

Research access to the grid

Country: Belgium

1. Overview of access to the grid

<i>Statutory provisions</i>	<ul style="list-style-type: none">• Loi du 29 avril 1999 (29 AVRIL 1999. - Loi relative à l'organisation du marché de l'électricité)• Arrêté du 19 décembre 2002 (19 DECEMBRE 2002. - Arrêté royal établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci)
<i>Connection to the grid</i>	System operators are contractually entitled against the grid operator to the connection of a system to the grid. The latter is obliged to conclude these contracts. The grid operator shall preferably choose as his contractual partners the operators of renewable energy systems.
<i>Access to the grid</i>	If a system operator has the "status de responsable d'accès", the grid operator is obliged to conclude a contract according to non-discriminatory criteria.
<i>Expansion of the grid</i>	System operators are not entitled to the expansion of the grid. The grid operator is obliged to draft a development plan for the grid in cooperation with the "Direction générale de l'Energie" and the "Bureau fédéral du plan".

2. Basic information on legal sources

Name of legal source	Loi relative à l'organisation du marché de l'électricité	Arrêté royal établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci.
Abbreviated form	Loi du 29 avril 1999	Arrêté du 19 décembre 2002
Type of law	Act of parliament	Decree
Document structure	Chapters, sections, articles	Titles (titre), chapters (chapitre), sections (section), sub-sections (sous-section), articles (article), paragraphs (paragraphe)
Entering into force	02/06/1999	28/12/2002
Latest amendment	19/05/2009	
Future amendments		
Purpose	The Act establishes a general framework for the energy market and also applies to renewable energy.	Establishing a framework for the technical and formal requirements and regulating the contracts on grid connection, grid access etc.
Relation to renewable energy	This law constitutes a part of the legal basis for special regulations for the promotion of renewable energy with regard to the implementation of certificate trading, grid connection of and priority access for renewable energy.	The decree gives priority to renewable energy sources.
Full text of legal source	http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?dfm=04&dt=LOI&language=fr&chercher=t&fr=f&choix1=ET&choix2=ET&numero=8&table_name=LOI&fromtab=loi_all&nm=1999011160&DETAAIL=1999042942%2FF&imgcn.x=50&imgcn.y=7&sql=dt+contains++%27LOI%27+and+dd+between+date%271999-04-29%27+and+date%271999-04-29%27+and+actif+%3D+%27Y%27&ddda=1999&rech=10&tri=dd+AS+RANK+&trier=promulgation&ddfa=1999&caller=image_a1&row_id=1&cn=1999042942&dddj=29&dddm=04&ddfj=29&la=F	http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2002121942&table_name=loi See also: http://tinyurl.com/19-decembre-2002

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	<u>See also: http://tinyurl.com/29-avril-1999</u>	

3. Further information

Institution	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (if contact person is given)
Elia	www.elia.be		+32 2 546 70 11	
Commission de Régulation de l'Electricité et du Gaz (CREG)	http://www.creg.be		+ 32 2 289 76 11	

4. Connection to the grid

Abbreviated form of legal source	Arrêté du 19 décembre 2002	
Legal basis for a claim	<p>(x) contractual basis () statutory basis</p> <p>System operators are contractually entitled to connection to the grid to be granted by the grid operator. The grid operator is obliged to conclude these contracts. The essential contents of such a contract are stipulated by statutory law (Art. 112 of Arrêté du 19 décembre 2002). Prior to the conclusion of a contract, a given grid user has to apply to the grid operator for connection (demande de raccordement), requesting the grid operator to make an offer (Art. 94, §1 of Arrêté du 19 décembre 2002). Prior to this application, grid users are obliged to request a preliminary examination (demande d'étude d'orientation) (Arts. 79 et sequ. of Arrêté du 19 décembre 2002).</p>	
Addressees	Entitled party	Every system operator or grid user that meets the technical conditions of a so-called "utilisateur du réseau" is entitled to connection (Arts. 45-78 of Arrêté du 19 décembre 2002).
	Obligated party	The obligated party is the grid operator (Arts. 3-9 of Arrêté du 19 décembre 2002).
X	Arising/enforcement of a claim	The claim for grid connection arises at the date of the conclusion of the contract.
	Priority to renewable energy	<p>(x) Priority to renewable energy () Non-discrimination</p> <p>Renewable energy systems whose capacity does not exceed 25 MW shall be granted priority connection with regard to the safety of the grid. This principle of priority shall be applied at all stages of the examination of a grid connection project (preliminary examination and application for connection, Arts. 79, 94, 100 of Arrêté du 19 décembre 2002).</p>
	Limitations/deadlines	The date of connection to the grid depends on the contractual terms. The conclusion of the contract on connection is subject to statutory deadlines (e.g. Art. 107, Art. 109 of Arrêté du 19 décembre 2002).
Funding	System operator	The costs of grid connection are borne by the system operator that submitted the application for connection. The costs arising from the mandatory examinations, the preliminary examination and the examination of the grid connection project are borne by the grid operator. They are subtracted from the costs of grid connection.

5. Usage of the grid

Abbreviated form of legal source	Arrêté du 19 décembre 2002	
Legal basis for a claim	<input checked="" type="checkbox"/> contractual basis <input type="checkbox"/> statutory basis <p>System operators are contractually entitled against the grid operator to use the grid. The grid operator is obliged to conclude contracts according to non-discriminative criteria (Art. 142 of Arrêté du 19 décembre 2002).</p>	
Addressees	Entitled party	The entitled party are those system operators (Art. 142 Arrêté du 19 décembre 2002) that are listed as "responsable d'accès" in the grid operator's register (Art. 143 of Arrêté du 19 décembre 2002). The status of a "responsable d'accès" also necessitates the conclusion of a contract (Contrat de responsable d'accès), part of whose content is specified by law (Art. 151 of Arrêté du 19 décembre 2002). Against this legal background, a given system operator is entitled to submit an application for grid usage (demande d'accès, Arts. 163 et sequ. of Arrêté du 19 décembre 2002).
	Obligated party	The grid operator is the party obliged to grant access.
X	Arising/enforcement of a claim	The claim for use of the grid arises at the date of the conclusion of the contract.
	Priority to renewable energy	<input checked="" type="checkbox"/> Priority to renewable energy <input type="checkbox"/> Non-discrimination <p>Electricity from renewable sources must be given priority access and transmission unless where the security of supply is at risk (Art. 268 § 1 of Arrêté du 19 décembre 2002 in connection with Art. 11 no. 3 of Loi du 29 avril 1999).</p>
	Capacity limits	When examining an application for access (examen de la demande d'accès) the grid operator takes into account the available grid capacities (Art. 168 of Arrêté du 19 décembre 2002). The grid operator may deny grid usage if his grid lacks the necessary capacity (Art. 15 of Loi du 29 avril 1999). The capacities available to a given grid user are specified in a contract.
	Limitations/deadlines	Possible deadlines concerning access may be laid down in the grid usage contract. In contrast to this, deadlines regarding the procedure of the conclusion of the contract are specified by statutory law (e.g. Art. 170 of Arrêté du 19 décembre 2002).
Funding	Cost bearer	Consumer <input checked="" type="checkbox"/> The costs are borne by the consumers. Grid operator <input type="checkbox"/> State <input type="checkbox"/> System operator <input type="checkbox"/>

	Distribution mechanism	Every consumer is obliged to pay a fee, which depends on the amount of electricity consumed and is used to fund government activities relating to the operation of the electricity grid and the regulation of the electricity market. This fee is collected by the grid operator. Electricity from renewable sources is exempt from certain elements of this fee (Art. 21 to § 1 pars. 1-3 and § 1erbis par. 1 of Loi du 29 avril 1999).
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6. Expansion of the grid

Abbreviated form of legal source	Loi du 29 avril 1999	
Legal basis for a claim	System operators are not entitled to the expansion of the grid. In pursuance of Art. 13 of Loi du 29 avril 1999, the grid operator shall draft a development plan for his grid in cooperation with the "Direction générale de l'Energie" and the "Bureau fédéral du plan".	
Addressees	Entitled party	
	Obligated party	In cooperation with the "Direction générale de l'Energie" and the "Bureau fédéral du plan", the grid operator is obliged to submit to federal regulative authority CREG a development plan for the expansion of his grid and all investments, taking into account the expected capacity requirements (Art. 13 § 2 of Loi du 29 avril 1999). This plan shall be approved by the Minister for Energy.
	Arising/enforcement of a claim	The law does not establish a claim for grid expansion.
	Priority to renewable energy	The interested parties shall define the extent of the grid expansion in accordance with Art. 13 of Loi du 29 avril 1999. A certain excess capacity is taken into account.
	Limitations/deadlines	The plan has duration of at least ten years and must be revised every four years.
Funding	Cost bearer	System operator () Grid operator (x) The costs of a grid expansion are first borne by the grid operator. State () Consumer ()
	Distribution mechanism	In pursuance of the general provisions of energy legislation, the grid operator may pass on part of these costs to the consumers.