord entre la commission et le gestionnaire du réseau de transport de gaz naturel, le gestionnaire d'installation de stockage de gaz naturel ainsi que le gestionnaire d'installation de GNL. »

4. A ces deux fins, le 16 décembre 2021, la CREG et FLUXYS BELGIUM ont conclu un accord relatif aux procédures d'adoption de la méthodologie tarifaire pour la gestion du réseau de transport de gaz naturel, la gestion d'installation de stockage de gaz naturel et la gestion d'installation de GNL, et d'approbation des propositions tarifaires et de modification des tarifs. Trois avenants à cet accord ont été signés le 14 mars 2022, le 2 juin 2022 et le 13 octobre 2022.

5. Finalement, le 30 juin 2022, la CREG a adopté sa méthodologie tarifaire, qui est entrée en vigueur le même jour (art. 45) (voy. lexique).

6. L'article 15/14, § 2, 9°bis, de la loi gaz dispose que la CREG exerce les compétences tarifaires visées aux articles 15/5 à 15/5quinquies et contrôle l'application des tarifs par les entreprises de transport en ce qui concerne leurs réseaux respectifs.

7. L'article 15/5bis, § 7, de la loi gaz prévoit que :

« La commission examine la proposition tarifaire, décide de l'approbation de celle-ci et communique sa décision motivée au gestionnaire dans le respect de la procédure d'introduction et d'approbation des tarifs ».

8. A titre subsidiaire, on relève que le Règlement Européen 715/2009 contient certaines dispositions en matière tarifaire. D'une part, l'article 13 de ce règlement contient des règles de fond quant aux tarifs d'accès au réseau de transport ; il précise notamment que ceux-ci doivent refléter les coûts réels supportés, dans la mesure où ils correspondent à ceux d'un gestionnaire de réseau efficace. D'autre part, l'article 24 de ce même règlement prévoit que les autorités de régulation veillent au respect de ce règlement lorsqu'elles exercent leurs responsabilités.

9. Ledit règlement constitue donc un fondement subsidiaire habilitant la CREG à statuer sur la demande de FLUXYS BELGIUM.

10. De plus, l'article 27, §4, du Règlement 2017/460 prévoit que la CREG prend et publie une décision motivée sur tous les éléments énoncés à l'article 26, §1, dudit Règlement.

11. En application de l'article 28, §1, de ce Règlement, la CREG doit également prendre une décision motivée sur les éléments suivants :

- a) le niveau des multiplicateurs ;
- b) le cas échéant, le niveau des facteurs saisonniers et les calculs décrits à l'article 15;
- c) les niveaux des ajustements fixés à l'article 9, paragraphe 2, et à l'article 16.

12. Les articles précités de la loi gaz et du Règlement 2017/460 constituent par conséquent le fondement juridique de la présente décision.

2. ANTECEDENTS

2.1. GENERALITES

13. Le 22 décembre 2022, la CREG a reçu par courrier la proposition tarifaire 2024-2027 de FLUXYS BELGIUM pour les tarifs d'utilisation du réseau de transport de gaz naturel pour la période régulatoire couvrant les années 2024 à 2027.

14. Le 1^{er} février 2023, la CREG a demandé des renseignements complémentaires par courrier.

15. FLUXYS BELGIUM a répondu à cette demande par courrier du 16 février 2023.

16. De plus, de nombreux courriels ont été échangés entre collaborateurs de la CREG et de FLUXYS BELGIUM au sujet de questions ponctuelles.

17. Le 16 mars 2023, la CREG a rejeté la proposition tarifaire de Fluxys Belgium, en l'invitant à lui soumettre une proposition adaptée, intégrant les corrections et remarques demandées par la CREG dans son projet de décision (ci-après : « le projet de décision du 16 mars 2023 »).

18. Le 31 mars 2023, la CREG a reçu par courrier la proposition tarifaire amendée 2024-2027 de Fluxys Belgium pour les tarifs d'utilisation du réseau de transport de gaz naturel pour la période régulatoire couvrant les années 2024 à 2027.

2.2. CONSULTATION

19. Le comité de direction de la CREG a décidé, en vertu de l'article 23, § 1^{er}, de son règlement d'ordre intérieur, dans le cadre de la présente décision, de ne pas organiser de consultation en application de l'article 33, §4 de son règlement d'ordre intérieur, pour les raisons suivantes :

- a) entre le 6 octobre 2022 et le 6 décembre 2022, FLUXYS BELGIUM a organisé une consultation publique¹ en application de l'article 26 du règlement 2017/460, dont le rapport est joint en annexe ;
- b) le 22 décembre 2022 FLUXYS BELGIUM a soumis à la CREG sa proposition tarifaire, à laquelle les réactions des *stakeholders* à la consultation ainsi que son rapport de consultation ont été joints.

20. Sur la base de l'article 27, paragraphe 2, du Règlement 2017/460 l'ACER analyse les aspects suivants du document de consultation :

- a) si toutes les informations visées à l'article 26, paragraphe 1, ont été publiées;

¹ <https://www.fluxys.com/en/products-services/empowering-you/customer-interactions/consultations-in-belgium---transmission/fluxys-belgium-market-consultation-59>

- b) si les éléments ayant fait l'objet d'une consultation conformément à l'article 26 respectent les obligations suivantes:
- 1) si la méthode de calcul des prix de référence proposée respecte les obligations énoncées à l'article 7;
 - 2) si les critères de fixation des tarifs de transport fondés sur la quantité de gaz transitée tels qu'énoncés à l'article 4, paragraphe 3, sont réunis;
 - 3) si les critères de fixation des tarifs des services annexes tels qu'énoncés à l'article 4, paragraphe 4, sont réunis.

21. En ce qui concerne les rabais, multiplicateurs et facteurs saisonniers applicables aux tarifs de réseau de transport de gaz naturel de Fluxys Belgium pour la période 2024-2027, le comité de Direction de la CREG a décidé, en vertu de l'article 23, §1er, de son règlement d'ordre intérieur, d'organiser une consultation publique sur la base d'un projet de décision publié sur son site Web, du 6 octobre 2022 au 5 décembre 2022. Comme le requiert l'article 28, §1er, du Règlement 2017/460, la CREG a consulté en même temps les autorités de régulation nationales de tous les États membres directement raccordés.

22. La CREG n'a pas reçu de réaction des régulateurs voisins, mais bien deux réactions des parties concernées, notamment de FEBEG et Febeliec (voy. annexe 2 de la présente décision).

23. Febeliec a répondu qu'elle n'a pas de remarque spécifique à formuler. Néanmoins, elle invite la CREG à analyser l'impact des rabais, multiplicateurs et facteurs saisonniers sur l'accès au marché et le fonctionnement du marché pendant et après la période réglementaire.

24. La FEBEG aimerait savoir pourquoi la CREG a proposé d'étendre l'application de multiplicateurs aux points de sortie d'interconnexion.

25. La CREG l'explique par la nécessité d'éviter les subventions croisées entre les utilisateurs du réseau et de faire en sorte que les prix de réserve reflètent mieux les coûts.

26. La FEBEG a observé que la CREG a proposé de maintenir la réduction pour les capacités interruptibles à 20%, étant le résultat d'une probabilité d'interruption de 20% et d'un coefficient d'adaptation égal à 1, tandis que pour la période 2020-2023 ce même résultat avait été obtenu en multipliant la probabilité d'interruption de 10% avec un coefficient d'adaptation égal à 2. Si la probabilité d'interruption des capacités interruptibles de FLUXYS BELGIUM a augmenté, la FEBEG demande de maintenir au moins le coefficient d'ajustement à 2, et donc d'appliquer une réduction de $2 * 20 \% = 40 \%$ sur la capacité interruptible.

27. Vu que la probabilité d'interruption n'a pas changé de manière significative, la CREG maintient la réduction pour les capacités interruptibles à 20%, basé sur une probabilité d'interruption de 10% multiplié par un coefficient d'adaptation égal à 2.

28. Finalement, la FEBEG considère que si les coûts générés par les souscriptions de capacités rebours ne sont que des coûts administratifs pour FLUXYS BELGIUM, les tarifs rebours ne devraient pas augmenter plus que l'inflation. En particulier, la FEBEG note que les tarifs rebours à Blaregnies L et Hilvarenbeek L quadruplent quasiment sur la période 2024-2027.

29. Par rapport à la capacité ferme, la CREG applique la même réduction tarifaire pour les capacités rebours que pour la capacité interruptible, c'est-à-dire 20%. Pour les points transfrontaliers L, il est vrai que les tarifs unitaires des capacités fermes augmentent fortement, à cause des réservations de capacités qui diminuent fortement également, donc avec des revenus totaux quasiment stables. Les tarifs rebours à ces points ne subissent dès lors que cette évolution à la hausse (*accessorium sequitur principale*).

3. ANALYSE DE LA PROPOSITION TARIFAIRE

3.1. SOUS L'ANGLE DE LA METHODOLOGIE TARIFAIRE

30. FLUXYS BELGIUM a introduit sa proposition tarifaire amendée, approuvée par son Conseil d'Administration le 29 mars 2023, accompagnée des annexes I. Investissements, II. Rapport de Consultation et III. Modèle de rapport *ex ante*.

31. Dans sa proposition tarifaire amendée 2024-2027, FLUXYS BELGIUM a fourni un aperçu du revenu total sur quatre ans.

Tableau 1 : aperçu du revenu total (en €) établi sur la base du tableau 1 du modèle de rapport soumis par FLUXYS BELGIUM

[CONFIDENTIEL]

32. Dans son Projet de décision du 16 mars 2023, la CREG avait constaté que le montant de la rubrique « Transfert entre le compte de résultats et bilan : comptes régulatoires » d'un total sur 4 ans de 451 M€ n'est pas suffisant pour garder les tarifs stables par rapport à la dernière année de la période précédente, hors inflation.

33. Pour que la CREG puisse approuver la proposition tarifaire de FLUXYS BELGIUM, celle-ci devait augmenter l'utilisation du compte de régularisation à 555 M€ au total, de sorte à ce que les tarifs n'augmentent pas (hors inflation) par rapport aux tarifs en vigueur depuis le 1er juillet 2022.

34. La CREG constate que Fluxys Belgium a tenu compte de sa recommandation d'une utilisation de 555 M€ du compte de régularisation pour garder les tarifs stables depuis le 1^{er} juillet 2022. La CREG peut donc accepter la Proposition amendée sur ce point.

35. La CREG constate que FLUXYS BELGIUM n'a pas tenu compte du retrait d'un affréteur [CONFIDENTIEL]. [CONFIDENTIEL].

36. Pour que la CREG puisse approuver la proposition tarifaire de FLUXYS BELGIUM, celle-ci devait éliminer les capacités souscrites par cet affréteur.

37. La CREG constate que FLUXYS BELGIUM a éliminé les recettes prévisionnelles d'un affréteur étranger dans sa proposition amendée. La CREG peut donc accepter la Proposition sur ce point.

38. La CREG constate que FLUXYS BELGIUM a maintenu dans la RAB le montant de 7 M€ de conduites appelées « inertées ». La CREG est d'avis que ces conduites n'ont pour le moment pas de valeur économique car elles sont mises hors service, même temporairement.

39. Pour que la CREG puisse approuver la proposition de FLUXYS BELGIUM, celle-ci devait enlever de la RAB les conduites « inertées » pour 7 M€.

40. La CREG constate que FLUXYS BELGIUM a enlevé de la RAB la valeur des conduites « inertées » pour 7 M€ dans sa Proposition amendée. La CREG peut donc accepter la Proposition sur ce point.

41. La CREG constate que FLUXYS BELGIUM a prévu d'importants investissements en informatique. La CREG a fait faire une analyse des projets de digitalisation par un consultant en informatique qui a conclu qu'il peut y avoir une certaine redondance dans les projets et que le rapport coûts/bénéfices n'est pas suffisamment documenté. Une réduction de [CONFIDENTIEL] du budget était demandée par la CREG.

42. Pour que la CREG puisse approuver la proposition tarifaire de FLUXYS BELGIUM, la CREG demandait de prouver qu'il n'y a pas de redondance et de documenter le rapport coût/bénéfice.

43. La CREG constate que FLUXYS BELGIUM a réduit de [CONFIDENTIEL] le budget d'investissement en informatique. Le plan d'investissement IT retenu dans cette proposition tarifaire amendée se monte donc à [CONFIDENTIEL] M€, soit [CONFIDENTIEL] de réduction par rapport au plan d'investissement à 10 ans. Ce montant est un plafond pour la période 2024-2027 qui ne pourra éventuellement évoluer qu'à la marge, uniquement en cas de besoin justifié et qui fera l'objet d'un reporting annuel spécifique ex ante et ex post de la part de Fluxys Belgium. Voici le tableau résumant les diminutions successives en M€ :

[CONFIDENTIEL]

44. La CREG constate que FLUXYS BELGIUM a appliqué un taux de WACC moyen à la RAB relative à la conduite gaz L. La CREG constate également que FLUXYS BELGIUM n'a alloué qu'une partie du compte de régularisation standard aux revenus autorisés de la conduite gaz L. Finalement, la CREG constate que FLUXYS BELGIUM a calculé le tarif d'entrée pour le gaz L de façon non péréquâtée avec les tarifs d'entrée pour le gaz H.

45. Pour que la CREG puisse approuver la proposition tarifaire de FLUXYS BELGIUM, celle-ci devait appliquer le taux WACC de base. De plus, FLUXYS BELGIUM devait allouer une partie du compte de régularisation des primes d'enchères acquises à fin 2023 à la conduite gaz L. Finalement, FLUXYS BELGIUM devait péréquater tous les tarifs d'entrée.

46. La CREG constate que FLUXYS BELGIUM a suivi les demandes du paragraphe précédent concernant la conduite de gaz L. La CREG peut donc accepter la Proposition sur ce point.

47. La CREG constate que le solde du compte de régularisation ne se termine pas à zéro fin 2027.

48. Pour que la CREG puisse approuver la proposition tarifaire, FLUXYS BELGIUM devait faire en sorte que l'évolution des comptes de régularisation termine à un solde zéro fin 2027.

49. La CREG constate que Fluxys Belgium a adapté, dans sa proposition amendée, l'évolution des comptes de régularisation comme demandé. Voici le tableau amendé prenant en compte l'ensemble des demandes de la CREG (estimations en millions d'€) :

	2022	2023	2024	2025	2026	2027	<u>Retour aux tarifs</u> <u>2024-2027</u>
<u>Compte de régularisation standard</u>							
Solde de début d'année	248,0	27,0	-17,2	-10,6	-5,6	-1,7	
Dotations	170,0	10,7	6,5	5,0	3,9	1,8	
Utilisation pour les tarifs	-91,0	-54,9	0,0	0,0	0,0	0,0	
Contribution exceptionnelle de solidarité	-300,0	-	-	-	-	-	
Solde de fin d'année	27,0	-17,2	-10,6	-5,6	-1,7	0,0	
<u>Compte de régularisation primes</u>							
Solde de début d'année	2,0	519,0	740,6	605,3	467,6	327,9	
Dotations	517,0	338,8	0,0	0,0	0,0	0,0	
Utilisation tarifs H		-54,1	-128,9	-131,2	-133,4	-135,5	-529,0
Utilisation tarifs L			-6,5	-6,4	-6,4	-6,4	-25,7
Investissements		-63,0	0,0	0,0	0,0	-186,0	
Solde de fin d'année	519,0	740,6	605,3	467,6	327,9	0,0	-554,7

3.2. SOUS L'ANGLE DE L'ARTICLE 27 DU REGLEMENT 2017/460 ET DU RAPPORT DE L'ACER

3.2.1. L'exhaustivité des informations publiées

50. La CREG constate, tout comme l'ACER² le fait dans son rapport, que les informations relatives aux services annexes suivants étaient incomplètes lors de la consultation du marché par FLUXYS BELGIUM³ :

- a) la méthode tarifaire applicable aux services annexes;
- b) la part du revenu autorisé ou du revenu prévisionnel qu'il est prévu de recouvrer à partir de ces tarifs;
- c) la façon dont le revenu associé aux services annexes est recouvré, comme indiqué à l'article 17, paragraphe 3 du règlement 2017/460;

51. La CREG confirme que les services annexes peuvent être qualifiés de non-transmission car ils ne comportent pas les éléments de distance et de capacité comme facteurs de coût. Ces coûts ne se trouvent donc pas dans les tarifs régulés de transmission mais dans un tarif spécifique payé par les utilisateurs de ces services. La méthodologie tarifaire, conforme à l'article 26 §1, point c, ii) du Règlement 2017/460, consiste à déterminer séparément un ensemble de coûts relatif à chacun de ces services. Ces ensembles de coûts, qui correspondent donc aux revenus autorisés pour ces services, sont ensuite divisés par le nombre de services prévisionnels que FLUXYS BELGIUM envisage de vendre, basés sur les ventes des années précédentes. Ces services annexes génèrent environ 59 M€ par an, représentant environ 20 % du revenu autorisé total de FLUXYS BELGIUM. En ordre de grandeur, voici les revenus autorisés pour les services annexes :

- | | |
|--------------------------------------|-------|
| - service de réduction de pression : | 32 M€ |
| - odorisation vers la distribution : | 5 M€ |
| - Services aux TSOs adjacents : | 15 M€ |
| - fibres optiques : | 2 M€ |
| - services du Hub : | 5 M€ |

52. La CREG constate, tout comme l'ACER, que les détails communiqués sur le revenu autorisé pour les réseaux de gaz L étaient trop limités lors de la consultation du marché par FLUXYS BELGIUM⁴. Pour que la CREG puisse approuver la proposition tarifaire, FLUXYS BELGIUM devait fournir ces détails conformément au Règlement 2017/460 dans les délais prévus à l'article 32 de ce même Règlement.

53. La CREG constate, tout comme l'ACER, que pour le service annexe de la sortie du gaz L vers la Belgique, FLUXYS BELGIUM doit estimer les quantités prévisionnelles pour que la CREG puisse approuver la proposition tarifaire.

² Agency Report – Analysis of the Consultation Document on the Gas Transmission Tariff Structure for Belgium, https://www.acer.europa.eu/sites/default/files/documents/Publications/Agency_report-analysis_of_the_consultation_document_for_Belgium.pdf

³ Toutefois, FLUXYS BELGIUM a communiqué ces informations après à l'ACER par courriel.

⁴ Toutefois, FLUXYS BELGIUM a communiqué ces informations après à l'ACER par courriel.

54. Par ailleurs, la CREG n'est pas d'accord avec l'ACER qui constate que les hypothèses et la méthodologie utilisées pour déterminer les tarifs sont incomplètes. Dans son rapport précédent, l'ACER était satisfaite avec les informations fournies dans le même niveau de détail⁵.

55. En outre, la CREG n'est pas d'accord avec l'ACER qui signale que FLUXYS BELGIUM devrait fournir les prix de l'énergie qui sont utilisés pour prévoir les revenus à générer par les tarifs de transport fondés sur la quantité de gaz transitée. Le Règlement 2017/460 ne prévoit pas une telle obligation. Par ailleurs, l'ACER n'avait pas formulé cette remarque dans son rapport précédent.

3.2.2. La méthode de calcul des prix de référence pour le réseau de gaz H

56. L'ACER recommande à la CREG de raccourcir la durée de la période tarifaire jusqu'à ce que le compte de régularisation revienne à des niveaux comparables à ceux des autres GRT de l'UE.

57. Selon la CREG, cette recommandation est irrecevable, car elle sort du champ d'application des compétences de l'ACER (voy. paragraphe 20), ainsi que du document de consultation analysé. En outre, elle est non-fondée, car le niveau de prix de référence, sujet à l'inflation, s'applique pour toute la durée de la période de régulation de quatre ans. Finalement, aucune partie prenante à la consultation n'a critiqué la durée de la période tarifaire, au contraire.

58. Dans son rapport, l'ACER recommande en ce qui concerne les valeurs prévisionnelles de capacité souscrite que FLUXYS BELGIUM ne fournit pas les valeurs applicables pour chaque frontière IP et pour les sorties domestiques calculées pour chaque année. L'ACER recommande que la CREG publie les volumes de gaz prévus à transporter par le réseau de transport belge et la capacité contractuelle prévue.

59. La CREG estime que cette recommandation n'est pas fondée, car FLUXYS BELGIUM a bien fourni ces informations dans le graphique à la page 11 de son document de consultation⁶. En plus, à la demande de l'ACER, FLUXYS BELGIUM lui a envoyé son modèle tarifaire contenant toutes ces informations. Finalement, les volumes de gaz à transporter ne constituent pas un paramètre utilisé dans la méthode de calcul des prix de référence. Cette recommandation est aussi irrecevable, car elle sort du champ d'application des compétences de l'ACER (voy. paragraphe 20).

60. Pour que la CREG puisse approuver la proposition tarifaire, la CREG demande toutefois à FLUXYS BELGIUM de mieux estimer les capacités prévisionnelles à chaque point d'interconnexion afin que les tarifs restent stables pendant la période régulatoire et qu'ils reflètent fidèlement les coûts sous-jacents.

61. Concernant la méthodologie utilisée pour prévoir les capacités souscrites, l'ACER considère que ces informations ne sont pas suffisantes pour expliquer les éventuels écarts constatés sur la période tarifaire précédente et ne tire pas d'enseignements pour prévenir de tels écarts. L'ACER recommande que la CREG publie la méthodologie utilisée pour prévoir les capacités souscrites. En outre, l'ACER invite la CREG à publier et évaluer la différence entre la capacité prévue et la capacité contractuelle réalisée pour chaque année, en commençant par les valeurs de la période 2020 à 2023.

⁵ https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Publication/Agency%20report%20-%20analysis%20of%20the%20consultation%20document%20for%20Belgium.pdf

⁶ <https://www.fluxys.com/-/media/project/fluxys/public/corporate/fluxyscom/documents/fluxys-belgium/commercial/tariffs/transmission/2024-2027-tariff-proposal/fluxys-belgium-tariffs-2024-2027---consultation-document.pdf>

62. La CREG estime que cette recommandation n'est pas fondée, car FLUXYS BELGIUM a bien fourni ces informations dans son document de consultation⁷. La CREG ne peut pas répondre à cette demande supplémentaire qui sort du champ d'application des compétences de l'ACER (voy. paragraphe 20), ainsi que du Règlement 2017/460.

63. La CREG constate, tout comme l'ACER, que l'évaluation de la répartition des coûts a été faite conformément la méthode décrite dans le Règlement 2017/460 et que les résultats du degré de subvention croisée restent en dessous des seuils maximaux déterminés par le règlement 2017/460 dans son article 5.

Tableau 2: Evaluation d'allocation de la répartition des coûts

	2024	2025	2026	2027
sum Dom revenues Entry	25.102.736	26.825.768	30.158.910	32.913.121
sum Dom revenues Exit	76.908.562	81.182.092	82.562.187	83.883.182
sum Dom costs driver Entry	4.360.320.031	4.666.595.536	5.170.487.886	5.533.691.453
sum Dom costs driver Exit	9.534.472.044	9.886.314.404	9.886.314.404	9.886.314.404
Dom ratio	0,73%	0,74%	0,75%	0,76%
sum Cross-B revenues Entry	47.539.735	44.384.564	41.859.400	37.790.771
sum Cross-B revenues Exit	69.861.856	66.000.235	63.445.051	57.165.280
sum Cross-B costs driver Entry	8.455.792.043	7.721.974.748	7.176.890.135	6.354.227.154
sum Cross-B costs driver Exit	8.756.658.017	8.081.311.714	7.555.994.864	6.690.582.561
Cross-Border ratio	0,68%	0,70%	0,71%	0,73%
Cross-subsidiation ratio	7,36%	6,06%	4,63%	3,97%
			average 2024-27	5,51%

64. La CREG constate, tout comme l'ACER, que la méthode de calcul des prix de référence proposée par FLUXYS BELGIUM est conforme à l'article 7 du Règlement 2017/460. Néanmoins, l'ACER recommande à la CREG de tenir compte de l'évaluation faite dans la récente étude sur « *Future Regulatory Decisions on Natural Gas: Repurposing, Decommissioning and Reinvestments* »⁸.

65. Selon la CREG, cette recommandation est irrecevable, car elle sort du champ d'application des compétences de l'ACER (voy. paragraphe 20), et du Règlement 2017/460, ainsi que du document de consultation analysé.

3.2.3. La méthode de calcul des prix de référence pour le réseau de gaz L

66. L'ACER souligne qu'une analyse complète de la méthodologie « timbre-poste » proposée par FLUXYS BELGIUM n'est pas possible car les informations fournies sur les paramètres entrant dans la méthodologie – la capacité contractuelle prévue et le revenu autorisé – sont insuffisantes. L'ACER recommande dès lors à la CREG de justifier les valeurs et les paramètres utilisés comme prévision pour la capacité souscrite en plus de fournir les détails de la méthodologie utilisée à cette fin.

⁷ Ibid., p. 11-12, comme l'ACER l'avoue dans la note 10 en bas de page 13.

⁸ <https://www.acer.europa.eu/sites/default/files/documents/Media/News/Documents/Future%20Regulation%20of%20Natural%20Gas%20Networks%20-%20Final%20Report%20DNV.pdf>

67. La CREG, tout comme l'ACER, note que l'impact de la prévision de la capacité sur les tarifs de transport du gaz L peut être minimisé en établissant un compte de régularisation dédié au gaz L. En effet, le traitement séparé de l'infrastructure de gaz L ainsi que de son groupe spécifique d'utilisateurs du réseau justifie un apurement séparé des revenus récupérés via les tarifs applicables au réseau de gaz L. La CREG demandait donc à FLUXYS BELGIUM d'établir ce compte de régularisation spécifique dès la fin de la conversion L-H en Belgique prévue en 2024.

68. La CREG constate que Fluxys Belgium marque son accord pour établir un compte de régularisation spécifique dédié au gaz L prévue en 2024. La CREG peut donc accepter la Proposition sur ce point.

3.2.4. Autres remarques du rapport de l'ACER

69. Dans son rapport, l'ACER⁹ a inclu une série d'autres remarques et recommandations, qui selon la CREG sont irrecevables, car elles sortent du champ d'application des compétences de l'ACER (voy. paragraphe 20), du document de consultation analysé, ou même nettement du Règlement 2017/460.

4. RESERVE GENERALE

Dans la présente décision, la CREG s'est prononcée sur les budgets et prévisions pour les années 2024-2027 de FLUXYS BELGIUM. Ces chiffres et prévisions seront mis à jour lors des décomptes sur base des chiffres réalisés et vérifiés par la CREG. Bien que la CREG se réfère à certains chiffres du Rapport Tarifaire 2022 de FLUXYS BELGIUM, c'est sans préjudice quant à l'approbation de ce Rapport Tarifaire 2022.

Conformément à l'article 41(2), in fine, de la directive 2009/73, cette décision ne préjuge pas de l'utilisation future de la compétence tarifaire. La CREG a le pouvoir d'adapter les tarifs ou la méthode en permanence, même dans la période régulatoire actuelle, fondée sur les articles 41(6) et 41(10) de la directive 2009/73 et/ou leur transposition en droit belge.

⁹ Agency Report – Analysis of the Consultation Document on the Gas Transmission Tariff Structure for Belgium, Chapter 7, https://www.acer.europa.eu/sites/default/files/documents/Publications/Agency_report-analysis_of_the_consultation_document_for_Belgium.pdf.

5. DISPOSITIF

Considérant la proposition tarifaire amendée du 31 mars 2023 de FLUXYS BELGIUM ;

Considérant ce qui précède ;

La CREG décide, en application des articles 15/5*bis*, § 7 et 15/14, 9°*bis* de la loi gaz, d'accepter la demande d'approbation relative aux tarifs de raccordement et d'utilisation du réseau de transport de FLUXYS BELGIUM pour les années 2024-2027.

Les tarifs approuvés se trouvent en annexe 3 à la présente décision.

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Pour la Commission de Régulation de l'Electricité et du Gaz :

Laurent JACQUET
Directeur

Koen LOCQUET
Président f.f. du Comité de direction

ANNEXE 1 : REACTIONS A LA CONSULTATION DE FLUXYS BELGIUM

Questions et réponses de la consultation du marché. Document préparé par FLUXYS BELGIUM

Questions and Answers				
#	From	Topic	Questions / Comments by Stakeholders	Answers / Comments by Fluxys Belgium
1.1	Commission de Régulation de l'Energie (CRE)	A very high tariff inflation on the Lgas network	<p>Fluxys explains that, with the end of the conversion plan of Belgian domestic grids to high-calorific gas (known as 'H-gas') in 2024, the L-gas transmission system will be “exclusively operated for the need of the cross-border service to France”. CRE understands that the tariff for the use of the L-gas transmission networks could thus be subject to a very significant increase during the next regulatory period: between 2023 and 2027, the tariff would be multiplied by 10 at the entry point Hilvarenbeek L (from €0.851/kWh/h/year to €9.366/kWh/h/year) and multiplied by almost 13 at the exit point Blaregnies L (from €1.387/kWh/h/year to €19.016/kWh/h/year).</p> <p>According to Fluxys, this particularly high increase in the tariffs is the result of the conversion of the Belgian grids to H-gas from 2024 and of Fluxys’ anticipated decrease in capacity bookings at L-gas interconnection points as the H-gas conversion plan for Northern France carries on – due to run until 2029.</p>	<p>The increasing tariffs over the years 2024-2027 is the result of the decreasing forecasted contracted capacities that reflects the gradual conversion of French market from L-gas to H-gas over 2024-2027 while the costs to be recovered are stable over the 4 years (just inflated). Indeed, the dedicated infrastructure remains fully allocated to the L-gas borderto-border service until the end of the L/H conversion in France.</p>
1.2	Commission de Régulation de l'Energie (CRE)	Underestimated assumptions for capacity bookings	<p>First of all, CRE is surprised by the low booking assumptions made by Fluxys for the entry at Hilvarenbeek L and the exit at Blaregnies L. These assumptions seem to be designed to cover French L-gas consumption on average, which is not consistent with the booking profile usually observed for the zone. The subscribers take into account seasonality and peak consumption, which always results in a higher booking level than the one allowing to strictly cover average consumption. This assumption results in artificially high tariff terms.</p>	<p>No capacity is currently booked at the Blaregnies L exit point after the end of the L to H conversion in Belgium. The forecasted contracted capacities serving as reference for the calculation of the L-gas tariffs have then to be estimated by Fluxys Belgium. The Forecasted Contracted Capacities are calculated using the yearly volume for consumers demand for L-gas from the Netherlands in France as indicated in the Winter Report 2022. On these volumes, the same reduction is applied as for the Belgian consumption because of the lower consumption driven by the current market circumstances (high energy prices and energy transition). The result is then profiled into monthly volumes based on the historical figures that are available in the</p>

				Winter Report and then resulting into the Forecasted Contracted Capacities.
1.3	Commission de Régulation de l'Energie (CRE)	Increased need for transparency in assessing L-gas network costs	<p>On the other hand, CRE does not have any information to assess the share of Fluxys' costs corresponding to the L-gas grid. In the absence of any justification, CRE cannot consider acceptable the level (more than €17 million per year) and the evolution of the authorized revenue that Fluxys intends to collect at Hilvarenbeek L and Blaregnies L, which must strictly correspond to the costs generated by the L-gas network assets. CRE notes that the revenue to be collected on the L-gas grid is growing slightly between 2024 and 2027, even though this network was essentially commissioned more than 50 years ago. Logically, for such old and depreciated assets, the costs to be covered should decrease, as is the case for Fluxys' regulated asset base (RAB), which as a whole has decreased by almost 14% between 2017 and 2022, from around €2.2bn to almost €1.9bn². In the absence of detailed information on the RAB of the L-gas assets, CRE wonders about their depreciation method.</p> <p>Moreover, CRE considers that the last users of a network should not, in any case, bear the stranded costs of a system which was designed to be shared with other players. Lastly, some of the gas network assets may ultimately be converted to meet other needs (transport of H-gas, hydrogen, etc.). The depreciation terms must also take into account the value of these future uses. In this context, CRE considers it necessary to publish as soon as possible the calculation parameters justifying the cost trajectory and therefore the authorised revenue published by Fluxys for the L-gas networks (in particular, and at least, the past evolution and future projections of the RAB of the assets concerned, the depreciation method of these assets, the capital and operating costs over the coming regulatory period). CRE considers that the absence of these elements does not allow the public consultation process to take place under satisfactory conditions.</p>	The costs allocated to the L-gas grid are fully cost reflective and subject to CREG approval, as all costs allocations to services in the framework of the tariff proposal. The costs allocation and the tariff calculation are in line with CREG's tariff methodology (amongst other the depreciation rules) and the EU network code for tariffs. The details of the allowed costs are not public hence not part of the public consultation. However, in case CRE estimates necessary to get clarity on the underlying costs of the allowed revenue, CRE may ask CREG to get additional information.

1.4	Commission de Régulation de l'Energie (CRE)	A necessary consistency between the split of H-gas and L-gas assets and the functioning of the regulatory account	<p>CRE also considers that Fluxys' regulatory account must work in a manner consistent with the split proposed by Fluxys. This coverage mechanism must be designed to specifically return to users of the L-gas network the differences (positive or negative) between the revenue actually collected on the L-gas network and the revenue anticipated on this network when the tariff was set. Symmetrically, revenue differences on the H-gas network should be returned specifically to the users of the H-gas network. CRE points out that the Tariffs network code stipulates (Article 20(1)) that "the full or partial reconciliation of the regulatory account shall be carried out in accordance with the applied reference price methodology". If the tariffs calculated by Fluxys reflect a split between the B-gas and H-gas assets, the reconciliation of the regulatory account must therefore follow the same split. In the absence of any reference to the functioning of the regulatory account in Fluxys' consultation document, CRE therefore wishes to ensure that the operation of this account is consistent with the split of assets. Otherwise, H-gas network users would structurally benefit from a cross-subsidy to the detriment of the L-gas network users in the event of additional capacity bookings.</p>	<p>Fluxys Belgium understands the CRE remarks and confirms the intention to settle revenue differences in the L-gas system and the H-gas system separately and according to the reference price methodology applied in both systems.</p>
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2.1	EDF	LNG terminals competitiveness and Security of supply	<p>In particular EDF is concerned about the maintain of LNG terminal competitiveness over the next tariff period. EDF would like to remind that LNG is an essential mean for supply diversification and security, especially since the drastic lowering of Russian gas supply. This change in supply scheme has made LNG a pillar of the supply diversification and security, and this phenomenon is also important since European indigenous gas resources are declining on the medium to long term. Therefore, to substitute the gas import from Russia, Europe must diversify its supply and for that, it is important to encourage and support at least over the next 2 to 3 years the attractiveness of the LNG in Belgium for the benefit of the Belgian and European markets.</p> <p>We consider that the Belgian gas network is as crucial for Belgium as for the European market since about half of transmitted gas volumes in Belgium regards international transit. In this contest this network plays a key role for LNG imports in Europe since it is directly connected to the two major LNG terminals that are Zeebrugge and Dunkerque LNG.</p>	<p>Fluxys Belgium fully agrees with the importance of the LNG terminals in the supply diversification and security, next to the import through pipelines. However, not applying a discount on the tariff is the default situation while applying a discount is the exception to be justified. Belgium is a well-interconnected country with access to different supply sources. Applying a discount at the entry point from the LNG terminal seems in this case difficult to justify, due to potential impact on the other interconnection points.</p> <p>The EU network code for tariff requests to apply a 50% discount at least (and up to 100%) to entry and exit from/to storage. The EU gas package under development favors a 100% discount to boost the storages filling level at EU level. In this context Fluxys Belgium considered reasonable to implement a 100% discount. Furthermore gas entering the</p>
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			<p>Regarding the competitiveness of the LNG terminals, EDF observes with respect to Article 9 of TAR NC (“ At entry points from LNG facilities, and at entry points from and exit points to infrastructure developed with the purpose of ending the isolation of Member States in respect of their gas transmission systems, a discount may be applied to the respective capacity-based transmission tariffs for the purposes of increasing security of supply.”), that no discount is applied at entry points from LNG terminals (both Dunkirk LNG and Zeebrugge LNG terminals entry points). This choice has been made without any reason given.</p> <p>Regarding the 100% discount applied to storage, EDF understands this measure as an incentive for market players to use storage (as it is proposed to be been done in France as well), nevertheless EDF would also mention that the missing revenues coming from this discount, should not have an impact on cross-border tariffs or other entry tariffs (for example entry tariff from LNG terminal) in an objective of overall coherence with security of supply measures.</p>	<p>storage has already paid an entry tariff when entering the Belgian system and will pay an exit tariff (either at IPs or at domestic exit points) when exiting the Belgian system.</p>
2.2	EDF	<p>Removal of the discount on Operational Capacity Usage Commitments “OCUC”</p>	<p>One of the adjustments of the new Fluxys proposal is the removal of the OCUC’s discount, as this discount was the result of reduced use of the flexibility of the network for OCUC services which seems to be no longer the case.</p> <p>EDF can understand the reason of such a change, but in that case, it should come along with the release of the constraints that OCUC infers as a “bundle product”, i.e. the obligation to nominate the same volumes on the relevant Entry and Exit points of the OCUC.</p>	<p>Fluxys Belgium understands the suggestion and is considering to make a proposal to the market to tackle this point in the coming months.</p>
2.3	EDF	<p>Drastic Increase on exit points (VIP BENE, VIP THE-ZTP)</p>	<p>Even if EDF understands the change of the flows as a consequence of the current situation, EDF does not support such an increase on Exit towards Germany or the Netherlands. In the opposite, the exit tariffs should be maintained at the same level in order to support the interconnections between the countries ensuring and helping the European Security of Supply. Moreover, we consider such increase (around +50%) particularly significant also considering that some operators invested in transmission capacity transits during the recent transmission capacity auctions with the aim to contribute to help the EU gas system</p>	<p>The increase of the Exit capacity tariffs at VIP-BENE and VIP-THE ZTP is the direct result of the application of the reference "capacity weighted distance" reference price methodology (RPM) of the EU network code for tariffs. Given the change in flow patterns since the beginning of the Ukrainian crisis and which are expected to continue in the next years the flows have shifted from East->West to West->East with substantial capacity bookings and expected bookings on the exit IPs to Germany and the Netherlands increasing the costs allocated to these exit IPs hence increasing their tariffs.</p>

				Deviating from this reference RPM would introduce undue cross-subsidisation between IPs
2.4	EDF	Commodity based transmission tariffs: Energy in cash	<p>Regarding the commodity fee (so-called Energy In Cash) applied by Fluxys, EDF has already raised the problem regarding this fee which has increased drastically over the last months, without transparent justification. Indeed, according to our understanding of Fluxys income statement one cannot see a very clear increase of the “purchase of gas related to operational needs”. Still, this tariff term being proportional to the gas price reference, it has drastically increased for Fluxys customers. Fluxys proposes to keep this fee unchanged.</p> <p>With an objective of increased transparency, EDF would like first better understand the nature and volume of gas involved for Fluxys and the cost supported to be covered.</p> <p>Secondly, in order to mitigate this cost, Fluxys could consider different possibilities:</p> <ul style="list-style-type: none"> - Analyze the nature of the cost and consider the possible investments that could reduce the cost, establishing a business plan accordingly; - Modify the current formula to limit the effect of the increase of the gas reference price, for example the proportionality factor (0.08%) could decrease once the gas reference price reaches a certain level, the higher the energy price, the lower the ratio factor. <p>Another solution would be to consider a cap to the Energy in cash term, in order to avoid excessive impact of the tariff on shippers.</p> <p>This cap would be chosen by Fluxys based on its actual costs to be covered.</p> <p>In any case, in a purpose of transparency, more information should be disclosed regarding Fluxys energy expenses.</p>	<p>The 0,08% tariff represents the costs of the own consumptions to deliver the services. These costs are made of gas and electricity purchases. Both gas and electricity purchase prices increase and need to be reflected in the tariff. A balance of costs and revenues for this commodity tariff is submitted to CREG just as it is done for the capacity tariffs. It could even be that the costs are no longer covered by the tariff if gas prices would lower while electricity prices remain high.</p>

2.5	EDF	Use of the regulatory account	The Tariff proposal underlines the fact that the regulatory account will be set at -50M€ at the end of the regulatory period. Considering the current and situation of the energy sector, EDF would find it relevant to reinject this amount (or a part of this) in the current tariff period in order to reduce the unitary terms. Furthermore, it would be interesting to understand better the forecasted level of the premium regulatory account due to the capacity sales to support the German gas system for example and how it will be used by Fluxys.	Considering the substantial amount returned to the tariff over the 2024-2027 period it seems wise to keep aside the 50M€ foreseen by the CREG tariff methodology to dampen the tariff increase in the next regulatory period (2028 onwards). The premium account is used to support the tariffs in the regulatory period and to support investments to reduce congestion as foreseen in the EU network codes.
2.6	EDF	General remark regarding the tariff proposal	Considering the difference between the current tariff and the Fluxys proposal from 2024, there is a huge gap in the tariff for L gas transmission due to the decision to accelerate the L/H conversion (+ 262% on the Baregnies L release), with an indisputable drastic impact on market players. EDF considers that such choices must be appropriately accompanied by discussions and dialogue before making decisions, in order to find the best solution for the parties and to avoid drastic movements and changes that are detrimental to market players.	The advice is taken into account.
3.1	Engie	Compliance with the Network Code & transparency over tariff construction and the regulatory account	We are deeply concerned by potential cross subsidization between the H and L zones. We have reason to believe that Fluxys' tariff proposal generates by construction a risk of cross subsidization between the two zones, to the detriment of the L-zone users, because of the calculation of the forecasted contracted capacity on the L zone, as detailed below. Article 20.1 of the Tariff Network Code states that "The full or partial reconciliation of the regulatory account shall be carried out in accordance with the applied reference price methodology and, in addition, by using the charge referred to in Article 4(3)(b), if applied.". Since Fluxys is splitting the revenues of the H and L zones, we request that the 460 M€ that Fluxys intends to return to the market over the period of 24-27 be returned on both L and H tariffs, in respect of the mentioned article of the NC Tar. In addition, future H and L tariffs shall also be calculated in respect of the same article. We expect Fluxys to be transparent on the absence of any cross subsidization between the L and H zones.	The regulatory account is returned to the tariffs according to the applicable reference tariff methodology and both H and L systems benefit from the support of the regulatory account. For future tariffs the eventual regulatory account accumulated over the period will be returned in accordance with the applicable RPM in both H and L systems to avoid cross-subsidisation as it has been done for the 2024-2027 tariffs that were consulted.
3.2	Engie	Regulatory account	ENGIE would like to have more elements on the regulatory account current level and forecast at the end of 2023. Fluxys will return 460 M€ to the 24-27 tariffs, and keep 50 M€, without precisising the level of the account at the beginning of the regulatory period. Moreover, the methodology introduced the creation of a separate regulatory account for auction premiums, as well as the possibility to utilize part of the regulatory account 'premiums' for investments to remedy to congestions. In this matter, we have the following questions :	On top of the returned amount to the tariffs 2024-2027 and the 50M€ kept for the next regulatory period, the remaining part is foreseen to be used for investments with the aim to reduce the congestion. A substantial part of this support to investments is foreseen for the reinforcement on the West-East axis flowing gas to Germany and The Netherlands. The amounts returned to the market is from both premium account and regulatory account while support to the investments is exclusively from the premium account as foreseen by the EU network codes. L-gas tariffs receive

			<ul style="list-style-type: none"> - Can we assume that the regulatory account level will be at 510 M€ at the beginning of the regulatory period ? Does Fluxys intend to use part of the regulatory account for investments ? If yes, is it already deducted from the regulatory account amount to be returned to the tariffs over 24-27 ? - What is the forecasted level of the premiums regulatory account ? - Is the money to be returned to the market taken from the “premium” regulatory account or the “regular” one ? - What is the amount of the regulatory account that Fluxys will return to L-gas tariffs ? 	<p>their share of the regulatory account which reduces the allowed revenue to be recovered from tariffs. Please note also that 300M€ are foreseen to be used from the regulatory account in 2023 to cover the cost linked to the solidarity contribution decided by the Belgian government.</p>
3.3	Engie	Termination of the OCUCs and Wheelings discount	<p>Since OCUC’s will no longer benefit from a tariff discount, ENGIE requests that all OCUC capacity to be transformed back into the underlying Entry and Exit services to/from ZTP. ENGIE does not support the end of OCUCs discounts unless the OCUC holders are relieved from the constraints that OCUC infers, i.e. the obligation to nominate the same volumes on the relevant Entry and Exit points of the OCUC.</p> <p>In particular, Engie notes that in Fluxys tariff proposal the Reference price for 2024 for the OCUC “Dunkirk LNG Terminal/Virtualys - IZT/Zeebrugge” is equal to the Reference price of Firm Entry capacity at Dunkirk LNG Terminal/Virtualys + Firm Exit capacity at IZT/Zeebrugge, while some grid users contracted this OCUC as the combination of Interruptible Entry capacity at Dunkirk LNG Terminal/Virtualys + Firm Exit capacity at IZT/Zeebrugge. Engie is of the view that when the OCUC is “broken” back into Entry & Exit capacity, either the underlying Entry capacity that the user gets is made firm, or the tariff that the user will have to pay for its Interruptible capacity should be equal to the Interruptible Entry capacity at Dunkirk LNG Terminal/Virtualys, and therefore benefit from the interruptible capacity discount.</p>	<p>Fluxys Belgium understands the suggestion and is considering to make a proposal to the market to tackle this point in the coming months.</p>
3.4	Engie	H to L quality conversion tariffs	<p>ENGIE was surprised to see a tariff forecast on the H to L conversion service on the period of 24-27, while the service was deemed to cease to be offered on March 31st 2023.</p>	<p>The H to L conversion tariff will indeed no longer be necessary in the 2024-2027 tariff period.</p>
3.5	Engie	Forecasted contracted capacity and future tariffs	<p>Fluxys forecast 0 bookings on the Exit IZT/Zeebrugge point for the period of 2023 – 2027, whilst market spreads show a potential of gas exports to the UK during the winter of each year. ENGIE requests that Fluxys takes into account a reasonable forecasted contracted capacity at Exit IZT/Zeebrugge point in the calculation of its transmission tariffs.</p>	<p>Forecasted contracted capacities are not zero. They include well bookings on the IZT/Zeebrugge Exit IP. The zero figures for the IZT/Zeebrugge Exit IP given in the graph of page 11 of the consultation document are for the expected flow towards that IP. However the tariffs are calculated based on the forecasted contracted capacities which</p>

				include the current bookings and expected additional bookings. Current bookings are then well taken into account in the forecasted contracted capacities even if not used in the envisaged flow patterns.
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3.6	Engie	Forecasted contracted capacity and future tariffs	The Exit capacity tariffs at VIP-BENE and VIP-THE ZTP are to increase by more than 50% between 2023 and 2024. This instability in tariffs is not appreciated by the market as it increases the risks of booking long term capacity in advance.	The increase of the Exit capacity tariffs at VIP-BENE and VIP-THE ZTP are the direct result of the application of the reference "capacity weighted distance" reference price methodology of the EU network code for tariffs. Given the change in flow patterns since the beginning of the Ukrainian crisis and which are expected to continue in the next years the flows have shifted from East->West to West->East with substantial capacity bookings and expected bookings on the exit IPs to Germany and the Netherlands increasing the costs allocated to these exit IPs hence increasing their tariffs.
3.7	Engie	L-zone tariffs	<p><u>Tariff at Hilvarenbeek Entry and Exit:</u> Fluxys introduces a cross delivery service on Hilvarenbeek Entry and Blarégnyies L Exit capacities after the end of the conversion of the L-zone expected in September 2024. However, Hilvarenbeek capacities can/will be utilized to deliver L-gas to Belgian Hcustomers even after the end of the conversion of the Belgian L-zone, via the L to H quality conversion service. ENGIE requests that Hilvarenbeek to be considered as an IP connecting TTF to ZTP, and both Entry to the ZTP and Backhaul Exit capacities at this IP shall therefore be offered at the same tariff as VIP-BENE. <u>Tariff at Blarégnyies L Exit:</u> This tariff only dedicated to the L gas transit to France should be determined to make it possible for Fluxys to be remunerated up to the level the revenue allowed on the natural transmission grid L, which Fluxys estimates at around €17 million per year. Tariff depends on the capacity subscription levels but these cannot be easily anticipated because the L-Gas Market Conversion is de facto not in the hands of the shippers or their customers. It is driven by Transmission System Operators. For example, the sudden and unexpected decision to accelerate the end of conversion in Belgium is good evidence of this.</p>	<p>There is no cross delivery service introduced. Hilvarenbeek L entry capacity and Blaregnies L exit capacity can be booked independently. Hilvarenbeek L entry capacity does not give access to the ZTP as it is part of the L-gas system. A transfer of L-gas into the H-gas system remains possible through the Quality Conversion to H service.</p> <p>Fluxys Belgium does not have the necessary information to estimate the needed capacities towards the French L-gas market which L to H conversion is not in Fluxys Belgium hands, hence Fluxys Belgium used the Winter Report 2022 to estimate the L-gas flows to France and converted them into forecasted contracted capacities as explained in the consultation document. It is Fluxys Belgium's intention to adjust the L-gas capacity tariffs based on the actual bookings hence revenues and to return/recover the regulatory account of the L-gas revenues to/from L-gas tariffs.</p>

			<p>Our proposal: ENGIE would like Fluxys :</p> <ul style="list-style-type: none"> to manage the regulation account in respect of the mentioned article 4(3)(b) of the NC Tar, to adjust the Blarégnyes L Exit tariff as much as necessary to keep the Fluxys L gas revenue as close to the authorized revenue so that L-Gas Market Conversion process driven by national grid operators does not prejudice Shippers and customers in any way. to be fully transparent about the 17 M€. This amount is not well substantiated. 	<p>The details of the L-gas allowed revenue are not public hence not part of the public consultation. However, in case CRE estimates necessary to get clarity on the underlying costs of the allowed revenue, CRE may ask CREG to get additional information.</p>
3.8	Engie	FCC at points	<p>In the process of tariff construction in the L-Zone, Fluxys uses forecasts of contracted capacity. These forecasts do not seem accurate nor based on median scenarios, rather on unrealistic, minimalist subscriptions. We would like Fluxys to consider the following comments:</p> <ul style="list-style-type: none"> - Blarégnyes L Exit capacity : A flat Yearly booking which seems to be an hourly capacity calculated by dividing less than the Yearly consumption of the French L-zone in an average scenario (as published by GRTgaz in the « Winter Report 2022 Task Force Monitoring L-Gas Market Conversion »), by the number of hours in the year. o Comments : The French L-zone consumption is shaped differently between winter and summer, and flattening the Yearly consumption over the hours of the year results into an extremely underestimated forecast of contracted capacity. - Hilvarenbeek L Entry capacity : A flat Yearly booking equal to the Blarégnyes L Exit FCC. o Comments : in addition of our comment on the Blarégnyes L Exit FCC, which applies also on the FCC capacity at Hilvarenbeek Entry, additional Entry capacity is to be expected to take into account the forecasted bookings from Belgium to the Netherlands at Hilvarenbeek. This is detailed in the next bullet point. - 0 forecasted contracted capacity on the Exit Backhaul Hilvarenbeek point (ZTP>TTF) o Comments : in the past years, there have been significant bookings of Hilvarenbeek backhaul Exit capacity, that are likely to be carried on in the period of 	<p>Fluxys Belgium notes that no capacity is currently booked on the Blarégnyes L exit IP for the relevant period. Fluxys Belgium has no view on the booking strategy of the network users to supply the L-gas French market, hence Fluxys Belgium based her forecasted contracted capacities on the Winter Report 2022 as explained hereabove. Fluxys Belgium can't speculate on the booking behaviour and arbitrage between short term on long term capacities the network users will have in order not to induce cross-subsidy in accordance with EU network code for tariffs. Furthermore Exit backhaul Hilvarenbeek L and quality conversion to H capacities are not taken into account by Fluxys Belgium. These services are booked by the network users based on their own needs and portfolio optimisation which Fluxys Belgium can't forecast.</p> <p>Fluxys Belgium took realistic assumptions of forecasted contracted capacities and difference with actual capacity subscriptions will be settled in the regulatory account which will serve to adjust the tariffs over the period.</p>

		<p>24-27. Fluxys should take into account a forecasted contracted capacity on Exit Hilvarenbeek based on the historical bookings in its calculation of L-zone capacity tariffs. - 0 forecasted contracted capacity on the L to H quality converter</p> <p>Comments : ENGIE would like to stress again that in the past years, there have been significant bookings at the L to H quality converter, and that Fluxys should take into account a forecasted contracted capacity at this points in the calculation of the L-zone and the H-zone capacity tariffs.</p> <p>Our proposal: ENGIE vividly urges Fluxys to take into account realistic booking shapes on all L-points.</p>	
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4.1	FEPEG	<p>On regulatory account transmission (p.4 and 21)</p>	<p>FEPEG notes that the expected regulatory account at end 2023 and the collected auction premia at that date will allow to substantially support the tariff in the 2024-2027 tariff period. From the ~510M€ returned to the tariffs, an amount of ~460M€ will be returned directly to the 2024-2027 tariffs through a reduction of the allowed revenue, and a ~50M€ will be kept to mitigate the risks linked to today's market uncertainties and to partially dampen the expected tariff increase the following tariff period. FEPEG is of the opinion that, when preparing the tariff proposal, the natural gas transmission system operator must determine its tariffs in order to have a regulatory account as close to zero as possible at the end of the regulatory period. This is in line with the tariff methodology as decided by CREG on June 30th 2022: "This trajectory must include a gradual decrease in the accrual account until it reaches a balanced, neutral balance, i.e. neither positive nor negative, at the end of 2027." However, in a disruptive market situation, this balance at the end of 2027 may vary between + or - 50 million euro. We invite CREG and Fluxys Belgium to compare the ratio of the regulated account and the allowed revenue with foreign examples, and make sure that Fluxys Belgium is in line with the European average.</p>	See 3.2
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			<p>In addition, FEBEG has the following questions regarding Fluxys' regulatory account :</p> <ol style="list-style-type: none"> 1) Can we assume that the regulatory account level will be at 510 M€ ? Does Fluxys intend to use part of the regulatory account for investments ? If yes, are these investments already deducted from the regulatory account amount to be returned to the tariffs over 24-27 ? 2) What is the forecasted level of the premiums regulatory account ? 3) Is the money to be returned to the market, coming from the premium regulatory account or the "regular" one ? 4) How will the returned amount of the regulatory account be divided between the L-gas and H-gas transportation tariffs ? 	
4.2	FEPEG	On future investments (p. 5)	<p>The document states that the investments contemplated by Fluxys Belgium during the next tariff period include investments reducing the congestion (reinforcement of the West-East axis to ensure gas flows from the West to the Belgian market, especially in the context of the L to H conversion and to support the gas flows from the West to Germany) and investments needed in the context of energy transition.</p> <p>We recommend a clear distinction between natural gas transmission grid H, natural gas transmission grid L, natural gas storage facility and LNG facility. FEBEG considers this to be extremely important as the necessary safeguards and transparency must be built into the methodology to avoid cross-subsidisation between the various activities (including gas and H2/CO2 networks).</p>	<p>The cost allocation (incl. investments) avoids cross-subsidisation between the different activities and between H-gas and L-gas infrastructure as well within the transport activity.</p>

4.3	FEBEG	On 4.1.1.2 OCUCs and Wheelings (p.9)	<p>We note that Fluxys wants to delete OCUC's, as they are not considered relevant anymore, and do no longer contribute to simplifying the management of the Fluxys transmission grid. Since OCUC's and Wheelings will no longer benefit from a tariff discount, FEBEG requests that all OCUC capacity to be transformed back into the underlying Entry and Exit services to/from ZTP. FEBEG does not support the end of OCUCs discounts unless the OCUC holders are relieved from the constraints that OCUC infers, i.e. the obligation to nominate the same volumes on the relevant Entry and Exit points of the OCUC.</p> <p>Moreover, the Reference price for 2024 for the OCUC "Dunkirk LNG Terminal/Virtualys - IZT/Zeebrugge" is equal to the Reference price of Firm Entry capacity at Dunkirk LNG Terminal/Virtualys + Firm Exit capacity at IZT/Zeebrugge, while some grid users contracted this OCUC as the combination of Interruptible Entry capacity at Dunkirk LNG Terminal/Virtualys + Firm Exit capacity at IZT/Zeebrugge. When the OCUC is "broken" back into Entry & Exit capacity, either the underlying Entry capacity that the user gets is made firm, or the tariff that the user will have to pay for its Interruptible capacity should be equal to the Interruptible Entry capacity at Dunkirk LNG Terminal/Virtualys, and therefore benefit from a the interruptible capacity discount.</p> <p>In the deletion of the OCUC's, or any other future services, FEBEG is of the opinion that shippers should not pay more than before the deletion. Ideally this is organised by the option of an annulment of the underlying contract, but we are open to discuss other options.</p>	See 3.3
4.4	FEBEG	On 4.1.2.1 Article 9(1) – proposed discount(s) at Entry points from and Exit points to storage facilities	<p>FEBEG takes note of the new 100% discount at Entry point from the Loenhout storage facility in accordance with Article 9; adding to the existing 100% discount at the Exit point to the Loenhout storage facility.</p> <p>Although we are not opposed to this measure, we should point out that this is a political decision. European law permits member states to do this, but it should not be the storage owner who should propose it.</p> <p>Additionally, we are of the opinion that any missing revenues that arise from this discount, intended to increase the security of supply in Belgium, should be covered by the domestic market, being the beneficiaries of this measure. Recovering these costs differently would have an impact on cross-border tariffs and thus other markets, which should not be bearing the costs of the Belgian security of supply.</p>	Fluxys Belgium has set the tariffs and the discount to entry and exit from/to the storage in accordance with the network code for tariffs and the EU regulation. The storage is accessible to both domestic and foreign markets. Gas accessing the storage or coming from the storage has already paid an entry tariff before being injected in the storage and will pay an exit tariff when exiting the storage (domestic or exit IP tariff). The crosssubsidisation ratio remains within the limits set by the network code for tariffs even with the 100% discounted tariff to/from storage.

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4.5	FEPEG	On 4.2.2 Article 30.1(b)(iv) and 30.1(b)(v) – Transmission services revenue (Lgas, p. 21)	<p>FEPEG notes that the Fluxys revenue for transporting L-gas slightly increases during the 2024-2027 period. Given the fact that the transported volumes will decrease, this implies that the unit tariffs are exploding.</p> <p>Once the conversion into high calorific gas will be completed, the 2024 Hilvarenbeek L entry reference price changes to 2,494 EUR/KWh/h/year. In other words: due to a political decision shippers are stuck with capacity they cannot longer use and for which Fluxys then increases the tariff with 262 %. This is unacceptable, and in such situations shippers should be allowed to terminate their contract (see further).</p> <p>FEPEG is also in favor of maintaining the L to H quality conversion service until 2029.</p>	<p>The conditions to terminate the contracts are given in the Standard Transmission Agreement including the one relating to tariff increase.</p> <p>The quality conversion to H service in maintained in place for the tariff period.</p>
4.6	FEPEG	On 4.3.1 Article 26.1(c)(i) – Commodity based transmission tariffs (p.22)	<p>FEPEG notes that “Fluxys Belgium applies a commodity fee (the so-called Energy In Cash) which will still be charged to reflect the variable costs related to gas transmission. This fee is kept unchanged compared to the currently applicable tariff, i.e. 0,08% of the allocated quantities at the Gas Price Reference, as published on Fluxys Belgium website.”</p> <p>In the “Tariffs for transmission and non-transmission services of Fluxys Belgium SA for year 2021” we do read, however, that “Fluxys Belgium reserves the right to correct that price reference in case it would no longer be representative for the gas purchase price of Fluxys Belgium.” In any case, FEPEG would welcome a level of user concertation in case Fluxys would be planning to change this price reference.</p> <p>But, considering the current market circumstances, FEPEG is wondering if the Energy in Cash is still proportionate and urges for an evaluation and adjustment of this commodity fee. FEPEG therefore invites Fluxys Belgium to consider the following actions: - Transparency and cost-reflection: FEPEG would welcome more</p>	<p>See 2.4</p> <p>In addition, no adjustment is foreseen as the variable fee depends on the gas prices on the market but which also represents the purchase cost of the gas and electricity for Fluxys Belgium. So increasing total cost invoiced to the network user reflects an increasing cost for Fluxys Belgium on the same basis. Therefore no cap is foreseen that would put Fluxys Belgium at risk not recovering the exposed costs for energy needed to provide the transmission services.</p>

			<p>insights, details and clarifications on which 'variable costs related to gas transmission' are exactly covered by this fee and how the fee relates to these costs;</p> <ul style="list-style-type: none"> - Adjusted percentage: FEBEG urges Fluxys also to investigate a more clever approach for the definition of the fee. E.g. adding a formula to the current percentage linked to thresholds in function of the gas price – the higher the gas price, the lower the percentage – would already mitigate the impact of the tariff on shippers; - Cap: Fluxys could also consider a cap to avoid the excessive impact of the tariff on shippers. 	
4.7	FEBEG	H to L quality conversion tariffs	<p>FEBEG was surprised to see a tariff forecast on the H to L conversion service on the period of 24-27, while the service was deemed to cease to be offered on March 31st 2023.</p>	See 3.4
4.8	FEBEG	Forecasted contracted capacity and future tariffs	<p>Fluxys forecast zero bookings on the Exit IZT/Zeebrugge point for the period of 2023 – 2027, whilst market spreads show a potential of gas exports to the UK during the winter of each year. FEBEG requests that Fluxys' take into account a reasonable forecasted contracted capacity at Exit IZT/Zeebrugge point in the calculation of its transmission tariffs.</p> <p>The Exit capacity tariffs at VIP-BENE and VIP-THE ZTP are to increase by more than 50% between 2023 and 2024. This instability in tariffs is not appreciated by the market as it increases the risks of booking long term capacity in advance.</p>	<p>The zero figures for the IZT/Zeebrugge Exit IP given in the graph of page 11 of the consultation document is for the expected flow towards that IP. However the tariffs are calculated based on the forecasted contracted capacities which include the current bookings and expected additional bookings. Current bookings are then well taken into account in the forecasted contracted capacities even if not used in the envisaged flow patterns.</p>
4.9	FEBEG	L-zone tariffs	<p>Article 20.1 of the Tariff Network Code states that "The full or partial reconciliation of the regulatory account shall be carried out in accordance with the applied reference price methodology and, in addition, by using the charge referred to in Article 4(3)(b), if applied." Since Fluxys is splitting the revenues of the H and L zones, we request that the 460 M€ that Fluxys intends to return to the market over the period of 24-27 be returned on both L and H tariffs, in respect of the mentioned article of the NC Tar. In addition, future H and L tariffs shall also be calculated in respect of the same article.</p> <p>Fluxys introduces a cross delivery service on Hilvarenbeek Entry and Blarégnyes L Exit capacities after the end of the conversion of the L-zone expected in September 2024. However, Hilvarenbeek capacities can/will be utilized to deliver L-gas to Belgian</p>	See 3.7 and 3.8

			<p>Hcustomers even after the end of the conversion of the Belgian L-zone, via the L to H quality conversion service.</p> <p>FEBEG proposes that Hilvarenbeek shall be considered as an IP connecting TTF to ZTP, and both Entry and Backhaul Exit capacities at this IP shall therefore be offered at the same tariff as VIP-BENE.</p>	
4.10	FEBEG	General note	<p>Shippers take long term commitments based on the best possible assumptions and forecasts on the gas mas market and possible market evolutions, being fully aware of related market risks. Nevertheless, political and/or regulatory interventions – e.g. cancellation of OCUC, accelerated L/H conversion, etc. – might impact the legitimate expectations of the contracting parties as well as the balance of rights and obligations in the contracts.</p> <p>Therefore, FEBEG invites Fluxys to investigate a general regulatory framework for the cancellation of services, perhaps against payment of a cancellation fee.</p>	Fluxys Belgium notes the remark and will consider it.

5	Gazprom Export LLC	Cancellation of the discount for shorthaul capacities (OCUCs)	<p>A closer look at the Proposal illustrates that it does not take account of the legal and economic interests and rights of the market participants with existing capacities contracted at the affected entry and exit points, specifically OCUC capacities.</p> <p>The regulatory Proposal entails cancellation of the discount for shorthaul capacities (OCUCs) as of 01.01.2024, with OCUCs tariffs will simply be set as the sum of the tariffs of the underlying Entry and Exit service.</p> <p>From our perspective, cancellation of this discount constitutes a significant interference with the basis of the initial transaction for contracting OCUC capacities, detrimental to the holders of long-term OCUC bookings. The very existence of OCUC as a discounted transit capacity encouraged Shippers:</p> <ul style="list-style-type: none"> a) to enter into long-term commitments with Fluxys Belgium SA; b) to direct the physical flows through Belgium while shipping natural gas between the adjacent countries. <p>In comparison with other transmission services, OCUC has always had an obvious separate significance for market participants. Such a discounted capacity product had been booked by Shippers if they were interested not in the access to the virtual trading point in Belgium, but rather in a specific transport service to or from a specific destination.</p> <p>With cancellation of the discount and transforming OCUCs tariffs into the sum of corresponding Entry and Exit tariffs, the holders of OCUC capacities receive no improvement of the transmission service, but additional uneconomic extra-costs for the same transport route.</p> <p>Moreover, the proposed hypothetic opportunity for OCUC capacity holders to transform the OCUCs into the underlying Entry and Exit services in the future (subject to interest of the market participants) will not remedy negative economic impact for the affected Shippers, since the underlying reason for OCUC users has always been the certain discounted transportation route without access to the virtual trading point. A possible “conversion” of OCUC into Entry and Exit services enabling access to VTP in exchange for higher tariffs is not what the OCUC services were contracted for when the contracts for OCUC capacities were entered into. Therefore, we believe that the Shippers with affected long-term bookings shall be given an explicit option to terminate their transmission contracts,</p>	<p>Fluxys Belgium decided to cancel the discount granted to the OCUCs for several reasons: The discount was justified by specific flows on specific routes relaxing the system hence allowing to offer more capacity on other points. Since all cross-border flows are coming from ZBG to NL and DE, the DK LNG-ZBG and ZBG-VIP BENE OCUCs are no longer “helping” the system, they are just adding additional load on the E/E flows. Other OCUCs to Zeebrugge are in counterflow to the current flows but have stable tariffs compared to previous tariffs given the decrease of the tariff of the ZBG exit point.</p> <p>As rightly pointed out Fluxys Belgium is considering to make a proposal to the market to revert capacity in the underlying entry and exit capacities which would grant access to the ZTP.</p>
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			<p>as the foregoing substantial changes to the regulatory framework will exert significant and negative influence upon the affected Shippers.</p> <p>We expect that the final decision would accommodate our concerns</p>	
6.1	GRTgaz	Separate calculation L-gas tariffs	<p>Firstly, Fluxys' proposal to have a separate calculation for L-gas transmission tariff does not seem justified. In the previous regulatory period L-gas and H-gas transmission tariffs were set jointly (only taking into account the difference in Gross Calorific Values between L-gas and H-gas). There was no split of revenues for each type of gas as it is now proposed by Fluxys. The acceleration of L/H conversion in Belgium cannot by itself justify a separate treatment of L-gas transmission in Belgium in our view and might have a discriminatory effect for French users.</p>	<p>As from the end of the L to H conversion in Belgium the L-gas system will be operated for cross-border transport to France. Each system L-gas from one hand, H-gas from the other hand will have their own costs to be recovered by their own tariffs in order not to introduce undue cross-subsidy between the systems.</p> <p>As rightly pointed out by a respondent (see 1.4), the regulatory account must work in a manner consistent with the split of L-gas and H-gas systems and this coverage mechanism must be designed to specifically return to users of the L-gas network the differences (positive or negative) between the revenue actually collected on the L-gas network and the revenue anticipated on this network when the tariff was set.</p>

6.2	GRTgaz	Transmission revenue L-gas	Secondly, there are no details on the transmission revenue of circa 17 M€ for L-gas. Hence it is not possible to evaluate the split between L-gas and H-gas revenues. It would be necessary to precise and justify which assets for the capital costs and which opex were used, with allocation factors between L-gas and H-gas whenever there are mutualised costs (for example for staff costs, for facilities with both L-gas and H-gas such as Blarégnyes, etc.).	See 1.3
6.3	GRTgaz	Tariff increase Lgas	Finally, a steep increase of tariffs for L-gas entry and exit points results from Fluxys proposals, with a multiplication by a factor of 11 for Hilvarenbeek L entry capacity unit cost and a multiplication by a factor of 13 for Blarégnyes L exit capacity unit cost between 2023 and 2027. This leads to a disproportionate and seemingly unjustified unit cost for L-gas network users after 2024 with respect to the previous situation.	See 1.1 & 1.2
6.4	GRTgaz	Regulatory account	In addition, the consultation does not address the mechanism of regulatory account in a situation of separation between L-gas and H-gas. According to TAR Network Code1 (art. 20) provisions, the reconciliation of the regulatory account should be carried out in accordance with the applied reference price methodology. Therefore the separation of L-gas and H-gas in the tariff methodology proposed by Fluxys, if confirmed, should lead to a separate reconciliation of the regulatory account for L-gas users and for H-gas users. Moreover, it should be necessary to guarantee that the residual amounts of the regulatory accounts will be effectively returned to the users of the L-gas network even after the end of the commercial L-gas transmission service in Belgium.	See 1.4, 3.7 & 3.8

7	Luminus	Capacity on Hilvarenbeek	<p>In 2011 Luminus has contracted long term capacity Hilvarenbeek based on the best possible assumptions and forecasts on the gas market and possible market evolutions, being fully aware of related market risks. The unilateral governmental decision to accelerate the conversion has impacted the legitimate expectations of the contracting parties as well as the balance of the rights and obligations of the contracts. So, ideally it should be possible to terminate these contracts or to be compensated by the authorities.</p> <p>In this context, the possibility to terminate a contract against payment of an annulation fee might already alleviate the impact on the Luminus' portfolio. As the termination of a contract – whether it be against a fee or not – will have an impact on Fluxys' revenues, it is the ideal moment to investigate and implement an overall regulatory scheme to terminate services as the estimated impacts can be taken into account in the budgets for the transmission tariffs for the period 2024-2027.</p> <p>The L-Capacity Switch Service implemented by Fluxys is being considered as a measure to offer a solution for market parties having contracted long-term entry capacity on Hilvarenbeek. On top of the fact that – for the measure to be effective – an equivalent solution should be implemented on the Dutch side of the border as well, it should be pointed out that this L-Capacity Switch Service might be a solution for some market parties, but certainly not for all. As Luminus is sourcing is H-gas on the ZTP, switching Lgas entry capacity to H-gas entry capacity has no value whatsoever.</p> <p>Luminus understands that some of the abovementioned preferred remediating measures have an impact on the revenues of TSO's. Therefore, Luminus wishes to propose an improvement to the L-Capacity Switch Service which offers more flexibility and opportunities to market parties while preserving the revenues of the TSO, i.e. allowing to switch L-gas entry capacity for a mix of Hgas entry capacity and H-gas exit capacity, e.g. 50 % entry and 50 % exit. As far as Luminus is concerned, this option would bring additional means to balance its portfolio and offer some additional opportunities to optimize its positions. This additional economic value would at least compensate a part of the losses incurred by the impact of the accelerated conversion on the existing capacity contracts at Hilvarenbeek.</p>	<p>Fluxys Belgium understands the suggestion and will consider what would be the options to answer to market needs on the adaptation of the L-Capacity Switch service.</p>
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			Luminus invites Fluxys to investigate the proposed improvement to the L-Capacity Switch Service so that a mitigating measure can be offered to all impacted market parties.	
8	RWE	Cancellation of the discount for OCUC products	<p>For us the proposal to annul the discount for the OCUC product is very relevant. We believe market parties should be entitled to annul a long term contract for a product that is essentially cancelled.</p> <p>From the wording of section 4.1.1.2. we however understand Fluxys does not intend to grant capacity holders the option to cancel, instead it intends to charge market parties more: 'the sum of the tariffs of the underlying Entry and Exit service'.</p> <p>This is completely unacceptable for RWE.</p> <p>We feel Fluxys should at least offer to contract underlying services revenue-neutral to Fluxys and cost-neutral to capacity holders, both on a year-basis.</p> <p>Wording in 4.1.1.2. (Fluxys Belgium can consider.....) does give a promise to the market but this is far too weak.</p>	<p>Fluxys Belgium decided to cancel the discount granted to the OCUCs for several reasons: The discount was justified by specific flows on specific routes relaxing the system hence allowing to offer more capacity on other points. Since all cross-border flows are coming from ZBG to NL and DE, the DK LNG-ZBG and ZBG-VIP BENE OCUCs are no longer "helping" the system, they are just adding additional load on the E/E flows. Other OCUCs to Zeebrugge are in counterflow to the current flows but have stable tariffs compared to previous tariffs given the decrease of the tariff of the ZBG exit point.</p> <p>As rightly pointed out Fluxys Belgium is considering to make a proposal to the market to revert capacity in the underlying entry and exit capacities which would grant access to the ZTP.</p>

9.1	SEFE M&T	General comments	SEFE Marketing & Trading (SM&T) notes positively that Fluxys proposes an amount of circa 460M€ will be returned from the regulatory account into to the 2024-2027 tariffs through a reduction of the allowed revenue. Despite this effort, tariffs at VIP and other IPs are meant to increase for year 2024 and likely for following years as well. We encourage Fluxys to continue to use the regulatory balance surplus to diminish the increase in future transmission tariffs. At the same time we believe the operator should strive to manage its network in an even more efficient way and maintain its tariffs as low as reasonably possible, especially avoiding cross subsidisation from current shippers into investment in infrastructures to be used in the future by other users. In that respect we encourage a split in regulatory accounts so to increase transparency.	Efficient network management and operations are important for Fluxys Belgium. Also the CREG included an incentive on cost efficiency in its tariff methodology setting the framework and conditions to the tariff proposal by Fluxys Belgium which was under consultation. The premium account allocation and regulatory account allocation are allocated in accordance with CREG tariff methodology and EU network codes rules avoiding undue cross-subsidisation, also when supporting investments.
9.2	SEFE M&T	OCUC	SM&T has considered OCUC product very useful in the past as offered with a discount but it is now going to be discontinued. We understand that with the current new set up OCUC services may seem redundant. However, provided the OCUC basic feature is not changed i.e. there is no tenor or seasonality factors applied to it, we would still consider this as a useful product and would like to see it maintained.	See 8
9.3	SEFE M&T	Investments	Investments to reduce congestions and in the context of energy transition are part of a larger plan to make the energy system more efficient and reliable. We support this view. That said, we consider important to maintain a clear split in the different parts of the bigger pictures and in particular between the gas grid, storage and LNG terminals. Also, it is very important to maintain a clear distinctions between cost related to the gas grid and investment in infrastructure dealing with other gases e.g. hydrogen. We do believe that cross-subsidisation should be avoided and where considered an absolute necessity, its application should be discussed and relevant information disclosed in a clear and transparent way.	The cost allocation (incl. investments) avoids cross-subsidisation between the different activities and between H-gas and L-gas infrastructure as well within the transport activity. In the same way regulatory accounts are managed separately.

ANNEXE 2 : REACTIONS A LA CONSULTATION DE LA CREG

FEBEG

Introduction

FEBEG thanks CREG for the opportunity to react to the proposal on the discounts, multipliers and seasonal factors applicable to the natural gas transmission grid tariffs of Fluxys Belgium SA for the period 2024–2027. The deadline for this consultation is 5 December 2022.

The remarks of FEBEG are not confidential.

Comments on the content

On 3.1 Level of the multipliers

FEBEG notes that CREG proposes (art 6) to apply a multiplier for all non-year-capacity products, not only on entry-capacity, but also on exit-capacity.

FEBEG would welcome a clarification of CREG on the reasons for the extension of the multiplier to all points.

On 3.3 level of discounts

CREG proposes for the reservation prices for capacity products for interruptible capacity, an ex-ante discount of 20%, which is the same level as in the current tariff period 2020–2023.

FEBEG notes however that, in the decision on the tariffs for the current period 2020–2023, CREG stated that “it decides to maintain the discount at 20%, based on an adjustment coefficient of 2 and a probability of interruption of 10%”. In short: $2 \times 10\%$.

For the coming period 2024–2027, CREG bases its proposal on a 20% probability of interruption and an adjustment coefficient of 1, so $1 \times 20\%$.

If the probability of interruption of Fluxys’ interruptible capacities has increased, the collateral damages that grid users endure when their capacities are interrupted did not decrease, but even increased in the current market circumstances. FEBEG requests to at least maintain the adjustment coefficient at 2, and therefore apply a $2 * 20\% = 40\%$ discount on interruptible capacity.

Furthermore, the backhaul tariffs are based on this discount, but are not cost reflective. While these services are mainly administrative, we notice that the tariffs on Blaregnies L and Hilvarenbeek L are nearly quadrupling in the 2024–2027 period. FEBEG is of the opinion that if the costs generated by backhaul capacities subscriptions remain only administrative ones for Fluxys, then backhaul tariffs should not increase with more than the inflation.

FEBELIEC

Febeliec would like to thank the CREG for the opportunity to react to the proposed reductions, multipliers and seasonal factors applied to the gas transmission grid tariffs for Fluxys for the tariff period 2024-2027. Febeliec has no specific comments on the proposed percentages, but invites the CREG to thoroughly analyse the reductions, multipliers and seasonal factors together with their impact on market access and market functioning during and after the considered tariff period.

ANNEXE 3 : LISTE DES TARIFS

Prix de réserve pour des souscriptions de capacité annuelle						
Services d'entrée et sortie aux points d'interconnexion et points d'installations	Prix de réserve en €/kWh/h/year					
	Entrée			Sortie		
	Ferme	Interruptible	Backhaul	Ferme	Interruptible	Backhaul
Blaregnies L	-	-	0,692	6,018*	4,814*	-
Dunkirk LNG Terminal	0,779	0,623	-	-	-	-
Hilvarenbeek L	0,865	0,692	-	-	-	0,692
IZT	0,779	0,623	-	0,327	0,261	-
Loenhout	-	-	-	-	-	-
VIP BENE	0,779	0,623	-	1,284	1,027	-
VIP THE-ZTP	0,779	0,623	-	2,052	1,642	-
Virtualys	0,779	0,623	0,623	1,264	1,011	-
Zeebrugge	0,779	0,623	-	0,327	0,261	-
Zeebrugge LNG Terminal	0,779	0,623	-	-	-	0,261
ZPT	0,779	0,623	-	-	-	0,261

Services de Shorthaul aux Points d'Interconnexion	Prix de réserve en €/kWh/h/an
OCUC:	Ferme
VIP BENE -> IZT/Zeebrugge	1,106
IZT/Zeebrugge -> VIP BENE	2,063
Dunkirk LNG Terminal/Virtualys -> IZT/Zeebrugge	1,106
VIP BENE -> VIP THE-ZTP	2,831
VIP THE-ZTP -> VIP BENE	2,063
Services Zee Platform :	Tarif en €/mois
- pour 2 Points d'Interconnexion à la Zee Platform	6.496,02
- pour 3 Points d'Interconnexion à la Zee Platform	9.744,06
- pour 4 Points d'Interconnexion à la Zee Platform	12.992,08

		Tarif en €/kWh/h/an	
Services aux Points de Prélèvement		Ferme	Interruptible/Backhaul
<u>Service de sortie HP</u>	H-grid	1,081	0,865
	L-grid**	1,200	0,960
<u>Service d'entrée</u>	H-grid	0,779	0,623
	L-grid**	0,865	0,692
<u>Service de Pression</u>	H-grid	0,631	0,505
	L-grid**	0,699	0,559

		Tarif en €/MWh alloué au Point de Prélèvement
<u>Service d'odorisation</u>	H-grid	0,0891
	L-grid**	0,0990

		Élément capacité (tarif en €/kWh/h/an)	Élément distance (tarif en €/kWh/h/km/an)
<u>Service de Ligne Directe</u>	H-grid	0,365	0,030
	L-grid**	0,420	0,035

** applicable jusqu'à la fin de la conversion L/H en Belgique

Tarifs applicables pour des souscriptions d'une durée inférieure à 1 an

- Le tarif pour une réservation de capacité d'une durée inférieure à 1 an et d'un jour ou plus est proportionnelle au nombre de jours souscrits (le tarif applicable est égal au tarif annuel divisé par le nombre de jours dans l'année et multiplié par le nombre de jours souscrits);
- Le tarif pour une réservation de capacité de moins d'un jour est égal au tarif annuel divisé par le nombre d'heures de l'année (8760 ou 8784 pour les années bissextiles) et multiplié par le nombre d'heures souscrites;
- Pour les réservations de service d'entrée, de service d'OCUC, de service de sortie au point d'interconnexion, au point d'installation et au point de prélèvement vers un utilisateur final (service HP et PS) et pour les services de conduite directe pour des durées de moins d'un an, le tarif proportionnel (tel que calculé aux points "1" ou "2" ci-dessus) est multiplié par un multiplicateur de 1,45 (NYM) et multiplié par un facteur saisonnier qui varie comme suit:

Mois/Jour/Intrajournalier	janvier	février	mars	avril	mai	juin	juillet	août	septembre	octobre	novembre	décembre
Trimestriel	Q1 = 1,53			Q2 = 0,70			Q3 = 0,55			Q4 = 1,35		

- Pour les réservations de services de sortie aux points de prélèvement vers un utilisateur final (service HP et PS) pour des durées inférieures à 1 mois, le tarif obtenu au point "3" ci-dessus est multiplié par un coefficient court-terme égal à 5.

Energy in Cash (Commodity fee)

Energy in Cash à l'entrée au point de connexion (sauf Zeebrugge, ZTP, Conversion H->L, Conversion L->H)	0,080%
Energy in Cash à la sortie au point de connexion (sauf Zeebrugge, ZTP, Conversion H->L, Conversion L->H)	0,080%

Les quantités d'Energy In Cash seront facturées à l'utilisateur du réseau sur base des allocations de cet utilisateur du réseau en kWh, valorisées au prix de référence GP₀, tel que sur le site web de Fluxys Belgium. Fluxys Belgium se réserve le droit de corriger cette référence dans le cas où ce prix ne serait plus représentatif du prix d'approvisionnement de Fluxys Belgium en

Services de trading ZTP

Tarif mensuel fixe pour les services de négoce ZTP	630,11	€/mois
Tarif variable pour les services de négoce ZTP	0,00189	€/MWh
Tarif du service de transfert de déséquilibre en cas de déficit	0,200	€/kWh/h/an
Tarif du service de transfert de déséquilibre en cas d'excès	0,197	€/kWh/h/an

Service de Conversion de Qualité

Service de Conversion de Qualité en H	1,324	€/kWh/h/an
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Cross-Border Delivery Service

Ce service est facturé au prix coûtant de Fluxys Belgium (celui-ci est uniquement et entièrement composé du coût de réservation de capacité auprès de l'opérateur adjacent opérant la capacité « cross-border »)

Services annexes et autres tarifs

"EDP" = Electronic Data Platform

Service de communication des données mesurées en temps réel	28.354,82	€/an/point d'interconnexion ou point d'installation
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Suppléments tarifaires

Des suppléments tarifaires liés à l'utilisation de la capacité sont également prévus. Ces suppléments tarifaires sont décrits dans Règlement d'Accès pour le Transport.

Suppression de capacité non utilisée en cas de congestion	5.828,49	€/suppression
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Service de transfert de capacité

Transfert de capacité (à payer par le vendeur) - Transaction réalisée par Fluxys Belgium pour compte de	3,00%	% du tarif régulé
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Prix maximum de rachat de la capacité

Le prix de rachat de la capacité surréservée (dans le cadre de la mise en oeuvre de l'annexe I du règlement (CE) no 715/2009) est limité au plafond suivant:

d'adjudication de l'enchère du produit groupé pour la capacité journalière du jour pour lequel la capacité doit être rachetée

- Lorsque la capacité à racheter n'est pas vendue aux enchères journalières sous forme de produit groupé : 300% du prix d'adjudication de la capacité journalière d'entrée ou de sortie de Fluxys Belgium

Tarif de flexibilité "Extended OBA", facturé aux opérateurs adjacents

Service de flexibilité « Extended OBA » (facturé à l'opérateur adjacent)	0,285	€/kWh/an
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Notes:

(1) La CREG a approuvé le xx/yy/2023 les tarifs pour l'année 2024 ainsi que la formule d'ajustement tarifaire qui sera appliquée pour les années 2025, 2026 et 2027. L'ajustement est composé de l'indexation annuelle qui sera appliquée chaque année au 1er janvier selon la formule suivante: "tarifs de l'année 20xx" = "tarifs de l'année 2024" multiplié par "indice des prix à la consommation du mois d'avril de l'année (20xx-1)" divisé par "indice des prix à la consommation du mois d'avril de l'année 2023", excepté pour les tarifs notés * pour lesquels l'ajustement prendra en compte aussi le profil décroissant des capacités et les capacités effectivement vendues à partir de la fin de la conversion L/H en Belgique.