

Febeliec answer to the CREG consultation on the request of Elia for a derogation of the minimal available cross-zonal capacity

Febeliec would like to thank CREG for this consultation on the request of Elia for a derogation of the minimal available cross-zonal capacity.

Febeliec would like to stress that it pays for 100% of the cross-zonal capacity of Elia and that it thus considers the 70%minRAM obligation to be an absolute minimum. While Febeliec appreciates that the conditions under which a derogation to this minimum 70%minRAM can be given have become more limited than in the prior derogations and while Febeliec also understands that not all aspects related to loopflows and other events impacting this capacity are under the control of Elia, Febeliec insists that any limitation of cross-zonal capacity can only occur if **all** other efficient measures have been exhausted. In this sense, Febeliec is pleased to see that now explicitly is stated that Elia first needs to apply its phase shifter transformers to reduce loopflows to an acceptable level, which might result in avoiding the application of costly remedial actions. Furthermore, for Febeliec the application of the derogation should only occur in **exceptional** and **clearly defined** circumstances and in no way become standard nor an alternative to other solutions, including investments in the grid and modifications of the allocation of cross-zonal capacity in order to enable a more efficient use of cross-zonal capacity in view of creating an integrated European electricity market.

Febeliec also wants to make a specific comment on the situation concerning neighboring TSOs with an action plan, where the linear nature of the action plan towards full compliance by 01/01/2026 should lead to an ever smaller issue regarding the minimum 70% minRAM as the linear trajectory of an action plan also forces those TSOs to guarantee over time ever increasing cross-zonal capacities and those action plans have now been in place for a few years and should have pushed the minRAM levels for those TSOs to (much) higher levels, thus decreasing the scope and necessity for derogations on the minimum 70% minRAM for Elia. Adversely, if such impact should not have become visible, Elia and CREG should investigate whether additional steps should be taken to enforce the correct application of these action plans in order to minimize the impact on Belgian consumers of a possible incorrect application of the minimum 70% minRAM obligation.

Moreover, Febeliec also wants to voice its concerns over the application of external constraints and related derogations for certain Member States, in particular Poland, which might have a negative impact on the Belgian cross border capacity and the applicable loopflows. Febeliec wants to reiterate that derogations should only occur **exceptional** circumstances and in no way become standard nor an alternative to other solutions

As the security of the grid is essential, Febeliec will not oppose the derogation granted by the CREG, but insists that for any future derogation requests, taking into account a.o. the above-mentioned comment on action plans, the CREG does not automatically grant such derogations without a clear (quantitative) justification of the enduring need for them by Elia. Febeliec also insists that the CREG diligently ex ante and ex post validates that the TSO(s) have done their utmost best, taking into account all other efficient measures, to ensure at least the minimal 70%minRAM (and even higher if grid conditions allow for it).