



# Independence of RTE and Implementation of the Code of Conduct

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## Annual Report 2021



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**General comments:** The paragraphs are introduced by background or reference information already presented or the obligations of RTE under the Energy Code, in terms of compliance; *this information is in italics.*

The plan of the report is similar to the structure of the RTE Code of Conduct and the French Energy Code (sub-section “Regulations applicable to both electricity and gas transmission companies”).

This report contains many acronyms, which are defined in Appendix 11.5. Appendix 11.6 also contains useful internet links (more specific links are given in footnotes).

## Summary

RTE Réseau de transport d'électricité is the French transmission system operator (TSO). It has a public service mission: to guarantee the electricity supply at all times and with the same service quality on the territory of France through the work of its 9500 employees. RTE manages electricity flows in real time and the balance between production and consumption. RTE maintains and develops the high and very high voltage grid (from 63,000 to 400,000 volts) which has over 100,000 kilometres of aerial lines, over 6,000 kilometres of underground lines, 100,000 substations it operates or operates jointly and 51 cross-border lines. The French network, the most extensive in Europe, is interconnected with 33 countries. As an industrial participant in the energy transition, RTE is optimising and transforming its grid to connect the electricity production installations whatever the future energy choices. Through its expertise and its reports, RTE clarifies the choices of the public authorities.

RTE is owned by the Co-entreprise de transport d'électricité (CTE), itself owned since 31 March 2017 by:

- EDF, at 50.1%;
- Caisse des dépôts et consignations (CDC), at 29.9%;
- CNP Assurances, at 20%.

RTE has been certified as a TSO acting completely independently from the production and supply activities of its parent companies following the "independent transmission operator" model (ITO), in accordance with the rules defined by the French Energy Code and by the regulator (Commission de Régulation de l'Energie CRE) decision of 26 January 2012. The CRE maintained RTE's certification in a decision of 11 January 2018, after EDF sold 49.9% of RTE's capital to Caisse des Dépôts and to CNP Assurances in March 2017, and extended the perimeter of the VIU, today comprising RTE, EDF and the CDC, and electricity production or supply companies controlled by EDF or the CDC.

In terms of the compliance plan, the Code of Conduct (CoC) drawn up in accordance with the French Energy Code contains provisions<sup>1</sup> intended to maintain the independence of the TSO vis-à-vis the vertically-integrated undertaking (VIU) over time. The Compliance Officer (CO) has observed a level of practice that has reached maturity in terms of understanding the undertakings made as TSO to network users concerning non-discrimination, protection of commercially sensitive information (CSI), transparency and independence. The CoC was updated in 2019 to incorporate the obligations of the European Regulation REMIT.

More specifically, the company's management are very appropriately exercising their management power in an integrated manner in line with these provisions and are guided at all times by the goals sought resulting from the institutional environment. In terms of employees, compliance with the CoC provisions is real due to the level of knowledge acquired and the degree of implementation. The CO considered that throughout the year RTE and all its employees abided by the commitments of the CoC and fulfilled the company's obligations as TSO set forth in the Energy Code covering independence from the VIU, transparency with respect to all market participants, and protecting confidentiality. This evaluation is also based on the CRE's RBCI reports and the CO's previous reports.

In his RBCI 2019/2020 report the CRE considered that, in 2019 and 2020, RTE's independence from its shareholders EDF, Caisse des dépôts et consignations and CNP Assurances improved. The CRE deemed that the situation was satisfactory overall; it made recommendations particularly aimed at making the measures taken or planned by RTE to guarantee the independence from the VIU sustainable in the long term, especially on HR procedures, and stated that improvement points are still expected on certain specific subjects such as training RTE employees on the Code of Conduct and independence.

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<sup>1</sup> Articles L. 111-9 to L. 111-38 (sub-section "Rules applicable to transmission system operators belonging as of 3 September 2009 to a Vertically-Integrated Undertaking").

In terms of compliance with the Code of Conduct, in 2019 and 2020 RTE kept its main commitments concerning transparency, objectivity, non-discrimination and protection of commercially sensitive information.

Since 2012 RTE employees and management have worked hard to fulfil the commitments laid down in the CoC and made at the time of certification, in order to consolidate RTE's independence and ensure total non-discrimination against market participants.

However, the Compliance Officer (CO), in view of his observations and inspections and making use of the feedback, has drawn up recommendations which should give rise to progress in order to make the current operating methods and level of practices vis-à-vis the CoC in concrete implementation of the measures sustainable in the long term. These recommendations concern the points described in chapter 10.2 aimed at maintaining RTE's commitments over time.

In short, it can be concluded that the choice of ITO model was not a hindrance either to applying the European legal framework in France or to preparing for changes in the electricity market or the electrical power system. However, it is essential to maintain all of these commitments over time.

The CO's analysis formalised in this report has been conducted in view of the unique nature of 2021, characterised by the health and economic crisis linked to the Covid-19 epidemic, like 2020, by a high volume of external communication mainly linked to publication of the report "*Futurs énergétiques 2050*" (Energy Pathways to 2050) which helped highlight the company's role in clarifying public decisions and also, in terms of compliance with the French Energy Code, by the change in CO, with the handover taking place on 1 September 2021. The handover made it possible to ensure continuity of the CO's work and the health crisis did not disrupt or reduce the performance of his duties, especially participation in governance bodies, internal committees, consultation and dialogue bodies with clients and market participants and access to the corresponding documents.

# 1 Introduction

## 1.1 Objectives of the report

RTE, designated as the managing company of the French Public Transmission Network (PTN), must comply with all the rules and regulations applicable to transmission system operators as defined by the French Energy Code.

In this context, RTE has had to draw up and implement a programme of commitments containing the measures taken to guarantee that any discriminatory practice is ruled out, and that compliance with this programme is appropriately monitored. This programme of commitments led to the RTE Code of Conduct (CoC) approved by the CRE and sets forth the specific obligations all employees have to ensure these objectives are met.

Without prejudice to the competences of the national regulator, the CO is responsible for RTE complying with its independence obligations, application of the commitments laid down in the Code of Conduct vis-à-vis the network users in terms of non-discrimination, transparency and protecting the confidentiality of sensitive information, and performance of the Ten-Year Network Development Plan.

The CO must draw up an annual report on implementation of the Code of Conduct - and on compliance with the obligations by making recommendations about this programme of commitments and its implementation. The CO sends this report to the *Commission de régulation de l'énergie* (CRE) and reports on it to the Supervisory Board.

This document constitutes the report drawn up by the RTE Compliance Officer on the independence of RTE and implementation of the Code of Conduct (CoC) in 2021. It was created based on observations and findings made throughout the year about the company's activities and its relations with its clients. It is also based on monitoring meetings and discussions with RTE managers and employees, the CRE services, clients and the various contacts in other companies of the VIU, one-off or more structured internal audits, especially outside Paris, following up the implementation of the action plans decided by RTE at the time of certification or following internal and external audits, reports on compliance with the Code of Conduct and independence of the network managers (RCBCI) of the CRE or previous reports by the CO.

This report brings together and summarises the CO's findings to classify compliance with the CoC by employees when carrying out activities for which a TSO is responsible and puts forward recommendations aimed at ensuring these commitments are fulfilled in the long term. It is not intended to record all interactions or recommendations made by the CO to teams on any matter in connection with compliance and therefore does not represent a report of all of the CO's activity.

### Scope of compliance

Since the CRE decision no. 2018-005 of 11 January 2018 on maintaining RTE's certification, published in the *Journal officiel* (Official Gazette) of 2 February 2018:

- The scope of the VIU is extended to *"the CDC, which simultaneously controls RTE and directly or indirectly companies producing or supplying electricity"* and to *"all companies producing or supplying electricity placed under the direct or indirect control of the CDC"*.
- The obligations laid down by the Energy Code are examined in the light of this decision, which observes that a certain number of situations *"are not likely to raise a risk of conflict of interests between the interests of RTE on the one hand and those of CDC in producing or supplying electricity on the other hand."*

## CRE Certification

The ITO certification<sup>2</sup> requires that RTE comply with the French Energy Code provisions intended to maintain the independence of the transmission system operator from the vertically-integrated undertaking (VIU) over time. Since the 2012, 2018 and 2020 certification decisions, the CRE has overseen RTE's compliance with its obligations in terms of independence from the vertically-integrated undertaking (VIU).

In its twelfth report on compliance with codes of conduct and independence of network managers (RCBCI) concerning the period 2019-2020 published on 5 May 2021, the CRE reported on the progress made and drew up recommendations and requests for operators. For RTE, the CRE gave a positive assessment on independence and compliance with the RTE Code of Conduct. In fact, for several years the CRE has found that the principles of non-discriminatory access to the networks are well respected in France; nevertheless it remains extremely vigilant to ensure that this situation continues and has drawn up recommendations and requests. The CRE considered that, in 2019 and 2020, RTE's independence from its shareholders EDF, Caisse des dépôts et consignations and CNP Assurances improved. The progress made includes for example the fact that RTE employees only participate in meetings organised by the VIU as external participants. However, the time taken by the CRE to send contracts between RTE and the companies in the VIU are not fully satisfactory to allow it to effectively exercise its oversight mandate; cf. chapter 3.5 hereinafter.

In terms of compliance with the Code of Conduct, in 2019 and 2020 RTE kept its main commitments concerning transparency, objectivity, non-discrimination and protection of commercially sensitive information.

The situation is therefore satisfactory overall and the recommendations made by the CRE in the abovementioned report are above all aimed at ensuring the success of the measures taken or planned by RTE to ensure independence from the VIU, especially in terms of HR procedures (for example, for the transfer within the PEG of the EDF share funds held by EDF group employees joining RTE towards funds accessible only to RTE employees).

Nevertheless, points of improvement are still expected on certain specific subjects. As a result, the training of RTE employees about the Code of Conduct and independence are not very satisfactory in view of their rates of completion and the objectives RTE has set for itself.

The points of improvement specified by the CRE essentially concerned:

- The possibility of deviating from the standard payment schedule in the standard models for technical and financial proposals applicable to DNOs and consumers, and standard models for connection agreements applicable to producers, consumers and new exempt interconnectors,
- Modifying the DNO NAC template so that the general terms and conditions of the new templates published by RTE automatically replace the general terms and conditions of the current agreement,
- Finalising the implementation of framework agreements between RTE and its subsidiaries,
- Finalising the consultation and updating of standard framework agreements for processing agreements before D-1,
- Submitting to the CRE all agreements governed by articles L. 111-17 and L. 111-18 of the French Energy Code,
- Updating the explanatory document about TURPE billing,
- Informing any employee joining RTE that they cannot hold interests in the VIU,
- Improved rates of completion of Code of Conduct training,
- Monitoring recruitment from the EDF Group, differentiating hires by EDF Group company,
- Access for RTE employees to information about the implementation of article L. 111-74 of the French Energy Code.

A progress assessment is attached to this report, cf. chapter 11.1.

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<sup>2</sup> Confirmed by the CRE decision of 2 July 2020 following restructuring of the CDC's investments.

## 1.2 Report structuring and publication method

It is clear that Covid-19 was the key factor in 2021. The health situation and the measures taken by the public authorities impacted the operating conditions for RTE's public service mission in multiple ways. RTE triggered its Business Continuity Plan (BCP) and set up a permanent Covid-19 unit to support the RTE teams throughout this unprecedented crisis. In this specific context, RTE's organisational structure demonstrated its capacity to maintain a normal level of activity even when the conditions in which the work is organised have undergone substantial changes.

Like the previous versions, this report is structured according to the chapters of the CoC, considering that the 2019 version is in force, which incorporates an addition concerning RTE's obligations under the REMIT Regulation<sup>3</sup>. The RTE CoC has also been posted online in French and in English.

The general principles, the applicable regulations and the internal measures are based on the following six themes:

- RTE's independence from the vertically-integrated undertaking (VIU) and other electricity market participants, incorporating the independence of RTE, RTE managers, RTE employees, the role and mission of the CO, and the organisation and operation of the Supervisory Board,
- Non-discrimination in accessing the network and the electricity market, including processing customer complaints,
- Transparency vis-à-vis the regulators, network users and other electricity market participants, integrating the conception and dissemination of the electricity market organisational rules, contractual templates or agreement types, technical reference framework, dissemination of information about operation of the electrical power system and organisation of bodies with network users aimed at improving the mechanisms in place; finally the publication of inside information within the scope of the European REMIT Regulation,
- The confidentiality of sensitive information with provisions and a policy integrated into the management and establishment of implementing business line references adapted to each sector, identifying sensitive information and associated protection measures, the performance of the information system and its security, overseeing employees who leave RTE for the rival electricity sector and the control of confidential information,
- Execution of the ten-year plan and verification by the Compliance Officer,
- Commitment by all personnel in the long term and compliance with these instructions on the basis of the organisational structure within RTE and verifying the personnel's commitment over time.

### Dissemination and Publication of the Report

In addition to the submission to the CRE as set forth in article L. 111-34, the Compliance Officer will send this report to the following parties:

- The members of the Management Board and the members of the Executive Board, the CO will give a presentation to the latter committee,
- The members of the Supervisory Board; he will make a presentation during a session,
- Any interested parties who so request, ensuring the confidentiality of information which may be sensitive in relation to RTE's activity.

It will also be disseminated internally within RTE as required. In order to be transparent and to ensure continuity in publication practices, since then the successive RTE compliance officers have always made their annual report public, posting it on the RTE website, including a version in English. It is understood that the CO maintains their free expression and reserves the right to inform the CRE of certain points that must not be made public, directly to the regulating authority.

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<sup>3</sup> See Chapter 3.8 "Article L. 111-22 – RTE Code of Conduct".



## 2 A few key events in connection with the independence of RTE and the Code of Conduct

RTE's fulfilment of its obligations in the area of best practices and compliance cannot be assessed without mentioning the changes in the context, and the expectations of its clients, the public authorities and all stakeholders regarding its activities.

As in previous years, some of RTE's key events of 2021 in relation to these obligations are worth highlighting, either because they illustrate RTE's actions and results with respect to its obligations of transparency, confidentiality and neutrality, or because they shed light on certain significant aspects of the implementation by the company of its independence obligations, its CoC or the quality of its consultation and its relationship with its clients.

In general, there was internal communication of the key events presented, which also demonstrates RTE's commitment to ensuring that the company's missions, obligations and commitments remain present in the minds of its employees.

Finally and transversally, it should be emphasised that RTE has expressed its identity and missions in a mission statement:

*"Underpinned by its grid and invested in its public service mission, essential for the life of our country, RTE works tirelessly to guarantee access to decarbonised electricity in the long term.*

*The women and men in RTE are committed strongly and passionately to achieving a successful energy transition at the local, national and European level by pursuing three goals:*

- *To optimise the French electrical power system, combining efficiency, solidarity and the environment*
- *To operate the energy transition through innovation and transformation of our industrial infrastructure to benefit our clients and local stakeholders*
- *To shed light on the decisions of the public authorities, the choices of local authorities and citizens, using our expertise and our sense of anticipation."*

RTE incorporated the mission statement into the company's articles of association in January 2022. In late 2021, in order to express its mission, RTE defined its new CSR policy.

### 2.1 Independence of RTE

To carry out its network manager duties with complete independence, RTE has financial and human resources from the tariffs for use of the public electricity transmission grids, the decisions approving the annual investment programme and its financing policy:

- **January 2021:** CRE decision of 21 January 2021, published in the *Journal Officiel* of 23 April 2021, set the sixth tariff for use of the public electricity transmission grid: "TURPE 6 HTB". This new tariff came into force on 1 August 2021 with a 1.09% increase on the previous tariff. This tariff applies for a four-year period, i.e. until July 2024. It is updated on 1 August each year, according to inflation and limited adjustment, as laid down in the decision. This decision provided RTE with the means to carry out its mission.
- **February 2021:** Decision of 4 February 2021 approving the 2021 investment programme, including the three-year financing of the TYNDP. The CRE is required to make this type of decision each year.
- **January 2022:** In terms of financing policy, RTE raised €850m via green bonds. This was the first green bond issue for RTE for an amount of €850m. It was to be used to finance offshore wind farm connection projects and electric interconnector projects between France and neighbouring European countries in order to optimise the energy mix. The success of the operation should encourage RTE to continue using financing instruments of this type which demonstrate RTE's position as participant in the energy transition, in a context where green investments are going to grow significantly.

## 2.2 Non-discrimination – construction of the electricity market

In terms of market mechanisms, the emphasis was on continued education of market participants for a better understanding of the multiple market mechanisms introduced by RTE, the operational implementation of the existing mechanisms and the integration of new measures (long-term call for tenders for capacity mechanism, day-ahead call for tenders for restoration reserve/replacement reserve, supplier demand response call for tenders, European platform TERRE, etc.). At the same time, a process for simplifying the market mechanism rules was launched.

- **January 2021:**
  - From 15 January to 22 February 2021, RTE invited the market participants to participate in two calls for contributions on the following subjects:
    - the terms and conditions to allow the target to limit damage to the system services following a standard adjustment,
    - the terms and conditions for making bids with an obligation to send the forecast dispatch schedules (PA) for RPD production installations participating in the BM.
  - Implementing the publication of balance responsible entity imbalances on S+1: RTE implemented the calculation and publication of the national profiling imbalance, the national calibration coefficient and the imbalances of each balance responsible entity on Friday of week S+1 instead of S+3, as was previously the case.
- **May 2021:** Ex-ante management of “adjustment-imbalances” account. From 3 May to 31 May 2021, RTE proposed that market participants express themselves by means of a call for contributions on the new terms and conditions allowing for ex-ante dynamic management of the “adjustment-imbalances” account balance.
- **June 2021:**
  - Launch of call for tenders D-1 Restoration and Replacement Reserves: in accordance with the Regulation (EU) no. 2019/943 of 5 June 2019 on the internal market for electricity, RTE contracts at least 500 MW of its restoration and replacement reserves (corresponding to one third of the total requirements volume) by means of a day-ahead call for tenders. The first gate of this day-ahead call for tenders took place on 31 May 2021 for a first delivery day on 1 June 2021.
  - Launch of the submetering experimentation within the scope of the NEBEF mechanism: in accordance with the NEBEF rules v3.3, RTE opened up experimentation on the possibility of controlling demand response carried out on measurements obtained on a lower level than the site level, from 1 June 2021. The aim of this is to identify whether submetering leads to new generation sites, improved accuracy of demand response metering and reducing risk on the reality of demand response: no “offsetting within a single site” effects.
- **August 2021:** Publication of REX feedback on the capacity mechanism. RTE has published the summary and full report on the capacity mechanism since its implementation in 2017. After four years of the mechanism's operation, and based on the outcome for the delivery years 2017 and 2018, in early 2020 RTE initiated feedback on the operation of the capacity mechanism to contribute to reflecting on both its architecture and the practicalities of implementation.
- **September 2021:** BM-BR v.9.2 rules took effect. In a decision dated 1 July 2021, the CRE approved new rules concerning the balancing mechanism and balance responsible mechanism containing several changes, in particular the remuneration of standard replacement reserve offers for which the activation order was blocked by RTE and revision of the average weighted price calculation for RTE activations to ensure the French system is balanced, as used to calculate the price for settling imbalances. These rules also provide clarification on the participation of storage in the balancing mechanism.
- **October 2021:** Publication of a new standard framework agreement for agreements prior to D-1. After a consultation from 18 December 2020 to 29 January 2021 followed by submission of the matter to the CRE for information, RTE published a new standard framework agreement for processing agreements concerning production and storage installations prior to D-1. The new standard framework agreement for processing agreements prior to D-1 was published in the Reference Technical Documentation on 28 October, to take effect on 1 March 2022. As a reminder, the main changes made to the framework agreement concerned:

- extension of the framework agreement to the energy storage facilities connected to the PTN,
  - revision of the estimated limited volume for variable REn (wind, photovoltaic and run-of-river hydraulic) when the agreement exceeds a certain amount,
  - simplification of the process for signature of an agreement and introduction of the possibility of modifying the term of an agreement in execution,
  - incorporation of a single standard framework agreement for all production installations (photovoltaic, wind or other) and compliance with other recent contractual changes made to the NAC and to the rules for participating in certain market mechanisms.
- **November 2021:**
    - Launch of aFRR Invitation to Tender (automatic secondary reserve) on D-1, then reversal on CRE request. On 3 November 2021, RTE introduced a day-ahead call for tenders for contracting secondary reserve capacities, thus complying with Regulation (EU) no. 2019/943 of 5 June 2019 on the internal market for electricity which requires that RTE contract its secondary reserve capacity needs one day before the supply of the balancing capacity with a contractual term of one day maximum. In this respect, RTE contracts all of its secondary reserve capacity needs by means of a day-ahead call for tenders. The first gate of this day-ahead call for tenders took place on 2 November 2021 for a first delivery day on 3 November 2021. Following a request from the CRE and pursuant to the rules in force, RTE temporarily suspended this call for tenders from 24 November 2021 for the delivery day 25 November 2021.
    - Publication of the indicators of reliability of demand response on activation. Following a consultation conducted by the Ministry of the Ecological Transition in 2020, RTE published reliability indicators for activation of demand response for each market participant in order to identify and promote best practices.

Closure of interruptible load call for tenders launched on 4 November. This call for tenders was the first to be launched on the basis of the RTE defence plan, approved by the Regulatory Commission. The French authorities proposed changing the mechanism and incorporating the current lot 1 (can be activated in 5 seconds) as defence service providers actively participating in demand in accordance with the Regulation (EU) 2017/2196 of the European Commission laying down a network code on emergencies and restoring the electrical grid (Code Emergency & Restoration or Code E&R). Lot 2, that can be activated in 30 seconds, is removed. The defence plan was modified, the terms concerning the interruptible load mechanism were consulted in CURTE and a call for contributions was arranged for each one. The CRE decision of 28 October 2021 authorised RTE to launch the call for tenders for contracting interruptible capacities that can be activated in 5 seconds for 2022 for a maximum volume of 1200 MW. The contracted volume for 2021 is 1131 MW.
  - **December 2021:** Demand response call for tenders 2022. The demand response call for tenders is a mechanism laid down by the law (article L271.4 of the French Energy Code) making it possible to achieve the objectives of the multi-year energy programme in terms of developing electricity consumption demand response. The demand response bid volume selected in the 2022 demand response call for tenders was 2,403 MW, significantly up for the second consecutive year (+76% compared to 2021). Like the previous year, the demand response bids chosen were all “green”, i.e. they do not call for diesel resources. This result is due to the modifications made by the French authorities in liaison with the European Commission for this call for tenders, i.e. maintaining the bid cap at €60k/MW and extending the eligibility duration of sites > 1MW until the end of the decision.

## 2.3 Non-discrimination – construction of the European Electricity Market

To integrate the European markets further, RTE has continued to operate the TERRE<sup>4</sup> platform under control, to which it was connected in December 2020. The European construction work has continued on the other two balancing platforms (PICASSO<sup>5</sup> and MARI<sup>6</sup>), expected by 2022 and 2024 respectively for exchanges even closer to real time.

- **January 2021:** Commissioning of 1000 MW interconnector between France and England, IFA2, longest underwater connection operated by RTE so far.
- **February 2021:** Application of the CEP (Clean Energy Package) 70% by RTE on the CWE zone. The minimum threshold of 70% of network capacities to be made available to cross-border exchanges, introduced within the scope of the Clean Energy Package adopted in 2019, took effect on 1 January 2020. The purpose of this prescriptive level is to increase the proportion of interconnectors made available to market participants and thus contribute to increasing cross-border exchanges. On 17 February 2021, RTE commissioned the validation tool in order to comply with the 70% rule in the CWE zone. Moreover, on 1 January 2021 and 17 February 2021, RTE made available the results of its validation tool within the scope of the tool operation evaluation period.
- **March 2021/July 2021/December 2021:** RTE continued to update the RTD as part of the implementation of European network codes for connections (RfG, DCC and HVDC<sup>7</sup> codes) following the publication of the 9 June 2020 ruling on technical design and operating prescriptions for connection to electricity networks. These changes have been discussed in a wide-ranging consultation held since 2018 with all participants within the CURTE GAC working groups. The requirements of clients in terms of protection and connection to the RTE telecontrol system.
- **June 2021:**
  - Four countries (CZ-SK-HU-RO) incorporated into the coupling of the European day-ahead electricity markets: on 17 June 2021, the Czech Republic, Slovakia, Hungary and Romania joined the coupling of the European day-ahead electricity markets. For the first time, the trans-zone capacity on six new borders (PL-DE, PL-CZ, PL-SK, CZ-DE, CZ-AT, HU-AT) was implicitly allocated via the Euphemia algorithm for coupling of markets on D-1. Coupling by prices allows for simultaneous calculation of electricity prices and cross-border flows in the region.
  - Launch of the Fskar project on 1 June: European market: in accordance with the Regulation (EU) 2017/2195 on balancing, on 1 June RTE set up the Fskar project, allowing for financial offsetting of the imbalances between the commercial exchange programmes and physical flows on borders. The physical nature of the interconnector network means that there are inevitably imbalances between the latter. These imbalances have so far been regularised “in kind”, i.e. in energy.
- **September 2021:** Go-Live of intraday coupling on the France-Italy, Austria-Italy and Slovenia-Italy borders. After a phase of tests followed by a successful trial period in June, the France-Italy, Austria-Italy and Slovenia-Italy borders incorporated European intraday coupling from Tuesday 21 September 2021.
- **October 2021:** Application of the CEP (Clean Energy Package) 70% by RTE on the Italy North region. Since 29 October 2021, the TSOs of the Italy North capacity calculation region have been implementing the 70% rule described above, with each TSO responsible for validating the capacity increases under this rule.
- **January 2022:** Cybersecurity network code. A network code project with the aim of setting binding rules on cybersecurity; it refers to methodologies (e.g. assessment of cyber risk; scope of high and critical impacts; cyber risk for cross-border exchanges). This code project was submitted to the European Commission in January 2022.

## 2.4 Non-discrimination and transparency – energy transition

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<sup>4</sup> Trans European Replacement Reserves Exchange

<sup>5</sup> Platform for the International Coordination of the Automatic Frequency Restoration Process and Stable System Operation (activation in under 300 seconds)

<sup>6</sup> Manually Activated Reserves Initiative (activation in under 15 min)

<sup>7</sup> See Glossary in chapter 11.5

Ensuring transparency consists of giving current or potential users of the transmission system the same level and current or potential players on the electricity market the same quality of information with regard to the general regulations on the organisation and running of the internal electricity market, so that they are equally placed and, on this point, able to compete on an equal footing. It also means, when drawing up and modifying these regulations and mechanisms, establishing a dialogue and strong relations with the Energy Regulatory Commission, thereby helping to guarantee that the system operator acts neutrally and impartially towards all market participants.

The sales teams also listened to industrial clients during the economic crisis following the health crisis by continuing to support them and facilitate their transformation. At the same time, RTE has continued its digital transformation (virtualisation of contracts, data access mandates, etc.) and the roll-out of access to data and has been preparing to roll out a new multi-business line customer relations management tool in the years to come.

- **April 2021:** The TURPE Transmission discount mechanism introduced by the French law on the Energy Transition has been subject to a formal procedure of the European Commission Directorate-General for Competition since 2017. In early 2021, the European Commission validated a new discount mechanism removing the references to the electricity intensity of the previous mechanism and based on applying the best discount rate between the average discount rates per category and individualised rates deducted from the costs directly imputable to industrial clients. The new mechanism had to be implemented very quickly: the decree was published in April for application to the eligible sites in May.
- **April 2021:** Two videoconferences organised for clients (consumer, producers, distributors) to present the changes in TURPE 6 implemented on 1 August 2021, with 400 clients logged in.
- **June 2021:** Commissioning of the information technology application MAUI which makes it possible to calculate on an ongoing basis the margins required (imbalances between available production and projected consumption, the margins represent a reserve volume (in MW) to cover 99% of unexpected incidents on production and consumption) over a rolling period of 24 hours, unlike the traditional tools which only provide required margin values at the morning and evening points. This new application is operated by the operators of the CNES to manage the supply/demand balance; its results are published on the RTE service portal.
- **June 2021/September 2021:** RTE proposed to the CRE the creation of two new detailed settlement services: the offshore algorithm settlement that may prove necessary for winners of offshore AO1 and AO2 (calls for tender) and the rail settlement which will improve the settlement of rail companies' consumption in France and ultimately allow some of them to choose their electricity supplier.
- **July 2021/December 2021:** RTE, in consultation with clients, changed the connection agreement template for distributor clients, then the template for producer clients, and the NAC-Distributor, mainly in order to take into consideration the flexibilities (production limitation) linked to optimising development of the PTN network and/or client requests such as early connections.
- **October 2021:** On 25 October Energy Futures 2050 study published with the main results and the full report including the purpose and guidelines of the study, electricity consumption and production, mixed production-consumption scenarios, Europe, supply security, climate and the electrical power system, the role of hydrogen and coupling, networks, economic analysis, environmental analysis.
- **October 2021:** As announced over a year earlier, the historical Dat@RTE offering was closed on 12 October 2021. The services portal is now the preferred site giving access to all RTE services on offer. It can be used to follow the news, discover grid and market access services (Cataliz), view and download the data published by RTE, consult the RTE library (regulatory documents) and develop applications via the data portal (27 Open APIs are made available to market participants).
- **November 2021:** For winter 2021/22, publication of the RTE study with introduction of a new more dynamic mechanism to inform about supply security, updated monthly. This provides more accurate information about the meteorological conditions and availability of power plants, especially nuclear.
- **December 2021:** The Operating and Conduct Agreement (OCA) for production installations was updated to meet offshore production installation needs. It was incorporated into the reference technical documentation on 22 December 2021 and will be used for future offshore production installations.

**These key events described above represent just a sample of the work carried out by RTE in 2021; they are nevertheless indicative of the great importance given to topics related to the CoC and compliance in RTE's daily activity.**

### 3 Independence of RTE

*The Energy Code defines<sup>8</sup> and governs<sup>9</sup> the independence of RTE as TSO in France. In particular, it governs the relations between the TSO and the VIU. Accordingly [RTE]:*

- *[must] “act completely independently from the interests of the other parties in the VIU practising an electricity production or supply [...] activity”;*
- *“[must not] hold direct or indirect interests in a subsidiary of the VIU producing or supplying electricity [...]”;*
- *“[must] not have a share of [its] capital held directly or indirectly by another subsidiary of the VIU carrying out an [electricity] production or supply activity;*
- *“operate, maintain and develop a transmission grid of which they are independent managers regarding the interests of the production or supply activities of the VIU”.*

*The conditions under which this independence is exercised in various areas are explained in several articles of the Energy Code. The following in particular can be specified:*

- *the powers and operation of its Supervisory Board and the certification of its accounts<sup>10</sup>;*
- *the obligations organising the independence of the management<sup>11</sup>;*
- *the obligations imposed on RTE to have independent information systems<sup>12</sup>, to have all the human, material and financial resources needed for its mission<sup>13</sup> at its disposal exclusively and to prevent any risk of confusion in terms of communication<sup>14</sup>;*
- *strict supervision of the commercial and financial agreements between RTE and the VIU or the companies controlled by the VIU, of the services provided by the VIU to RTE and of the services provided by RTE to the VIU<sup>15</sup>;*
- *the powers and obligations of the CO<sup>16</sup>.*

Compliance with the texts on the independence of the TSO can be observed through both the certification process and through the principles, rules and operation of the general management of RTE.

#### **RTE's commitments made at the time of certification in 2012 are maintained**

The CRE decided to certify RTE, linking this decision to:

- RTE fulfilling the commitments accompanying its application for certification;
- implementation of the additional measures requested by the CRE.

Some of these commitments or additional measures were issued with a deadline linked to implementation constraints: so far, as shown by the previous CO's reports, these commitments have been fulfilled. These commitments may be permanent; in these conditions they require permanent and recurrent monitoring to be maintained in the long term.

RTE followed the CO's recommendation made in the previous reports to conduct a quarterly assessment of the follow-up to these requests and recommendations by the CRE, which has been arranged.

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<sup>8</sup>Article L. 111-11 of the French Energy Code.

<sup>9</sup> Articles L. 111-13 to L. 111-38 of the Energy Code (sub-section “Rules applicable to transmission system operators belonging as of 3 September 2009 to a Vertically-Integrated Undertaking”).

<sup>10</sup> Articles L. 111-13 to L. 111-15 and L. 111-24 to L. 111-28 of the Energy Code.

<sup>11</sup> Articles L. 111-29 to L. 111-33 of the French Energy Code.

<sup>12</sup> Article L. 111-16 of the French Energy Code.

<sup>13</sup> Articles L. 111-19 and L. 111-20 of the French Energy Code.

<sup>14</sup> Article L. 111-21 of the French Energy Code.

<sup>15</sup> Articles L. 111-17 and L. 111-18 of the French Energy Code.

<sup>16</sup> Articles L. 111-34 to L. 111-38 of the French Energy Code.

In 2021, in terms of the process of approval by the CRE of commercial and financial agreements with the companies in the VIU, it should be highlighted that the number of referrals to the CRE rose. Over and above this volume factor, analysis of the case follow-up shows several delays and even in some cases failure to comply with the date of effect of the agreements. As this situation is not satisfactory in view of RTE's obligations concerning certification, improvement actions are to be implemented by RTE. cf. chapter 3.5 hereinafter. In fact, referral to the CRE should be considered more often in internal processes, especially those connected to calls for tenders, to ensure time periods compatible with assigning and investigating cases and ensuring effective oversight. The CRE has asked to be informed before or shortly after a consultation is launched, if one or more of the companies controlled by the VIU is positioned to participate.

Moreover and more generally, in 2021 there were no factors or events leading to questioning RTE's certification as maintained by the CRE in 2020 following the creation of a public financial conglomerate bringing together CDC, La Poste, La Banque Postale and CNP Assurances. The consequence of this operation was that the CDC's interests in La Poste's capital were restructured, bringing them from 26.3% to 66%. More specifically with respect to CNP Assurances, the effect of the operation was to move CDC's holdings in CNP Assurances from a direct holding of 40.87% of the capital and approximately 51% of voting rights to an indirect holding of 62.13% of the capital and 68% of voting rights.

### 3.1 Managerial Independence of RTE from the VIU (article L. 111-11 of the French Energy Code)

*Managerial independence of the TSO was introduced when RTE was created within the scope of the first European energy package and was widely confirmed in subsequent texts, and especially in the French Energy Code (article L. 111-11) which specifies that the TSO:*

1. *Must act completely independently from the interests of the other parties in the VIU practising an electricity production or supply activity;*
2. *Must not hold direct or indirect interests in a subsidiary of the vertically-integrated undertaking producing or supplying electricity;*
3. *Must not have a share of their capital held directly or indirectly by another subsidiary of the vertically-integrated undertaking carrying out a production or supply activity;*
4. *Operate, maintain and develop a transmission grid of which they are independent managers regarding the interests of the production or supply activities of the vertically-integrated undertaking.*

The CO and RTE regional delegates were not aware of any inappropriate action by an RTE manager or employee concerning RTE's independence in 2021. Based on these observations it can be asserted that the independence is fully operational.



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## Events bringing together RTE and other companies in the VIU

The subject of RTE's participation in demonstrations or events organised by the other companies comprising the VIU and internal to these companies was mentioned constantly in the CO's reports and the CRE's RCBCI. In 2018 RTE formalised and disseminated guidelines for the participation of RTE employees in events organised by the VIU, enabling its agents to know whether or not they can take part in the various internal events or meetings organised by the other companies in the VIU.

In 2021, two questions were raised on this matter in order to revisit these guidelines:

- RTE's Management was asked by Caisse des dépôts et consignations to participate in meetings concerning exchanges of best practices in connection with corporate departments (finances, risks, procurement and real estate) and mobility of human resources. RTE Management wished to take part in these meetings with the participation of the public institution CDC when they do not concern subjects connected to energy or RTE technical business lines.
- It was planned that RTE executives will participate in meeting or one-off events organised by the presidency of the EDF Group or by the general management of the CDC group and bringing together the executives of these groups, with the following three reservations:
  - RTE's independence must be strictly respected and recalled as necessary;
  - the internal and/or external communication which, where applicable, is carried out in order to prevent confusion of image between RTE and VIU;
  - the RTE chief compliance officer has an ongoing right of access pursuant to article L. 111-35 the French Energy Code.

The guidelines may evolve in this sense subject to (i) compliance with RTE's various independence obligations as laid down by the French Energy Code (managerial independence, no confusion of image, (ii) not disclosing beneficial information as defined by the directives 2009-72 and 2019-944, etc.) and (iii) not covering subjects with a risk of conflict of interest for electricity production activities.

RTE will also send to the CRE the 2021 annual report of its participation, necessarily as an external party, in internal meetings of companies in the VIU. In 2021 as in past years, other than the exceptions specified above, RTE systematically declined any request to participate in internal EDF or CDC group meetings and in external events (e.g. meeting with local media, participation in a trade fair). The CO's regional audits even show that RTE is seeking to materially distance its communication from EDF's, especially at trade fairs (placement of stands).

In 2021, no discrepancy was recorded on this aspect of meetings bringing together other companies in the VIU.

**The CO recommended finalising the new version of the RTE guidelines shared with the CRE and at the same time widely disseminate internally in RTE knowledge of the companies in the VIU (see above).**

### **3.2 Powers of the Supervisory Board and RTE statutes** (Articles L. 111-13 and L. 111-14 of the French Energy Code)

The prerogatives of the Supervisory Board are defined by the French Energy Code (L.111-13 and L.111-14). These prerogatives are restated in the Company's Statutes, and in the internal regulations of its Supervisory Board. The RTE SB is responsible for making the decisions that may have significant effects on the value of the shareholders' assets, in particular those concerning approval of its annual and multi-year financial plans, its level of debt and the amount of dividends distributed to shareholders. Conversely, in addition to decisions concerning day-to-day activities, those concerning grid management and the activities necessary to drawing up and implementing the TYNDP or outline are not within the remit of the SB.

The statutes and the internal regulations of the SB are amended to comply with these provisions.

The RTE statutes were amended in 2021 to incorporate the *raison d'être*. The Supervisory Board's internal regulations were not amended in 2021.

With respect to the composition of the Supervisory Board, its changes are described in chapter 3.9 hereinafter.

In 2021 the CO took part in all RTE Supervisory Board and committee meetings (economic supervision and audit committee, salary committee). In view of this observation, it can be stated that the work did not prevent implementation of article L. 111-13 of the French Energy Code, article 14 of the RTE statutes ("*decisions - powers - internal regulations*") and article 5 of the internal regulations of the Supervisory Board ("*powers of the board*"). The SB was able to exercise its economic oversight without the debates covering decisions or injunctions in areas within the exclusive remit of the Management Board.

In accordance with the texts, the directors are regularly informed, by means of the following measures:

- The Management Board's quarterly report presenting general news,
- Between the sessions, the Management Board informs the directors in real time of the main events in the company's life: several information emails were sent in 2021,
- In 2021 two "strategic seminars" of the Supervisory Board were organised on the insertion of offshore wind power and Energy Futures 2050,
- SB members invited to the inauguration of the "Campus Transfo".

**Due to his systematic participation in the Supervisory Board, the Compliance Officer at all times oversees the Board's decisions. In 2021 none of these decisions went beyond the powers assigned to the Board.**

### **3.3 Independence of the Statutory Auditors** (Article L. 111-15 of the French Energy Code)

The RTE financial statements are certified by two companies: KPMG and Mazars, since 30 May 2017. Considering that the principal statutory auditors of EDF are KPMG and Deloitte and that the principal statutory auditors of CDC were Mazars and PwC until the end of 2021, no company controlled by the VIU controlled by EDF or the CDC is certified by KPMG and Mazars at once.

In September 2021, the CDC contacted the CRE in the context of the procedure linked to renewal of the statutory auditor (CAC) service purchase market in view of the rules in force and the limited number of service providers. At the end of the purchase process, the CDC notified the CRE that the auditor pair team chosen was the same as for RTE. After discussions and in view of both the status of the auditors and also the safeguarding measures defined, it was decided that this situation which guarantees the absence of conflict of interest was acceptable; it will therefore be implemented from 2022.

Article 20 of the RTE articles of association leads to the following attestations for 2021 concerning compliance with the provisions of article L. 111-15 of the Energy Code in 2019, which will be sent by RTE to the CRE:

- the attestation of the firm Mazars SA, dated 24 February 2022: Mazars SA does not certify the financial statements of either EDF or the companies belonging to the VIU controlled by EDF, but specifies that it is the statutory auditor for Enedis and the Caisse des Dépôts group;
- the attestation of the firm KPMG SA, dated 25 March 2022: KPMG SA does not certify the financial statements of the CDC or of the companies belonging to the VIU controlled by the CDC except for the following companies: Saint Charles Solaire, Laudun Énergie, Energiecie, Dalkia Investissement, Terres d'Énergie and EOS Invest Holding.

The information provided also shows that KPMG SA certifies the financial statements of EDF SA and of some of its subsidiaries such as Enedis.

In accordance with the provisions of article L. 111-15 of the French Energy Code, both companies have confirmed that in accordance with their professional standards they have implemented all their internal procedures aimed at preventing any conflict of interests between these mandates and their mandate as statutory auditor for RTE.

### 3.4 Information Systems (article L. 111-16 of the French Energy Code)

This article contains two obligations.

#### i) Separation of the information systems of RTE and the VIU

The RTE information system (IS) is completely independent from the system of the companies in the VIU. There are two exceptions concerning two employment software programs. They gave rise to agreements that the CRE approved considering that they fall within the scope of the exception provided for by article L. 111-33 of the Energy Code:

- usage rights agreement for the “Job Exchange”, signed on 19 November 2014 between RTE and EDF (CRE decision of 3 September 2015<sup>17</sup>),
- “MediSIS” agreement for management of medical files (CRE decision of 26 October 2016<sup>18</sup>); addendum to extend term to be approved by the CRE.

#### ii) Information technology service providers common to RTE and the VIU

The CRE has asked RTE to notify it before 31 January of each year of all the agreements signed during the last year concerning work on the automated information processing systems with companies which also provide services of the same kind on behalf of companies forming part of the VIU.

The two RTE internal procedures on commercial and financial agreements signed with the VIU (see point E.1 below) now include a paragraph about this notification.

RTE draw up a 2021 list of eligible agreements as defined in article L. 111-16; this list was discussed with the CRE and no special comment was made.

### 3.5 Commercial and Financial Agreements Signed with the VIU (articles L. 111-17 and L. 111-18 of the French Energy Code)

#### Approval by the CRE of the commercial and financial agreements

*The “Procedure for monitoring RTE's 2012 certification as independent TSO and circuit for processing CRE files engaging commercial and financial relations between RTE and EDF SA”, which presents the organisational structure introduced by RTE to meet its legal obligations, was updated in March 2020 incorporating maintaining the RTE certification and the changes resulting from the above recommendations. The end of its title was amended at that time: “between RTE and EDF or companies controlled by EDF/RTE and the CDC or companies controlled by the CDC involved in electricity production or supply”. Additional updates were made in 2021, mainly to include resumption of the activities of the General Secretariat more specifically by the Legal Department; it was in this context that the Legal Department resumed the activity of monitoring referrals to the CRE pursuant to articles L. 111-17 and L. 111-18 of the French Energy Code. This memorandum was to be validated internally in early 2022 then widely disseminated and submitted to RTE managers and employees. In 2021 the CRE approved all the agreements between RTE and the VIU submitted to it. In 2021 the necessary dialogue and discussions with the CRE on these subjects continued satisfactorily: the additional information requested by the CRE was generally sent quickly and with complete transparency to assist the CRE departments in investigating the matters.*

As previously stated, RTE's implementation of the process of referral to and approval by the CRE represents a strength in its vigilance insofar as the periods for sending agreements to the CRE are not completely satisfactory in view of RTE's obligations in terms of certification.

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<sup>17</sup> <https://www.cre.fr/Documents/Deliberations/Approbation/bourse-de-l-emploi>

<sup>18</sup> <https://www.cre.fr/Documents/Deliberations/Approbation/medisis>

On the CO's recommendation, RTE has already implemented several actions aimed at achieving time periods compatible with the CRE taking over and investigating cases and providing effective oversight. These actions concerned the following points:

- Updating internal operating documents and reminder within departments particularly affected of the measures for referring commercial and financial agreements to the CRE to obtain shared and updated knowledge of this subject,
- Dissemination and regular sharing of information about the knowledge of the companies making up the VIU or controlled by the VIU,
- Examination of the feasibility of developing the IS to implement checkpoints and thus facilitate identification of these companies.

In 2021, 23 formal referrals were made to the CRE (18 in 2020): five<sup>19</sup> led to a CRE decision and 19<sup>20</sup> were tacitly approved<sup>21</sup>. Moreover, on 31 December, five other cases were submitted informally.

Among the 23 cases submitted, nine concerned the VIU (EDF SA and its electricity production or supply subsidiaries), 13 concerned companies controlled by the VIU, including 11 Enedis and once concerned both EDF and Enedis.

Among the four decisions, three concerned the VIU's services to RTE falling under the exceptions stipulated in the first paragraph of article L. 111-18, which must be explicitly approved by the CRE<sup>22</sup>.

As a comparison, in 2020, 18 formal referrals were made to the CRE: four led to a CRE decision (three under article L.111-18) and 14<sup>23</sup> were tacitly approved (including six in early 2021).

Furthermore, six cases were being investigated by the CRE on 31 December 2020.

Among the 18 cases submitted in 2020, 12 concerned the VIU (EDF SA and its electricity production or supply subsidiaries), four concerned Enedis and one concerned CTE. Finally, one case concerned all the companies in the VIU or controlled by the VIU ("standard encumbrance agreement templates and associated terms and conditions for setting compensation").

**The CO recommended continuing, ensuring their successful completion, the improvement actions undertaken (specified above) aimed at full understanding of the process for referring commercial and financial agreements to the CRE and consideration by RTE of the schedules and time periods allowing for investigation in optimum conditions. In this context, RTE can examine with the CRE the measures or mechanisms that can be used to optimise approaching the regulator.**

### **Sending assessments to the CRE**

*The CO noted that the CRE's approval decisions often contain requests for RTE, especially requests to submit an annual assessment of certain points early in the next year (to be submitted before 31 January of the following year). This is particularly the case when the CRE approves framework agreements.*

The status of assessment submissions is as follows:

- The following assessments were submitted to the CRE in late January 2022:
  - List of agreements in order to intervene on RTE's automated information processing systems and signed with companies which also provide services of the same kind on behalf of companies forming part of the VIU (article L.111-16 of the French Energy Code),
  - List of services provided by Arteria to RTE (decision of 13 December 2018),
  - List of services provided by Airtelis to RTE (decision of 19 December 2019),
  - Renewal of agreements and potentially new agreements signed in 2021 or to come in 2022 to be submitted to the CRE.

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<sup>19</sup> Four handed down in 2021 and one in 2022 for a case submitted in 2021.

<sup>20</sup> 11 tacit approvals in 2021 and eight tacit approvals in 2022 for cases submitted in 2021.

<sup>21</sup> Article L. 231-1 of the French Code on Relations between the Public and the Authorities.

<sup>22</sup> paragraph 3 of article R. 111-7 of the French Energy Code.

<sup>23</sup> 14 tacit approvals in 2020 including 6 in early 2021 for cases submitted in 2020.

For this latter point, it should be noted that to date a single renewal of a contract previously submitted to the CRE is planned in 2022 and that no contract is to be notified to the CRE for 2022 in response to new needs.

- The following assessments are still to be submitted to the CRE:
  - Information concerning the number and duration of unscheduled interruptions according to their origin (decision of 18 December 2012 approving the NAC-P),
  - Assessment of implementation of the framework agreement for processing agreements before D-1 on production installations excluding photovoltaic and wind production, signed between RTE and EDF (decision of 6 January 2016),
  - Assessment of the implementation of the framework agreement for processing agreements before D-1 on production installations excluding photovoltaic and wind production, signed between RTE and EDF (decision of 6 January 2016),
  - List of easement agreements signed between RTE and the VIU,
  - Attestation of RTE statutory auditors for 2021.
- The following subjects are considered closed:
  - Hyposynchronous oscillation studies (Decision of 21 November 2019),
  - Common Rules for Substations (RCPS, Decision of 21 March 2019),
  - Assessment of effective implementation of the commitments to ensuring all producers make a greater contribution to development of the EMTP software functionalities (decision of 6 December 2017),
  - Annual assessment of the implementation of the framework agreement for maintenance, surveillance, manoeuvre and expertise services provided by RTE (then transferred to Cirtéus) for Enedis (CRE decision of 11 March 2015),
  - Progress of roll-out of NAC-C and NAC-P templates, the NAC-C was approved by the CRE in its decision of 27 January 2022 and the NAC-P will be referred to the CRE by RTE at the end of the first quarter of 2022),
  - Annual assessment of the implementation of the framework agreement for maintenance, surveillance, manoeuvre and expertise services provided by Enedis for RTE.

**The CO reiterated the previous recommendation to include the following in the performance indicators for monitoring implementation of RTE's certification:**

- **the annual assessments and other elements, especially recurring, to be supplied to the CRE pursuant to its approval decisions made under articles L. 111-17 and L. 111-18,**
- **the follow-up given to requests made by the CRE in its RCBCI reports and the recommendations by the CO in his annual reports.**

#### **Examination of the different financial flows between RTE and the companies in the VIU**

*Following the example of practices in previous years, on request the CO received from the accounting and taxation department the two files representing all the financial movements between RTE and the companies in the VIU, more specifically:*

- *Between RTE and EDF and its subsidiaries,*
  - *Between RTE and the CDC.*
- The first file between RTE and EDF and its subsidiaries contains 1675 lines and represents a total purchase amount of €1,360 m (millions of euros). Based on the previous years, the first file constituted in the habitual EDF consolidation scope contained 1358 lines and represented a purchase sum of €782m. Extensive work was therefore carried out with the *accounting and taxation department* to complete this file as far as possible and end up with a much more representative file for which the links have been made between SIREN codes, SIRET codes and supplier codes.  
The analyses were conducted on this latter file, considering the complexity of such an accounting file.

The verification and investigation points concerned:

- Conformity of the transactions with articles L. 111-17 and L. 111-18 of the French Energy Code,
- Transactions which a priori resulted from provisions not requiring the approval of the CRE (for example, payment of the dividend),

- The financial movements linked to system service agreements or in connection with capacity calls for tenders,
- All movements and their justification in view of the order description and those of the accounting documents.

These analyses show that no non-compliance with article L.111-17 of the French Energy Code was shown and that the justification of movements that sometimes required additional verifications and investigations directly on the invoices inserted into the accounting tool with the associated comments was confirmed.

- For the second file representing the financial movements between RTE and the CDC, which is much simpler, no non-compliance was found.

This verification based on the accounting information therefore appears to be essential and should be continued in 2022.

**The CO will continue this type of examination in 2022, on the basis of the accounting information for this financial year.**

### **3.6 Non-confusion of Image between RTE and the VIU (Article L.111-21 of the French Energy Code)**

#### **Company name of RTE (“RTE Réseau de transport d’Electricité”)**

RTE is very careful, in all external presentations (e.g. politicians, territories, government services, higher education, press) and in all participation in events or trade fairs, to position RTE correctly as a player in the independent and non-discriminatory electricity sector.

According to the feedback of the delegates and observation made by the CO on a national level, no discrepancy on this point was identified in 2021.

#### **Relations with Stakeholders**

The RTE delegates observed that stakeholders' confusion between RTE and EDF continues to decrease as the years pass. Each time, RTE recalls its role, duties and its independence. In general, the authorities, RTE clients and most local politicians now correctly distinguish between RTE and EDF. As journalists are also highly aware of the distinction between RTE and EDF, there are few articles claiming that EDF is responsible for RTE's activities. It should be noted that all RTE press releases contain a text box specifying RTE's role and missions.

## Trademarks identifying RTE as Transmission System Operator

Following the regularisation in past years with the INPI (French intellectual property institute) of trademarks identifying RTE as TSO, the situation has been fully compliant since August 2020. The information is specified in the CO's 2020 report.

The situation for 2021 is also compliant.

## Communication and feedback

In 2020 the volume of external communication was particularly high for RTE; the high point was the communication about publication of the report on energy futures by 2050.

In this context of extremely strong communication campaigns, no discrepancy was detected by the CO, nor was he informed of any discrepancy, especially through the survey of regional delegates.

In 2021 RTE's strong communication and publication moments were essentially:

- Energy futures: Assessment of the first phase of the study “Energy Futures 2050” – six scenarios to be studied to reach carbon neutrality by 2050. On Tuesday 8 June, RTE published an interim report on the study of development of the electrical power system with the title “Energy Futures 2050”. An initial phase of the study was completed in the first quarter of 2021, determining the main scenarios to be examined according to four aspects: technical, economic, environmental and impact on lifestyle.
- Energy Futures 2050: on 25 October 2021 study was published with the main results and the full report including the purpose and guidelines of the study, electricity consumption and production, mixed production-consumption scenarios, Europe, supply security, climate and the electrical power system, the role of hydrogen and coupling, networks, economic analysis, environmental analysis.
- Conditions and prerequisites concerning technical feasibility for an electrical power system with a high proportion of renewable energies by 2050, with the IEA. The French Ministry of the Environmental Transition commissioned the International Energy Agency (IEA) and the French electricity transmission system operator RTE to conduct together a framework study aimed at identifying the conditions and requirements concerning the technical feasibility of scenarios on which the electrical power system is based on very high shares of RE<sub>n</sub>; a report presenting the conclusions of this study was drawn up.
- BP 2030: multi-year generation adequacy report, this future-proofing document is drawn up in consultation with all players in the sector: electricity and gas producers, suppliers and distributors, NGOs, professional organisations, universities, think tanks and institutions, and provides the electrical power system outlook until 2030, especially in terms of change in the electricity supply/demand balance by this date.
- Winter: publication in November 2021 of the RTE study with introduction of a new more dynamic mechanism to inform about supply security, updated monthly. This provides more accurate information about the meteorological conditions and availability of power plants, especially nuclear.
- Project Ringo: 2 July 2021, RTE opened its first experimental large-scale automated electricity storage site, Ringo, in Vingeanne - Jalancourt (commune of Fontenelle – Côte-d’Or). This experiment, a world first, will test the automatic management of renewable electricity production surpluses. Ringo is part of the innovation approach launched by RTE to transform the electrical power system in service of the energy transition.
- Publication of the RTE magazine “Transitions”: internal target (9000 employees) and external (3000 stakeholders: politicians, institutions, etc.). The goal is to explain all the methods used by the company to succeed in the energy transition. RTE is at the centre of this issue, by means of engaging

its employees who provide a public service mission: guaranteeing access to largely decarbonised, safe and inexpensive electricity, at all times, throughout the territory with the same service quality.

- Several inaugurations took place: Campus Transfo in September 2021, project Haute Durance, Dunkirk substation, Mesil de Montpellier and several communication sequences about renewable marine energies, transformation of the network to serve the energy transition, ÉcoWatt consumption control, the Europe of electricity, and about various projects (e.g. Avelin-Gavrelle, Gulf of Gascony) and other RTE initiatives.

On Energy Futures, the feedback is as follows: over 80 journalists followed the event directly on Monday 25 October, over 1,000 mentions of the report in the media, around 173,000 people reached, equivalent of €11.6m advertising space purchased. The media that reached the most people was the radio, mainly through morning news shows. In terms of social media, the findings were similar, with a historic impact for RTE posts. It is specified that the audience for this report has gone far beyond the habitual circle of interested persons with over 14,000 publications and around 14 million people reached.

In conclusion, and from the qualitative perspective, it is emphasised that the report is of high quality. The dissemination mechanism worked well and will be used for future events. On this occasion, analysis sessions for journalists were launched, starting with the chapters “Consumption” and “Production”:

- 9 November: Understanding consumption,
- 16 November 14:30-16:00: Understanding production,
- 2 December 10:00-11:30: Understanding economic analysis,
- 7 December 09:30-11:00: Understanding the impact of climate change,
- 15 December 14:00-15:30: Understanding the technological challenges and hydrogen.

These extremely educational sessions were unanimously appreciated.

#### **i) Journalist confusion concerning EDF and RTE**

In this context and considering RTE's strong media activity which clearly specifies its role as pioneer, the press sometimes experiences some confusion between RTE and EDF or only makes references to a single shareholder, in this case EDF. In these situations, RTE systematically contacts the journalist to explain the structure of our shareholders since March 2017 and recalled at the beginning of the report. In particular, in the reference to a single shareholder, EDF, leading to a distorted information, RTE asked that a correction be made to the article, emphasising its independence. This is a best practice to be maintained in a period that can still be classified as transitory.

To limit this type of conclusion as far as possible, RTE includes in its presentations an explanation of the governance modes, in which independence has a central role. The central message is that RTE is a public limited company with Management Board and Supervisory Board and specific features linked to its position as French public electricity transmission system operator (TSO). Its statutes and mode of governance guarantee its autonomy, independent management and neutrality and the role devolved to the Management Board is vested with the widest powers to act in all circumstances on behalf of the company, within the limitations of the prerogatives devolved to the General Meeting and Supervisory Board. It is the only body with authority to implement procedures relating directly to the operation, maintenance and development of the public electricity transmission system, within the scope of the missions devolved to the company.



## ii) Communication of other market participants: EDF, ENEDIS, CDC.

No discrepancy by the market participants has been observed. In support of this statement, the following points should be highlighted:

- **EDF Communication:** During a long interview with BFM Business, the chair of EDF talked about the re-industrialisation of France, decarbonisation, electricity prices, etc. During this interview and as reported in the press, the chair of EDF recalled the institutional role of the market participants, especially EDF and RTE “we know that our electrical power system is fragile if there is a very long major cold spell with extreme cold...we need to be prepared to take risks...so I remind you it is not EDF but RTE which is responsible for all of that but of course and the main electricity producer in France we work closely with RTE in order to avoid that and for several years we have avoided it...”
- **ENEDIS Communication:** On Europe 1, Elisabeth ASSAYAG interviewed the chair of the Enedis management board: “Welcome to *La France bouge*. You are the chair of the management board of ENEDIS: Enedis is the manager of the electricity distribution network in France; it was created in 2008 under the name ERDF, a year after the French energy market for individuals was opened up. The company then became Enedis in 2016. Today, with 38,000 employees you have a presence throughout France with over a hundred sites. Marianne LAIGNEAU, Enedis is the electricity distributor. That means that it is thanks to Enedis, thanks to you, that we can turn the lights on at home. So that everyone understands, you transmit electricity, and especially renewable electricity, is that right? Enedis, absolutely. I think you have summarised it well. Our main mission is to be the electricity distribution public service, i.e. channelling and bringing electricity to our 37 million clients in France, throughout the country, in rural areas, in large cities, 24 hours a day, seven days a week. Indeed, there are various participants in the electricity sector. There are those which produce electricity, either in a centralised form, hydraulic plants, nuclear plants, or in forms more widely distributed over the country, meaning renewable energies, wind, solar. The main installations are therefore directly connected to the transmission network, which are the electricity highways, if you want; it is managed by RTE, the transmission agent, and then Enedis takes over to bring this electricity to you”.
- **Caisse des Dépôts communication:** no statements that could lead to confusion of image were detected, this has not moreover appeared since the CDC was brought into RTE's capital, whether at national or regional level.

## iii) Feedback from RTE image survey:

For the first time RTE conducted a 360° image survey that provides an exhaustive vision (and a point zero) of the perception and image and identity attributes of the company among its internal and external audiences. In particular, this analysis brought up the following essential lessons: RTE and its activities are still generally unknown to the general public, confusion continues between the activities of RTE and those of the other entities in the EDF group, with some signs of improvement since the electricity markets opened up. Among the stakeholders which know the company, the activities and role of RTE are mostly well perceived and the company's image is extremely positive; in this respect, the concept of “utility” is central, “expertise” and “reliability” came out as RTE's strong points. The mission of “leader of public debate” is also included and legitimised. RTE is a natural and expected participant in the energy transition.

## The CO's analysis and recommendations:

Based on these points and in view of the specific characteristics of managing an electrical power system and the particular features of organisation and operation linked to the special status of ITO and even in the absence of proven malfunctions or actually observed imbalances, for prevention purposes the CO recommended continuing to educate about RTE's institutional status as French TSO characterised by independence as laid down in the laws and regulations. The goal is in fact to avoid any conflict of interest in the long term and ensure complete non-discrimination between the participants, which constitutes a nominal operation of the electricity market. All actions and best practices carried out concerning external communication must be capitalised on to provide a foundation for RTE's independence which could be restated in the RTE presentation boiler plate in documents intended for the press.

### **3.7 Separation of Premises** (article L. 111-21 of the French Energy Code)

The matter of separate premises is at this time compliant with the Energy Code and the requirements of the CRE decision concerning RTE's certification.

### **3.8 RTE Code of Conduct** (article L. 111-22 of the French Energy Code)

The version of the CoC taking into consideration the variation in RTE's capital and the feedback acquired since 2012 was approved by the CRE in its decision of 11 January 2018 on maintaining CRE's certification.

Moreover, on 14 April 2019, the CRE tacitly approved<sup>24</sup> an addition, proposed by RTE in December 2018, of information about RTE's obligations under the European Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) and RTE's role as person professionally arranging transactions.

The CoC was not changed in 2021.

### **3.9 Mandate of the Members of the RTE Supervisory Board** (articles L. 111-24 to L. 111-28 of the French Energy Code)

The Supervisory Board is composed of 12 members with a distribution complying with the RTE statutes:

- Four employee representatives,
- Two members representing the State,
- Six members representing the shareholders.

The mandate of the members of the Management Board was decided before 31 August 2020, for a term of five years in accordance with the French Energy Code. The session setting up the Supervisory Board was held on 1 September 2020. In addition to the discussions with the new Chair of the Management Board, the Supervisory Board renewed its chair and vice-chair and appointed the members and chairs of the Committees (Economic Supervision and Audit Committee and Remuneration Committee) and, as proposed by the chair in accordance with its internal regulations, it appointed its secretary.

In 2021, the mandate of one of the members representing the shareholder CTE from EDF was renewed late in the year, including in the role of chair of the CSEA.

Special attention is paid to the members of the minority of the Supervisory Board (art. L.111-25 of the French Energy Code) defined as "half of the members minus one", who are subject to specific incompatibilities as laid down by the French Energy Code. The members of the minority of the SB must not have carried out activities or held professional responsibilities in the other companies in the VIU or have held interests in these companies or directly receive a financial benefit from the companies in the VIU; these incompatibilities concern the three periods prior to their appointment, throughout the term of the mandate and after the mandate ends.

As at 31 December 2021, the minority of the board comprised two representatives of the government and three representatives of the shareholders (two representative of the CDC and one representative of CNP Assurances).

Moreover at the time of RTE's certification and in particular as part of the CRE decision of 11 January 2018, appointing members of the minority was associated with shareholder commitments, in particular:

- The CDC undertook to notify the CRE of any appointment of a member of the board of directors of CTE appointed on proposal of the CDC: no change took place in 2021.
- EDF, the CDC and CNP Assurances undertook to authorise the presence of the RTE Compliance Officer at the meetings of the CTE Board of Directors: The CO thus attended all CTE Board of Directors meetings in 2021.

### **3.10 Mandate of RTE Managers** (articles L. 111-24 and L. 111-29 to L. 111-32)

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<sup>24</sup> Article L. 231-1 of the French Code on Relations between the Public and the Authorities.

The Management Board is currently composed of five members and is appointed for a term of five years by the Supervisory Board following approval by the CRE.

The Chair of the Management Board Xavier Piechaczyk was appointed by the Supervisory Board from 1 September 2020 for a term of five years. On the recommendation of the Chair of the Management Board, the other members of the Management Board were appointed by the Supervisory Board in November 2020, for a mandate that will end at the same time as that of the Chair of the Management Board, i.e. 31 August 2025.

As part of the appointment process, it was verified that all these appointments met the requirements laid down by articles L. 111-29, L. 111-30 and L. 111-33 of the Energy Code, in particular the specific incompatibilities. The members of the minority of the Management Board must not have carried out activities or held professional responsibilities in the other companies in the VIU or have held interests in these companies; these incompatibilities concern the three periods prior to their appointment, throughout the term of the mandate and after the mandate ends.

The managers are the members of the Management Board and the operations, maintenance and development-engineering directors<sup>25</sup>. In 2021, the development-engineering director was replaced and the CRE was notified of this situation.

### **3.11 Remuneration and holding of interests in the VIU (Article L. 111-33)**

The demand response bid volume selected in the 2022 demand response call for tenders was 2,403 MW, significantly up for the second consecutive year (+76% compared to 2021).

This article contains two obligations.

#### **i) Remuneration of RTE managers and employees**

Remuneration of managers falls within the remit of RTE management: *“Directors and employees of a transmission system operator can only be paid according to indicators, in particular performance indicators, for said company.”* This means that the criteria for paying RTE employees and managers must be independent of the vertically-integrated undertaking, particularly EDF.

This provision as stated in the RTE statutes and in the internal regulations of the Supervisory Board, is implemented for the long term, particularly since the first certification decision of 26 January 2012. The CO attended the RTE Supervisory Board remuneration committee meetings and can therefore be assured that it was applied correctly.

#### **ii) Holding of interests in the VIU**

Holding interests in the VIU is the personal responsibility of the RTE managers and employees: *“Managers and other employees [...] cannot hold interests in the other companies comprising the electricity or gas vertically-integrated undertaking [...], or directly or indirectly receive any financial benefit from said companies.”*

An exception concerns EDF shares acquired before 1 June 2011 within the scope of the collective system constituting the PEG, which can be held by employees other than managers<sup>26</sup>. While it cannot control compliance with this obligation, the employer nevertheless has a duty to inform its employees about the obligations on them, in particular and specifically concerning the holding of shares.

### **General information to RTE employees about their obligations**

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<sup>25</sup> Paragraph II of article L. 111-30 of the Energy Code.

<sup>26</sup> Paragraph I of article 13 of ordinance no. 2011-504 of 9 May 2011 codifying the legislative part of the Energy Code.

Online training (e-learning) about the CoC<sup>27</sup> is provided to all RTE employees, and especially newcomers, in order to inform them. Currently compulsory, in 2022 it needs to be updated on the basis of preparatory work in 2021 to take in account the feedback. The new version will then be rolled out again to all employees and may be used in the long term to maintain their skills.

In late 2021, in a letter sent to employees who joined EDF between 1 July 2011 and 1 July 2021 (see hereinafter), an invitation was extended to take an e-learning module on Propulse: “CoC1 2019 - Code of Conduct: the Basics”.

### **Group savings scheme (PEG)**

Following the instances of non-compliance raised concerning the EDF share fund subscription offer reserved to employees (ORS 2019) for which RTE employees had been invited to subscribe and to prevent them from happening again, the CO recommended that RTE ask the PEG manager for the assets of employees transferred to RTE – from 1 October 2016 on – to be transferred from the “EDF group scheme” to the new RTE sub-fund. This section is intended to resolve non-compliant situations and ensure current employees are compliant in terms of holding EDF shares.

In addition to the EDF shares subscribed in the ORS 2019, this measure also applies to the “Solidarity and Energy Transition” employee profit-sharing mutual fund, launched by EDF in June 2020[3]. This mutual fund is intended to offer employees the possibility of investing in projects contributing to reducing CO<sub>2</sub> emissions, including EDF group projects, which is not compatible with article L. 111-33 of the French Energy Code.

In 2021 RTE worked with EDF and with the PEG manager to define and implement corrective actions for the non-compliant situations, i.e. arbitrage measures (early unfreezing) available in a given time period for the funds of EGI employees joining RTE. To be noted:

- in the first few months of 2021, EDF was not able to establish the legal security of a new mechanism meeting the abovementioned objective. In fact, it has not been possible to implement the idea of formulating an amendment in the form of a collectively agreed addendum so that the PEG regulations can formally rule out the possibility of RTE employees acquiring interests in the EDF equity and “Solidarity and Energy Transition” employee buy-out mutual funds and tackling the situation of employees joining RTE (the trade union organisations had stopped all collective bargaining in the first half of 2021),
- the PEG manager did not have the capacity to detect non-compliant situations and initiate and compliance process.

RTE employees have personal responsibility for non-compliant situations in terms of holding EDF share funds, and this cannot be controlled by the employer. RTE nevertheless has a duty to inform its employees about their obligations, in particular concerning the holding of shares.

Consequently, RTE has undertaken a process aimed at setting up a mechanism to inform all employees joining RTE, whatever the company of origin, for the transfer of the EDF share funds to funds accessible to RTE employees. This process incorporates a commitment by all employees joining RTE to fulfil their independence obligations by selling or conferring management to a third party the VIU shares they hold.

In 2021, the process was finalised with a date of application on 1 July 2021.

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<sup>27</sup> See Chapter 9.3 “Training and Information”.

[3] <https://www.edf.fr/groupe-edf/espaces-dedies/journalistes/tous-les-communiques-de-presse/edf-lance-un-appel-d-offres-pour-la-creation-d-un-fonds-d-epargne-salariale-solidarite-et-transition-energetique>

Several decisions concerning its operating procedures were made:

- For transfers from EGI to RTE from 1 July 2021:
  - Since 1 July 2021, a phrase has been added to “job announcements” and job postings on the EGI job board, specifying that it is not permitted to hold EDF shares.
  - For new arrivals, a bilateral agreement is signed between RTE and the company coming from the VIU. In this agreement, they undertake to sell their shares within two months. Failing this, they commission RTE to carry out, with the account holder (currently NATIXIS), in their name and on their behalf, and in particular without consideration of the valuation of the employee profit-sharing mutual fund units, arbitrage of these assets invested in the “EDF employee shareholder” FCPE to the FCPE with the lowest risk investment profile.
  - Moreover, if they have EDF shares to be able to join RTE a portability slip is completed in order to indicate their fund transfer choices.

- For employees from the EGI and transferred to RTE between June 2011 and July 2021:

Two information letters were sent to them in the last quarter of 2021 in order to:

- recall the rules of independence from RTE laid down by the French Energy Code and the ban on holding EDF shares.
- indicate the contact details of the account holder Natixis for any matter concerning their situation and handling of their request in view of this ban.
- invite them to take the e-learning module “CoC1 2019 - Code of Conduct: the Basics”, to gain a better understanding of the obligations for RTE and its employees in the regulations.

These informative actions are part of the CO's recommendation, the PEG manager was approached by RTE. This manager is not able to handle en masse the employees with a non-compliant situation; each employee is responsible for being proactive in contacting the manager by using the portability slip. These actions should help reduce non-compliant situations.

To transfer the EDF plan to the RTE plan, the request must be made by the employees using the portability slip. This site is also available on the Egépargne site. The employees in question (those who have joined the company after 2016) were sent the RTE letter in late December (as it covered all arrivals from 1 July 2011).

- For external hires, the following measures have been implemented:
  - A phrase has been added to job offers posted externally;
  - In the hiring letters and hiring intention letters, a phrase had been added specifying that “in accordance with the provisions of article L. 111-33 of the French Energy Code RTE employees and managers are not permitted to hold interests in the VIU or to directly or indirectly receive financial benefits from it. Consequently holding EDF shares in any form whatsoever is formally prohibited to any person employed by RTE”.

#### **Progress on recruitment from the EDF Group:**

In 2021, 77 employees were recruited from within the EGI, including 30 from EDF SA and 24 from Enedis. The other EGI employees came from the following companies: GRTgaz, GRDF, GazelEnergie, Régies, etc.

#### **The CO recommended**

- **Implementing all HR provisions when hiring employees to find out the interests they hold in the VIU and managing and creating the group savings scheme (PEG) with the appropriate and compliant choice of PEG sub-funds, monitoring this implementation and producing feedback and shared experiences to assist HR and managers.**
- **Systematically reminding new employees of the need to commit to complying with the independence obligations by selling the VIU shares they hold and regularly assessing the situation.**

### **3.12 Duties, Activities and Responsibilities of the Compliance Officer (Articles L. 111-34 to L. 111-38)**

## **i) Appointment and independence of the Compliance Officer**

In 2000, under the first European “energy package”, RTE was created on the basis of the principles applicable to an infrastructure manager: independence, non-discrimination, confidentiality and transparency. These principles provided the ethical and deontological foundation of RTE. In 2005 (second package), RTE drew up a code of conduct built around these principles then in 2011 (third package), it appointed a chief compliance officer responsible for ensuring respect for the independence of RTE and the Code of Conduct.

In accordance with the provisions of articles L. 111-34 et seq. of the French Energy Code, since 22 July 2011 a chief compliance officer is appointed by the Supervisory Board, on recommendation of the Chair of the Management Board, following approval by the CRE,

On 1 September 2021, Philippe Dumarquez succeeded Olivier Herz, who had held this position since 1 October 2016. Philippe Dumarquez was appointed by decision of the Supervisory Board of 23 July 2021, on recommendation of the Chair of the Management Board and following CRE approval on 24 June 2021.

The chief compliance officer has access to the General Meetings, meetings of the Supervisory Board, the meetings of specialist committees, meeting of the Management Board and all meetings useful for performance of his duties. He reports on his activity to the Supervisory Board and can make recommendations to them concerning the Code of Conduct and its implementation.

In accordance with the provisions of article L. 111-34 of the French Energy Code, he is responsible, *“subject to the powers attributed to him by the CRE, for ensuring that the company's practices are compliant with the obligations requiring it to be independent from the other companies of the vertically-integrated undertaking”*.

Pursuant to these provisions, the chief compliance officer is responsible for the following in particular:

- verifying that RTE fulfils the commitments included in the Code of Conduct as set forth in article L. 111-22 of the French Energy Code,
- immediately informing the CRE of any substantial failing in implementation of the commitments specified in the Code of Conduct,
- drawing up an annual report on implementation of this code, which he sends to the CRE under his own responsibility,
- verifying the correct implementation of the Ten-Year Network Development Plan for the electricity transmission system,
- immediately informing the CRE of any draft decision postponing or suppressing the realisation of an investment set forth in the Ten-Year Network Development Plan and any issue concerning the independence of RTE.

The company is required to provide him with all the information necessary for performance of his duties, including information about the subsidiaries included within its scope of consolidation established in France; the provisions of section 5 of chapter 1, section 1, book 1 of the French Energy Code cannot be enforced against him. Where applicable, he shall request any additional information.

The chief compliance officer is not subject to the authority of the Chair of the Management Board, or the Chair of the Supervisory Board. He is not subordinate to any of the RTE managers and has complete independence in carrying out his duties. Subject to the information he must submit to the CRE, article L. 111-35 of the French Energy Code stipulates that he is bound by a professional discretion obligation with respect to the commercially sensitive information he obtains when carrying out his duties.

## **ii) Implementation of the CO position**

The duties and responsibilities of the CO as stated hereinabove on the basis of external texts, in particular the French Energy Code, are presented in the company's internal and external documents and web pages, and are specified in the RTE management and governance report.

In 2021 it was confirmed for the position that all the provisions are a reality of the company's life. In fact, the CO has access to all the information required in a very fluid manner, he is free to participate in all governance bodies (e.g. Supervisory Board and its committees, Management Board, Executive Board, decision-making committees) and has free access to all the relevant documents and files. The CO found that the welcome given by the members of the Management Board but also by the other directors was very good, in a spirit of

listening, openness and transparency. His questions were considered and a suitable response was systematically given.

In addition to his main duties, the CO is often approached by departments which are proactively seeking to discuss an issue or advice on how to tackle a specific subject or handle a particular case. In these situations, the CO's clarification is required on any matter concerning RTE's independence and implementation of the CoC. For the CO this represents real opportunities to assess the capacity of contacts internal to RTE to raise the right questions about the themes of the independence of RTE and the CoC, to report on the appropriateness of the CoC and to submit information in response, putting into perspective the applicable provisions with the expected purposes of the body of administrative and regulatory rules. The monitoring carried out by the CO is a useful complement to the formal checks he makes and makes the assessment given even more factual.

In 2021, the CO's duties did not require the use of external service providers over and beyond the habitual day-to-day operations.

**In short, the CO can testify that the company has paid attention to compliance with the rules of independence, non-discrimination and confidentiality in management and oversight on a day-to-day basis.**

Finally, several times in 2021 the CRE shared in advance with the CRE certain questions in connection with RTE's independence. These contacts fell within article L. 111-34, which states that *"He shall immediately inform the Energy Regulatory Commission of any substantial failing [...] of any issue concerning the independence of the transmission system operator"*: The matters cited in 2021 were questions raised in the advance analysis phase without being situated in connection with a failing observed or an event concerning a potential failing in implementation of the commitments.

### iii) Risk control

RTE has set up a mechanism for controlling its activities through risk management, incorporated into the different levels of the company, the purpose of which is to provide management with reasonable assurance as to the performance of the activities and implementation of the decisions made to attain the targets set. The risk management mechanism is consistent with the company's mission and goals. Each year, the Audit and Risks Department draws up a list of risks that may be incorporated into the company's list of risks.

*In particular, since its creation RTE has emphasised the ethical obligations necessary to carrying out its public service missions properly as manager of a vital infrastructure open to third party access; as a result RTE was founded based on the principles applicable to an infrastructure manager: independence, non-discrimination, confidentiality and transparency. These principles provided the ethical and deontological foundation of RTE. In 2005 (second package), RTE drew up a code of conduct built around these principles then in 2011 (third package), it appointed a chief compliance officer responsible for ensuring respect for the independence of RTE and the Code of Conduct.*

The mechanism for controlling activities and managing risks is in particular based on the organisation of internal audits, for which an annual and periodical plan is proposed to the Management Board. The "audit universe" methodology is used to create this plan. The objective is to verify that risk management, internal audits and controlling activities function correctly. The audits planned in this way cover all RTE activities, depending on the risk level as assessed by risk management, and also by the audit; each activity is then audited at a frequency varying from 3 to 5 years.

The CO proposed to the Audit and Risks Department that during the reflection prior to each audit an exchange can take place to detect and agree on points that may be investigated in terms of the theme of compliance with the French Energy Code, whether concerning independence or for example the risk of confusion of image or independence of communication with the companies in the VIU, or non-discrimination, transparency or even confidentiality of the sensitive information. This prior work will of course be carried out completely in accordance with the goals of independence of the auditors, but this constitutes an opportunity of synergy to obtain information to make assessment of compliance with the provisions of the CoC more robust.

#### **iv) Compliance Officer sharing experiences with counterparts**

In 2021, the CO continued his discussions with his counterparts: GRTgaz, Enedis and GRDF, and to a lesser extent with the European electricity ITOs. The health crisis linked to the Covid-19 epidemic led to this type of meeting being pushed back.

The discussions and sharing of experiences with French counterparts were very fruitful and highly interesting in the discovery phase of the mission as the Compliance Officer was increasingly getting to grips with all aspects of his role.

With the other European electricity ITOs, it should be noted that of the 42 electricity TSOs that are members of ENTSO-E, there are currently six ITOs other than RTE:

- 2 of the 4 German TSOs: TransnetBW GmbH (100% subsidiary of ENBW) and Amprion GmbH (RWE AG still controlled 25.1%),
- the largest Austrian TSO, Austrian Power Grid AG (100% subsidiary of Verbund AG),
- the Croatian (HOPS), Hungarian (MAVIR) and Bulgarian (Electroenergien Sistemen Operator EAD – ESO EAD) TSOs.

In 2022, the CO will continue his discussions with his French (GRTgaz, Enedis and GRDF) and foreign (European electricity ITOs) counterparts, for the latter reactivating the network set up before the health crisis and resuming face-to-face business meetings.



## 4 Fair Treatment and Non-Discrimination

This chapter at the heart of the issue of compliance with the French Energy Code and measuring the quality of implementation of the CoC commitments firstly presents some general considerations concerning fair treatment in accessing the transmission network and electricity market. Then, with respect to RTE's relationship with its clients, the aspects concerning listening to RTE clients' needs and taking their demands into consideration are presented:

- the consultation, space for dialogue and interaction with all the stakeholders for introducing contractual provisions linking RTE to its various client categories (e.g. rules, mechanisms, contracts) and publication of RTE's planning documents as provided for by the law (e.g. generation adequacy report, TYNDP, energy futures),
- client relations, ongoing dialogue with every single client.

### 4.1 Fair treatment in accessing the network and the market

RTE applying the rules of economic precedence in activating the chosen offers is a central issue with significant economic implications for the balancing mechanism participants. In addition to recommending prices, this selection process brings together a certain number of relatively complex technical criteria for implementing the offer (implementation start deadline, duration, location, etc.). Since it was set up, the balancing mechanism has often led to participants asking RTE for explanation concerning offers not selected in order to demonstrate the absence of any discrimination in the choices made.

To this end, RTE is currently conducting an a posteriori analysis of client requests for explanations and the follow-up given to them; it is an assessment to verify compliance with the obligations of non-discrimination in implementing the balancing mechanism.

In 2021, for the 59,400 offer activations (that is, almost 4950 per month) under the balancing mechanism, there were no formal traced questions from RTE clients.

Another factor for analysis of the fair treatment of market participants is the distribution of companies awarded service contracts following the different calls for tenders.

- **AORRRRC** (Call for Tenders “restoration and replacement reserves”): In accordance with the Regulation (EU) no. 2019/943 of 5 June 2019 on the internal market for electricity, RTE contracts at least 500 MW of its restoration and replacement reserves (corresponding to one third of the total requirements volume) by means of a day-ahead call for tenders. The first gate of this day-ahead call for tenders took place on 31 May 2021 for a first delivery day on 1 June 2021.
- **Demand Response Call for Tenders**: The demand response call for tenders is a mechanism laid down by the law (article L271.4 of the French Energy Code) making it possible to achieve the objectives of the multi-year energy programme in terms of developing electricity consumption demand response. The demand response bid volume selected in the 2022 demand response call for tenders was 2,403 MW, significantly up for the second consecutive year (+76% compared to 2021). Like the previous year, the demand response bids chosen were all “green”, i.e. they do not call for diesel resources. This result is due to the modifications made by the French authorities in liaison with the European Commission for this call for tenders, i.e. maintaining the bid cap at €60k/MW and extending the eligibility duration of sites > 1MW until the end of the current decision.

### 4.2 Consultation in CURTE

*CURTE is the main consultative body for the construction of the electricity market and the changing electricity transmission grid in France. It is open to the various transmission grid users (producers, distributors, industrial clients, traders, consumers, aggregators), non-government organisations (especially those dedicated to defending the environment) and public bodies (whether institutional actors such as ADEME, ASN, or*

government services, particularly the DGEC). The CRE services monitor the meetings as they see fit.

*CURTE comprises four working commissions: "Grid Access", "Market Access", "Interconnector Access Operating" and "Grid and System Perspectives". Working groups deal with specific subjects and can be led either by RTE or by the other participants, according to the commitments and resources that the various parties are able to devote to them.*

*CURTE therefore makes a very significant contribution to non-discrimination and the transparency of RTE actions in setting up and developing the market architecture.*

## **i) General aspects**

The CO noted sustained activity of the different working commissions throughout 2021, which generally allowed for the following:

- that participants be regularly informed about the cases in progress and changes in the context of the areas addressed by the commissions;
- transparent consultation procedures, paying particular attention to the time limits for responses from participants, as was their wish.

The rest of this chapter indicates all the topics covered in consultation in 2021.

As in the past, the end of this chapter presents the actions carried out in 2021 to improve access to and dissemination of the information connected to CURTE's work and the results obtained. The presentations given during these meetings are available on the space allocated by RTE to consultation.

In 2021, the practical functioning of plenary meetings was disrupted by the health crisis linked to the Covid-19 epidemic. RTE adapted quickly and organised for these meetings to be held remotely, so that the same pace as in the past could be maintained:

As the following paragraphs show, by holding these meetings remotely participants could be informed in satisfactory conditions, despite the limitations of remote meetings in terms of holding discussions.

## **ii) Grid Access Commission (GAC)**

*The GAC deals with various subjects related to grid connection and access for different types of clients. In particular it is intended to prepare RTE's Reference Technical Documentation (RTD).*

*The GAC is also a space for sharing information about the work initiated outside the GAC and of direct interest to its members.*

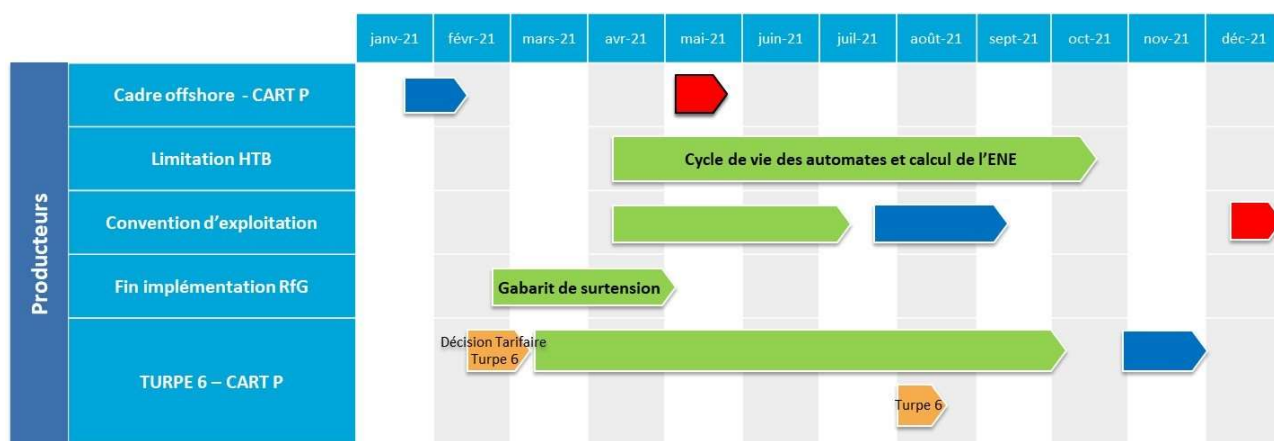
Along the same lines as previous years, the following subjects were covered in GAC presentations and discussions in 2021:

- **TURPE 6 HTB:** The main points of the CRE TURPE 6 decision were presented, especially the changes to tariff components: increase of annual TURPE tariff further smoothed, tariff version grid updated each 1 August, increase of tariffs on injection in HTB2 and HTB3 and changes to reactive energy tariffs. Similarly, the regulatory framework was strengthened to encourage RTE to control costs and improve operational performance.
- **Insertion of REs into the electrical power system:** Optimal dimensioning is a reality for the grid. Each committee meeting has been an opportunity to present an assessment of integration of RE, shaving volume recorded, then, to present the most constricted S3REnR zones. RTE also communicated about the progress in handling shaving. In terms of calculating the energy not evacuated, RTE wishes to standardise the formula between wind and photovoltaic and on this subject presented the different solutions possible. RTE also presented the STAR project to provide a shared data register to trace activation of flexibilities. Finally, the work on indemnification continued, with the goals of automating and industrialising a tool.

- **Storage:** The storage installations show constraints on the grid for which the grid adaptation costs are unfavourable to the financial balance of the energy storage facilitators, therefore de facto to the development of large-scale storage. The solution proposed by RTE is an alternative offering, called optimised connection, consisting of limitations to injection and extraction to avoid reinforcements of the grid.
- **Flexibilities Invitation to Tender:** RTE undertake an call for tenders process to experiment with the use of flexibilities as alternative solutions to adapting the power system. This process led to identifying four zones suitable for experimentation and a survey of interests in early 2021 that proved to be conclusive. There were plans to award the contracts in early 2022.
- **Client satisfaction survey:** Following the satisfaction survey conducted in late 2020, RTE presented the expectations expressed by clients and the priority actions identified to respond from 2021: improved communication during network incidents, works scheduling, transparency about connection costs and the associated time periods, and legibility of RTE's offerings on the Services Portal.
- **Optimisation of voltage regulation:** Following the changes in consumption and production on the grid, recently RTE has been facing restrictions on high voltages that can be regulated by reactive power compensation. An invitation for contribution to production methods connected to the distribution network (RPD) was launched and concluded the investigation of two solutions with different time scales: phi tangent regulation in the short term, then full use of the existing horizons by TURPE 7.
- **Managing the queue for producer connections:** The increasing number of TFP requests and high level of heterogeneity between the different projects (different maturities and viabilities) has led RTE to reflect on queue management. RTE wishes to tighten the conditions for entering and remaining in the queue by investigating new criteria.
- **Changes to NAC models:**
  - o The new public transmission grid user tariff (TURPE 6 HTB) took effect on 1 August 2021 in accordance with the Energy Regulatory Commission decision of 21 January 2021. In this context, RTE began to change the standard templates for the Network Access Contract (NAC) for consumer, producer and distributor clients in order to incorporate the elements of the abovementioned tariff decision, in particular with respect to billing for reactive energy.
  - o The new standard templates also incorporate modifications not directly linked to the TURPE 6 HTB taking effect and above all concerning metering, planned interruptions, electricity quality, the liability and insurance clause, the balance responsible mechanism and the contract amendment clause. These templates were the subject of several consultation meetings (five per client segment) and a consultation. Following the example of the templates for consumer and producer clients, the new template for distributor clients stipulates that the general conditions of the DNO NAC automatically replace the general terms and conditions of the current agreement.
  - o In late 2021, RTE referred the matter to the CRE for approval of the consumer-NAC and to inform it of the amendment to the distributor-NAC. The CRE approved the consumer-NAC in its decision of 27 January 2022.
- **Consultation on new ancillary services:** as part of GT Comptage, dozens of meetings and/or workshops were organised by RTE to define the scope of “offshore algorithm settlement” and “railway settlement” and agree on the contractual terms and conditions. RTE submitted the draft agreements for consultation in late 2021 in order to publish the agreement templates on its services portal in Q1 2022.

The following tables show, broken down by the main fields, the details of the work schedule for 2021 (assessment as at end of year). These schedules illustrate, for the whole year, the sequence of the three phases: the consultation itself, consultation on the draft document from the initial consultation and the referral or notification to the CRE, depending on whether or not it has to make a decision on the draft. In 2020 there were several key events: the end of implementation of the network codes (DCC, RfG), the consultation on the NACs as part of TURPE 6 and changes to the legal framework for connection to the electricity networks, in particular the ruling of 9 June 2020.

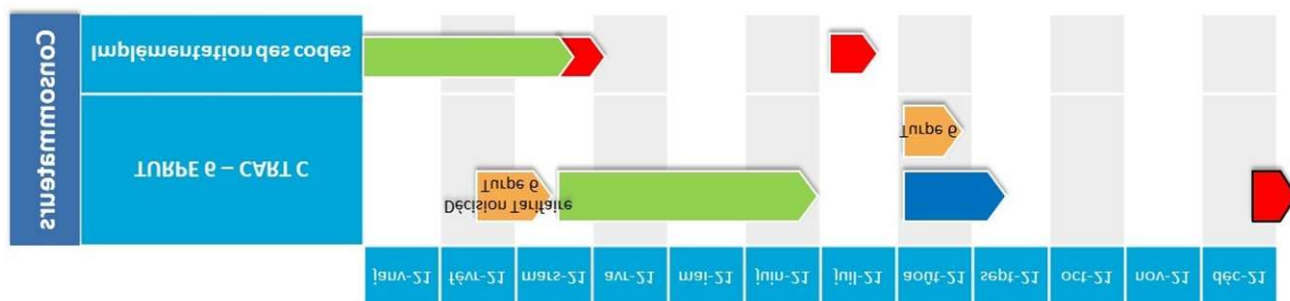
**Key:**



**2021 producers consultation: Land and offshore REn**



**2021 distributors consultation:**



**2021 consumers consultation:**



### 2021 energy storage facilities consultation:

As in previous years, in 2021 the GAC continued to show sustained activity with around 20 working group meetings.

#### iii) Market Access Commission (MAC)

The MAC is responsible for monitoring cases concerning the following themes:

- access to the market via the balance responsible (BR) mechanism and block exchange services (BESs);
- determining and reconciling power flows;
- access to and participation in the balancing mechanism (BM);
- access to and participation in the capacity mechanism;
- production and demand response programming;
- organisation of market, new mechanisms and interaction between existing mechanisms.

The MAC discusses guidelines for the different activities, determines the roadmap for the working groups and when necessary guides the implementation of the consultation results by establishing provisional rules that it proposes to the CRE or the energy minister.

In 2021, the activity of the MAC, like previous years, was largely organised around transformation of the market mechanisms.

The MAC's most significant projects in 2021 concerned the following subjects:

- **Capacity Mechanism:** After four years of the mechanism's operation, and based on the outcome of the financial years for the delivery years 2017 and 2018, in early 2020 RTE initiated feedback on the operation of the capacity mechanism, in order to draw up a factual, objective and quantified report on the functioning of the mechanism since its launch and therefore contribute to reflection on both the architecture and the practicalities of implementation of the French capacity mechanism.

RTE divided this report into two documents: a summary and a full document, which aim to share all the analyses produced which have led to certain proposed guidelines for consultation about changes to the mechanism.

In accordance with these guidelines, in late 2021 RTE completed an initial consultation cycle aimed at quickly simplifying and improving the mechanism, mainly entailing a change to the notification of PP1 and PP2 peak periods applicable from delivery year 2022. Subsequently, a second consultation cycle is to be launched in 2022 in view of more far-reaching changes to the mechanism by 2025.

- **Demand response:** As in 2020, the reliability of demand response and the associated control were one of the recurring issues in 2021, covered in the discussions held with the participants. In 2021, the main

themes of work were: reworking of the technical approval, incorporation of a capacity part into the payment scale for supplier payments, simplification of the site accreditation processes, preparation of an experiment to be set up by June 2021 for the use of submetering in the load reduction check and publication of the reliability indicators for each demand response operator, including names. All of this work contributed to transversality and improving the performance of the demand response sector.

- **Balancing:** RTE changed the BM-BR rules in order to continue to open up the balancing mechanism to new flexibilities, specifying certain conditions for participation of energy storage sites. Changes were also made to the conditions for exchanging balancing services on the European platform TERRE, stipulating the remuneration for standard bids from replacement reserve, the order for which was blocked by RTE in the event of conflict with a specific bid. This new version of the rules also contributes to the European integration of the balancing markets by setting forth, in accordance with article 52(2) of the *Electricity Balancing* regulation, the methodology for harmonising the regulations on balance responsible entity imbalances, and in accordance with articles 50(3) and 51(1) of the same regulation, the methodology for evaluating the imbalance at synchronous borders.

RTE also continued the consultation of market participants in order to suggest changes which will once again lead to the *Electricity Balancing* regulation being implemented, moving to an imbalance settlement period of 15 minutes, revision of the balancing process by means of the European energy exchange platform based on replacement reserve (i.e. TERRE platform) and with new terms to ensure compliance with the balancing operating window. These changes include the terms and conditions for moving to 48 programming gates. The consultation also made it possible to make the failure criterion on the balancing mechanism symmetrical in order to no longer give participants an incentive for over-adjusting and thus gaining economic efficiency. Similarly, RTE suggested providing the definitive imbalance settlement prices more quickly in accordance with the decision no. 2020-084 of the Energy Regulatory Commission (CRE) of 30 April 2020 approving a previous version of the BM-BR rules. The consultation made it possible to create a process common to all participants defining the terms and conditions for managing the system services when they are affected by an activation on the TERRE platform. As a result of the consultation the new process for recreating flows following widespread roll-out of smart meters was integrated, making this recreation faster and more accurate. Finally, RTE continued the consultation to implement correction of the balancing perimeters following activation of local flexibilities in accordance with CRE decision no. 2021-12 of 21 January 2021 entailing a decision on the tariff for using the public electricity transmission networks (TURPE 6 HTB).

At the same time, work was carried out within the working group on system services to share the changes concerning both the terms of the RR-RR (restoration and replacement reserve) call for tenders launched in June 2021, contracting a third of the total volume of day-ahead needs and also the launch in November 2021 of the day-ahead call for tenders to contract secondary reserve capacities<sup>28</sup>.

In addition to the work of the plenary committee and the working groups under it, in 2021 the MAC demonstrated sustained activity, with around 40 working group meetings and extremely active workshops. Calls for contributions were launched on the following subjects:

- detailed requirements concerning the insertion of storage into the balancing mechanism,
- the terms and conditions for formulating bids with an obligation to send the forecast dispatch schedules for RPD production installations participating in the balancing mechanism,
- terms for managing the adjustment-imbalance account balance ex-ante and removing the coefficient “k”,
- changes to the NEBEF rules,
- demand response call for tenders to be modified and simplified for 2022 and lot 1 of the individual sites made multi-year from 2023.

#### iv) Interconnector Access Operating Commission (IAOC)

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<sup>28</sup> The details are given in the key events in page 11.

The IAOC monitors the rules of access to the French public transmission grid for imports and exports, the specific mechanisms concerning each interconnector and European projects to standardise these mechanisms; it offers market participants, in the presence of the CRE, an opportunity to express themselves regarding the rules and to participate in defining the changes.

The IAOC 2021 discussions mainly focused on the different European projects underway: schedules, constraints encountered, feedback from the consultation of stakeholders.

The main topics discussed were the following:

- the capacity calculation methodologies and the implementation of the minimum threshold of 70% of interconnector capacities for exchanges at borders resulting from the “Electricity”<sup>29</sup> Regulation,

Progress has been made in implementing the capacity calculation methodologies resulting from the CACM Regulation<sup>30</sup>, and the obligations to make 70% of interconnector capacities available for exchanges at borders with:

- In the SWE region<sup>31</sup>: amendment of the day-ahead and intraday capacity calculation methodology in July 2021 (in order to introduce the principles and objectives set by the “Electricity” regulation), implementation of regional surveillance of the 70% in April 2021 (implementation of the obligations concerning the 70% to follow in February 2022), finally the internal then external assessment period for the first intraday calculation expected in the first quarter of 2022,
- In the Core region<sup>32</sup>: amendment of the day-ahead capacity calculation methodology for the region, continued external assessment period with publication of its results and coupling started delayed to 2022,
- In the Italy North region<sup>33</sup>: implementation of several functionalities provided for by the day-ahead and intraday capacity calculation methodology adapted to the Electricity Regulation in 2021 and continued implementation in 2022 for commissioning in 2023, particularly the export corner (capacity calculation in the sense of exports from Italy) and intraday capacity calculation v.2 (extension of intraday calculation 24-hour blocks).

Additionally, concerning implementation of the capacity calculation methodologies resulting from the FCA Regulation<sup>34</sup>:

- In the Core region: capacity calculation methodology for long term was approved by ACER. This flow-based capacity calculation approach will be implemented by 2025.
- In the Italy North region: the capacity calculation coordinated with the monthly and annual deadlines was commissioned in late December 2021 in accordance with regulators' demands using a statistical approach based on analysing day-ahead and intraday samples from this same region.

RTE has also regularly informed the market participants of the status of each capacity calculation region with respect to application of this 70% mechanism.

- countertrading and redispatching methodologies, and the division of the associated costs, submitted

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<sup>29</sup> European Parliament (EU) Directive 2019/943.

<sup>30</sup> Commission Regulation (EU) 2015/1222 dated 24 July 2015 establishing a guideline on capacity allocation and congestion management.

<sup>31</sup> South Western Europe: Spain, France and Portugal.

<sup>32</sup> Germany, Austria, Belgium, Croatia, France, Hungary, Luxembourg, Netherlands, Poland, Czech Republic, Romania, Slovakia, Slovenia (cf. ACER decision 06/2016 defining the capacity calculation regions).

<sup>33</sup> Austria, France, Italy and Slovenia.

<sup>34</sup> Commission Regulation (EU) 2016/1719 dated 26 September 2016 establishing a guideline for future capacity allocation.

within the scope of the CACM and FCA regulations and SOGL<sup>35</sup> (for regional coordinated security analysis), and the progress of their implementation,

- revision of the CACM Regulation,

Concerning ACER's recommendation on the new so-called "CACM 2.0" regulation, submitted to the European Commission in December 2021, RTE presented the points of disagreement about which the TSOs will advocate jointly. The market participants meanwhile brought up their concerns about the announced end of explicit allocations alongside implicit allocations. The NEMOs active in France also reiterated their opposition to the concept of a single entity performing the duty of market coupling operator. Conversely, some participants stated their support for the idea of extending the 70% to the intraday deadline, which marks a different RTE position on the subject.

- moving to the 15 minutes block for products exchanged at the borders, which will become reality in 2025 and constitutes a significant expectation of market participants,
- the consequences of Brexit,

RTE presented the work in progress on the border. In addition to the arrival of the ElecLink interconnector planned for the first quarter of 2022, RTE is working on implementing the Trade and Cooperation Agreement (post-Brexit deal) with the priority being a new capacity allocation mechanism between Great Britain and the continent (currently explicit) and implementation of a day-ahead capacity calculation methodology.

- current developments on intraday and day-ahead single market coupling projects,
- news about the progress of the work on interconnectors.

As well as monitoring these projects, the IAOC is also a space for discussion and information. In 2021 data was published on the RTE website and specific situations were analysed.

#### **v) System and Grid Prospects Committee (SGPC)**

*The SGPC began its activities at the prompting of RTE in 2011 with the ambition of being the privileged consultancy body with civil society players about the medium- and long-term stakes of the electrical power system. That is the reason why the SGPC deals with, in addition to electricity transmission system users (electricity producers and suppliers, demand response operators, associations of industrial consumers such as UNIDEN), energy sector players, network operators (GRTgaz, GRDF, Enedis), a wide range of environmental associations (FNE, Greenpeace, FNH, Négawatt, Réseau Action Climat, Sauvons le climat, Céréme, etc.), institutional players (DGE, DGT, CGDD, ADEME, France Stratégies, ADEME, etc.), professional associations (SER, UFE, FEE, AFG, etc.), trade union organisations (CGT, CFDT, FO, CFE-CGC, Sud Energie), and academic players.*

*Technical, economic and future-proofing subjects are handled within the SGPC. They are also intended to be used to consult stakeholders and inform them about the duties commissioned to RTE by the legislator (such as the generation adequacy report and the TYNDP) as well as sharing on more general current issues connected to development of the electrical power system (such as smartgrids and REN).*

The three SGPC meetings in 2021 covered work on the following matters:

- the medium-term generation adequacy report (by 2030), published 24 March 2021
  - o restitution of the main results of the study (meeting of 16 April)
- the Energy Futures 2050 study, published on 25 October 2021, work on which was to be completed by February 2022
  - o restitution of stakeholders' feedback to the public consultation, which presented the guidelines and main hypotheses of the study (16 April)

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<sup>35</sup> Commission Regulation (EU) 2017/1485 dated 26 September 2016 establishing a guideline for future capacity allocation.



- presentation of the adaptations made in the study to take into account the feedback from the stakeholders (25 June)
- presentation of some of the main lessons of the study (8 October)

Energy Futures 2050 was the focus of the SGPC meetings in 2021, due to its wide scope and the high expectations generated by this study among stakeholders and within public debate.

The discussion with the stakeholders was structured around the plenary body, the SGPC, and nine themed working groups of experts covering the field of research of the study (around ten meetings held in 2021), and an extensive public consultation. These themed meetings led to production of extensive literature, which is fully available on the consultation website. At the end of each meeting, the contributions made by the stakeholders were taken into consideration for continuing the work.

### *Energy futures 2050 study schedule*



Phase 1: study guidelines and characterising scenarios

Phase 2: simulations, analyses and publication of results

From mid-2019

Guidelines for production and consumption scenarios

Consultation on objectives, hypotheses and scenarios (6 plenary meetings, over 30 WGs)

27 January 2021

Publication of RTE-IEA report on technical feasibility of a system with high proportion of Ren

Launch of public consultation on the scenarios

8 June 2021

Summary of lessons from the public consultation and finalisation of the guidelines phase

25 October 2021

Publication of main results of study Energy Futures 2050

First quarter 2022

Publication in-depth analyses of study Energy Futures 2050

Potential extensions on certain key themes for public debate

This work in the SGPC will be continued in 2022 both on the subject of the subjects and their research method in order to further strengthen the work and their utility to ensure transparency vis-à-vis the participants on the operation of the electrical power system.

### **vi) Improved consultation with clients**

As previously indicated, the consultation with the transmission system users mainly takes place within the scope of the Electricity Transmission System Users Committee (CURTE) and the four working committees which generally meet once a quarter.

RTE has set up a dedicated website about the consultation which provides a consultation calendar, proposes reacting to the consultations (draft texts or calls for contributions on matters) and allows the published documents to be viewed. The calendar can be used to put attachments online for meetings and the consultation part can be used for reactions in forum mode.

In its previous RCBCI reports, the CRE had recommended that RTE draw up and implement an action plan aimed at improving the information provided to users about the existence of CURTE and the quality and accessibility of the information provided and, generally, to better meet users' expectations and in its latest 2019-2020 report. The CRE recommended continuing to update the explanatory document making TURPE billing more legible and easier for clients to understand, in order to take into consideration the planned changes for TURPE 6.

RTE therefore organised several actions aimed at improving access to and dissemination of information about CURTE's work and about the results obtained: an explanatory page about CURTE to inform clients about the consultation principles was posted online on the RTE services portal, various non-CURTE discussion workshops were also organised, the annual customer satisfaction survey takes this theme of client consultation and information into consideration.

The health restrictions imposed throughout 2021 reduced physical meetings with clients. RTE was able to hold, often remotely, many bilateral meetings, steering committee meetings, consultation working groups (CURTE), etc. in order to continue to include client expectations in the design of the rules, mechanisms and services offered.

Videoconferences were organised with the network clients to present the changes concerning the new TURPE (TURPE 6). 400 clients (consumers, distributors, producers, market participants) attended these assessments with the possibility of asking questions online, to which precise responses were given immediately.

The services portal audience has continued to grow:

	<b>2019</b>	<b>2020</b>	<b>2021</b>
Online accounts	6,230	11,005	15,005
Number of monthly sessions (December figure)	44,000	100,000	70,000
Number of monthly users (December figure)	16,000	41,000	29,000

The fruit of the action plans launched in 2020 after the expectations fed back by clients in 2019 were incorporated meanwhile led to:

- enhanced client communication in the event of an incident on the network and on the block exchange scheduling IS,
- improved pedagogy and the gradual implementation of exchange platforms surrounding the works scheduling<sup>36</sup>,
- an action plan to enhance the IS on supply-demand balance, mainly in order to limit the closure of offices on scheduling and BM applications,
- gradual virtualisation of contracts (e.g. exploratory studies),
- the introduction (effective during the first quarter 2021) of a new channel for making original invoices available to clients who have chosen electronic billing, in addition to the services portal,
- gradual simplification of the market rules (REX feedback on the capacity mechanism, simplification of RR-RR system),
- enhanced budget monitoring of the connection projects for roll-out during 2021,
- increased support for RTE products (additions to help pages for using services, publication of tutorials<sup>37</sup>) and markets (reinforce client front-office, webinars about capacity mechanism, additions to pedagogical

<sup>36</sup> <https://www.services-rte.com/fr/decouvrez-nos-offres-de-services/minimiser-l-impact-des-travaux-programmes-par-rte.html>

<sup>37</sup> <https://www.youtube.com/watch?v=sROJzYj4a6o>

pages on data exchanges, etc.<sup>38</sup>),

- the development of innovative services (consultation on participation in storage, new data access services, etc.),
- better visibility of RTE products by streamlining historical client websites in favour of the services portal (closure of clients portal and Cataliz).

These action plans will be continued and adapted in 2022 to respond to any changes in RTE client expectations, with in particular continued work on educating the markets, the work to simplify and standardise the rules, improving the connection process, improving the performance of the services portal and the hotline, the support concerning TURPE 6, etc.

### 4.3 Client relations

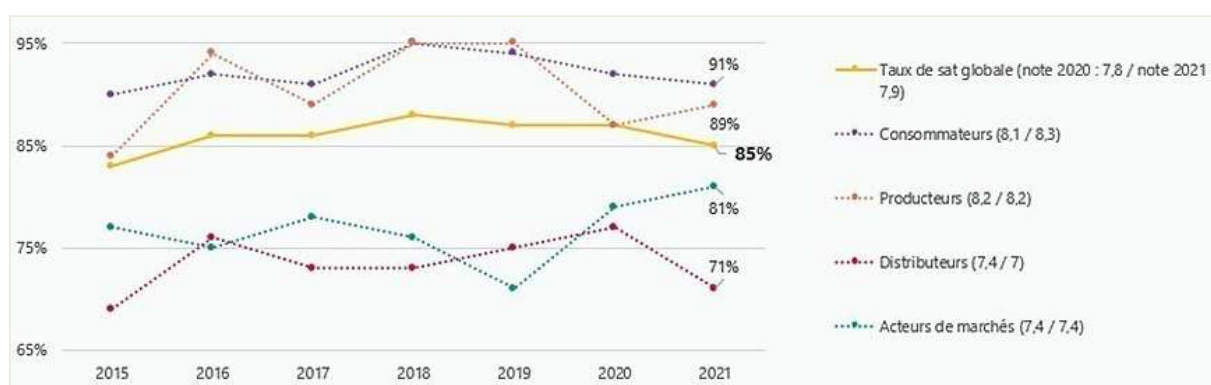
RTE is an electricity sector service company. Accordingly, it is responsible for the permanent nature and quality of the link it maintains with players in the sector who are clients of this service. To accomplish this, the focus of RTE's commitments is the attention paid to client relations.

#### i) Client Satisfaction Survey 2021

Within the scope of the satisfaction surveys conducted every year, RTE conducted a new survey among its clients from September to November 2021.

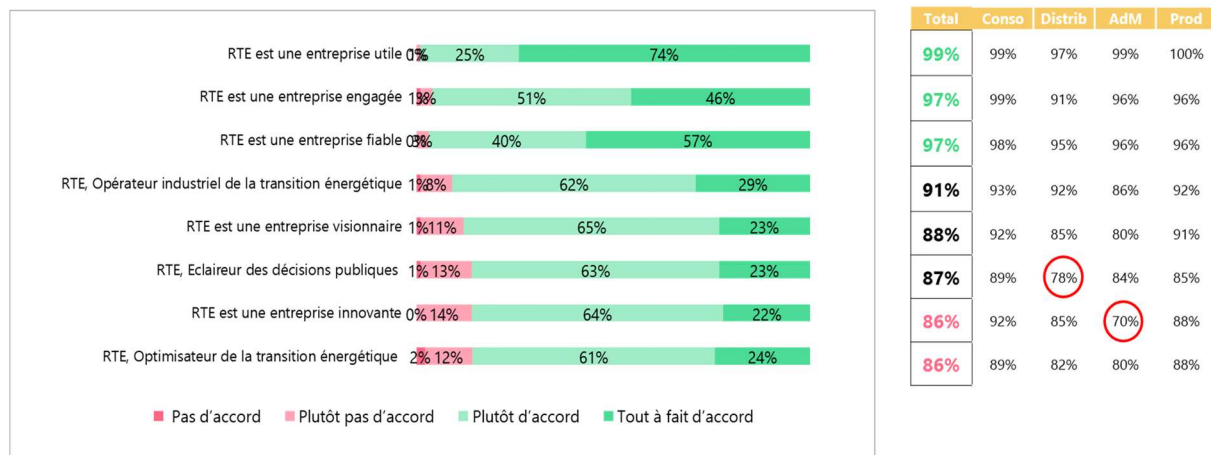
439 client contacts responded, i.e. participation of approximately 13% of the people questioned, down compared to previous years (23% in 2020). The survey was shorted following client feedback from previous years (only ten or so questions were asked).

The overall satisfaction rate was down compared to 2020 (85%), the lowest rate since 2016. The higher satisfaction rate of market participants and producers was counterbalanced by the significant drop in the distributors rate, especially Enedis. Slightly up compared to last year, over a third of its clients gave an excellent score (9 or 10). 4% of clients were not at all satisfied (score between 0 and 3) and the total score rose slightly to 7.9/10 (against 7.8 in 2020).



<sup>38</sup> <https://www.services-rte.com/fr/decouvrez-nos-offres-de-services/le-role-des-gestionnaires-de-res.html>

Clients have a good image of RTE. The most significant image traits are the utility of the public service mission, the assurance of reliability and RTE's committed nature. They are split over all segments. Nevertheless, distributors are less inclined to consider RTE as a “leader of public decisions”. The market participants were more critical in their perception of RTE as an “innovative company”.



RTE is a useful company

RTE is a committed company

RTE is a reliable company

RTE, industrial operator of the energy transition

RTE is a visionary company

RTE clarifies public decisions

RTE is an innovative company

RTE optimises the energy transition

Do not agree      Mostly do not agree      Mostly agree      Completely agree

The 2021 results revealed disparities in the change of satisfaction for the segments about the different themes.

Segment	The positive points	The negative points
Consumers (industrial and railways)	<ul style="list-style-type: none"> <li>• Good satisfaction rate and almost total stability despite slight drop (-1 point)</li> <li>• Significant increase in satisfaction rate for Railway clients on metering services (+13 points) and the connection process (+9 points)</li> </ul>	<ul style="list-style-type: none"> <li>• Slight drop for EQ and works scheduling</li> <li>• Significant dissatisfaction on data services, market and access to information via the services portal</li> </ul>
Producers (Conventional producers, EDF and REn)	<ul style="list-style-type: none"> <li>• Slight rise in satisfaction rate (+2 points)</li> <li>• Connection: process as a whole and relevance of the solution</li> <li>• Metering service</li> <li>• Contact Persons</li> </ul>	<ul style="list-style-type: none"> <li>• Slight drop in satisfaction with EQ</li> <li>• Clarity of information and coordination of works (despite good satisfaction overall)</li> <li>• Data service</li> </ul>
Market participants (ELD rank 2, Traders and balancing services providers)	<ul style="list-style-type: none"> <li>• Significant increase in overall satisfaction (+4 points)</li> <li>• Mechanisms and electricity market access services (+8 points)</li> <li>• Contact persons, in particular the clarity and quality of the information provided</li> </ul>	<ul style="list-style-type: none"> <li>• Significant dissatisfaction concerning: Accessibility/availability of information on the services portal and IS applications</li> </ul>
Distributors (Enedis and GRD rank 1)	<ul style="list-style-type: none"> <li>• Stable satisfaction with IS applications</li> <li>• One-off modifications of network access agreements</li> </ul>	<ul style="list-style-type: none"> <li>• Very significant drop in overall satisfaction (-6 points), exclusively due to Enedis falling significantly to 58% against 74% the previous year: to be compared to the 96% satisfaction rate</li> </ul>

		of the rank 1 ELDs connected to the PTN • Significant general dissatisfaction with: Scheduling of works, connection processes, data services, quality of handling complaints by the hotline
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A qualitative survey was to be conducted in early 2022 on the theme of scheduling works, a subject that often comes up among causes of dissatisfaction. Implementation of a joint action with Enedis for better shared understanding of the respective reasons for dissatisfaction (equivalent to a 360°) is in progress.

## ii) Client complaints

*As indicated in the Code of Conduct, RTE has set up a complaint response mechanism open to all participants, with no discrimination, systematically acknowledging receipt and having regular contact between the complaint being made and RTE providing a response.*

*More specifically, a client who wishes to make a claim contacts their customer relations contact. Within a maximum of 10 days, the customer relations contact acknowledges receipt of the claim. A final answer is sent by the client relations contact within 30 days from receipt of the complaint by RTE. When the complaint raises a problem requiring examination taking more than 30 days, a letter is sent to the client telling them why this time limit is being exceeded. The claims handling procedure is governed by a set of internal directives, and indicators are used to ensure that the response deadlines are not exceeded.*

*In 2019 RTE drew up an internal organisation memorandum for responding to, handling, closing and following up customer complaints; this memorandum specifies the internal audit and follow-up provisions. In particular, a “client complaint reference contact” is designated in each sales department to follow up the complaints recorded in the tool and the responses provided.*

*Furthermore, the subsidiaries of RTE, in particular Cirtéus, which operate in the competitive sector, manage the complaints made by their clients themselves, whether or not they are RTE clients.*

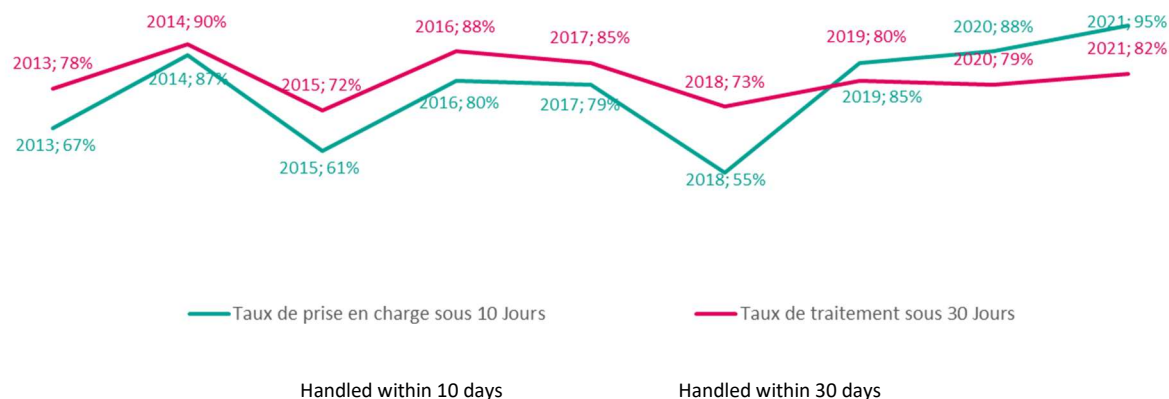
During his regional compliance audits at national and regional level, the CO was able to verify that the process had indeed improved and met the required level.

### Status of complaints at the end of 2021

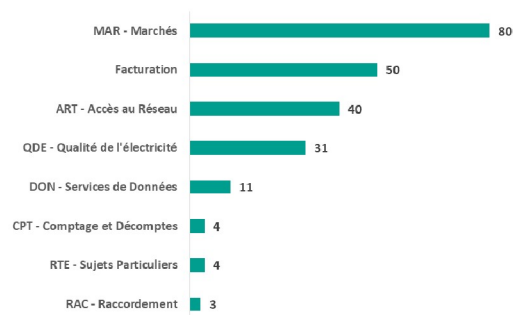
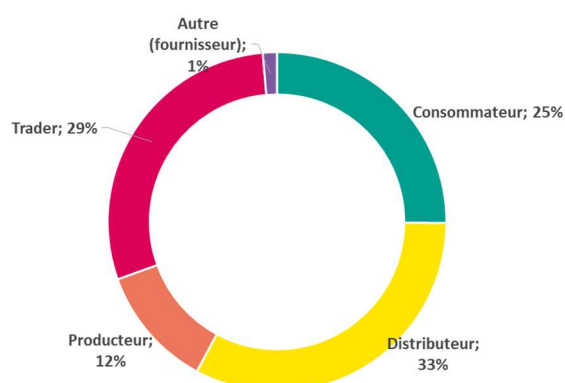
At the end of 2021, the number of complaints recorded remained high, reaching 221 compared to 207 for 2020. This level can essentially be explained by a high number of complaints and disputes in connection with the capacity mechanism (definitive level of certification for producers and demand response operators, obligation for suppliers and calculation of imbalances).

2013	2014	2015	2016	2017	2018	2019	2020	<b>2021</b>
82	122	98	89	85	67	163	207	<b>223</b>

Meanwhile the rate of compliance with the response (10 days) and handling (30 days) times remained stable around 80% (82% in 2021 for the 30-day handling rate and 95% for the 10-day handling rate). The work undertaken by RTE in 2019 following a fall in the rates recorded in 2018 continued and the reminders to the sector of meeting deadlines are given regularly.



The share of market participants became dominant, with almost one third of the complaints recorded in 2021.



Consumer  
Distributor  
Producer  
Trade  
Other (supplier)

MAR – Markets  
Billing  
ART – Network Access  
EQ – Electricity Quality  
DON – Data Services  
CPT – Metering and Settlement  
RTE – Special Subjects  
REC – Connection

The share of complaints about the calculations carried out within the scope of the capacity mechanism for the 2018 delivery year remains high, with almost one third of the total complaints recorded during the year. They came from market participants, distributors (forced participants) and producers. They essentially concerned disputes about values calculated and sent by RTE for the first closing exercise of the 2018 delivery year.

The average handling time for a complaint settled at 11 days.<sup>39</sup>

The satisfaction rates assigned by the different client categories to the question “*what satisfaction score would you give to the overall quality of handling your complaints in the last 12 months*” were down overall.

Producers	67% (-3 pts)
Consumers	73% (+5 pts)
Distributors	48% (-26 pts)

2013	2015	2016	2017	2018	2019	2020	2021
6,4	6,4	6,5	6,5	6,8	6,6	6,9	6,4

<sup>39</sup> The average complaint handling time is a new indicator requested in the decision concerning TURPE 6.

Market participants	46% (-14 pts)
All segments	58% (-11 pts)

The satisfaction rate is calculated using the number of score of 7 or above out of the number of respondents. In the same way, the measurement of service quality as perceived by RTE clients for complaint handling fell. This result is still difficult to interpret because it is difficult to distinguish in the score the satisfaction due to the handling of the complaint from the substance of the response. Nevertheless, the global score relapsed to reach its lowest level. In early 2022 investigations will be conducted to analyse these results more accurately. In 2021 RTE experimented with a complementary “hot” survey procedure making it possible to question the client about the handling of their complaint directly after the case is closed but the results were not conclusive (too few respondents to allow for an analysis). RTE is considering introducing a procedure to capture more information about complaint handling quality.

### iii) Services offered

*To ensure that clients have the most transparent access possible to a product offering the highest assurances in terms of fair treatment and transparency, at the time of its certification RTE made a commitment to improve the structure of the services it offers and make them easier to understand.*

*In this context, RTE wished firstly to comply with the legal obligations<sup>40</sup> requiring it to practise its competitive activities through the intermediary of subsidiaries and, secondly, to more closely monitor the Competition Council's recommendation to handle the competitive activities of companies holding a monopoly through subsidiaries.*

*The subsidiary Cirtéus thus acts as commercial broker for the services in the competitive field previously included in RTE's catalogue. RTE meanwhile continues to offer directly in this catalogue, compiled in accordance with the obligations of the third European package, the services directly connected to its TSO activity (access to the grid, access to electricity markets, access to interconnectors).*

After several significant developments in 2017, specified in the CO's 2017 annual report, there was no significant development on this subject between 2018 and 2020.

In June 2021 and then in September 2021, RTE referred the matter to the CRE in order to change its catalogue of ancillary services, proposing the following:

- the creation of four new services: “offshore algorithm calculation service”, “railway calculation service”, “movement of metering at client's request”, “verification of metering installation in presence of both parties”,
- the offering available was significantly boosted throughout 2021: formalising the experimental service “Complementary compensation of holder of a transmission Network Access Contract for consumer clients”,
- a change to the “metering service” in order to extend the scope of its beneficiaries,
- reclassification of the “loss purchase agreement” service as basic service (in connection with the MA/RE Rules v10).

The CRE organised a public consultation from 19 October to 19 November 2021<sup>41</sup> then on 9 December 2021 published a draft decision on pricing these ancillary services. In order to take into consideration the favourable opinion returned by the Higher Energy Council, the CRE published a second decision on 27 January 2022, which was then published in the *Journal Officiel*.

<sup>40</sup> Article L. 111-46 of the Energy Code.

<sup>41</sup> Public consultation no. 2021-09 of 14 October 2021 concerning pricing of ancillary services provided exclusively by the managers of the public electricity transmission network - CRE

Two plans to change the products RTE offers were expected in April 2022 by means of a change to the ancillary services catalogue: a new “offshore algorithm settlement” service for offshore wind farms winning calls for tenders 1 & 2 and a new “railway settlement” service:

- The “Offshore algorithm settlement” service is intended for offshore wind farms winning calls for tenders 1 & 2, holding a NAC and beneficiaries of a Feed-In Tariff contract. For a specific producer, this service consists of individualising its energy flows on the grid from the portion stipulated in the Feed-In Tariff contract (OA), in order to maximise the production of each wind farm at the corresponding price (of the OA contract) throughout the term of the contract, i.e. approximately 20 years. The service offered by RTE is based on a dynamic algorithm making it possible to create fictitious metering points, in order to distribute as faithfully as possible the volume of electricity produced at the level of each wind mast. The algorithm incorporates the figures from RTE metering devices installed on the platforms and collected by RTE, and the remote measurements and electrotechnical features of the farms as provided by the producers.
- The “Railway settlement” service is for rail companies (RC) and rail infrastructure managers (IM) in France. The objective of this service is to calculate the consumption of RCs due to remote reading of the meters involved (for the RCs equipped) and totally separate the RC energy flows and IM flows, thus giving RCs the freedom to choose a different BRE from that of their IM, and therefore a different supplier to the IM. For RTE, this service consists of carrying out the following operations:
  - acquisition, integration and classification of the metering figures from the RC meters in question;
  - assignment of each meter to each RC based on the statements of the RCs' statements, then assignment of each meter to each IM on which the RC has circulated based on the IM's GPS data and validation due to the journal of circulation provided by the IM where applicable;
  - consolidation of the RC's consumption figures on the RC-IM coupling grid;
  - validation of the settlement and publication to RCs, IMs and BREs.

The IMs are still responsible for estimating the consumption figures for RCs without meters fitted, and forwarding these estimates to RTE.

#### iv) **A new digital product for RTE clients and energy professionals**

For several years, RTE has offered a new range of digital services incorporating the latest web technologies. Between 2017 and 2021, RTE conducted a process of opening new services via its new digital platform (services and data portal).

The RTE services portal, the first version of which was released in July 2017, symbolises the company's wish to be open and to modernise through growing digitalisation of the services it offers in line with the mission statement “Impulsion & Vision”. This web portal gives RTE clients and energy professionals access to several value added services and to a wide range of data. It is intended to contribute to the performance of RTE clients and to help companies to manage their industrial processes or activities.

For example, the services portal allows clients to subscribe to new services in connection with the roll-out of the RTE smart meter, called “ad hoc metering”, such as close to real time access to their metering data. Technically it is supported by the **data portal**, opened in 2016, aimed at IT developers for automatic recovery of data via APIs. The objective is to provide relevant data to clients or developers with the capacity to transform it into value added services for the electrical power system.

The services portal displays the most frequently consulted market data: day-ahead consumption curve, unavailability of production resources, production by sectors, etc., the same as that accessible for IT developers. Not only can clients consult this data open to all, but they can also access their private data and manage the different services offered to them.



The services portal offers a modern user experience (design, ergonomics, navigation, data-display) and new options for managing the services on offer. For example, clients can now directly manage the rights to access their services without going through the intermediary of RTE. It also allows all users to access a wide range of information, either through direct display or manual download. By creating an online account, each user has a personalised space in which they can “pin” their favourite data.

The services portal, with functionalities added each year since it was launched, is now very successful with over 15,000 user accounts split over 921 companies at the end of 2021 (compared to 10,000 user accounts split over 750 companies at the end of 2020).

After several major series of data migration from the client portal to the services portal in 2019 and during 2020, in 2020 RTE merged the various “client” websites created over time: the client portal and the Cataliz services catalogue. In order to streamline and in compliance with the one-year notice period, RTE closed the historical product Dat@RTE on <sup>42</sup>12 October 2021 in favour of the services portal. Clients were supported in this migration in the long term.

The offering available was significantly boosted throughout 2021:

- Changes to the machine to machine access to public figures with the evolution and/or creation of six Open APIs, including the Open API ÉcoWatt for machine to machine provision of the ÉcoWatt signal for the different regions of France.
- Changes to machine to machine access to private data with the evolution and/or creation of nine partner APIs, in particular on the balancing, metering, qualimetrics and NAC contract management data.
- Changes to the services for display and/or download of private data relating to market mechanisms, online management of the NAC (Subscribed Power, Tariff Versions and Scheduled One-Off Overruns) incorporating the new tariff terms of TURPE 6 into the display of contracts and bills. Over ten new services and/or functionalities were opened.
- Changes to the display and/or download of public figures relating to market mechanisms and REMIT transparency obligations. Over fifteen new services and/or functionalities were opened. Also publication of a mobile application “RTE Notifications” for notifications concerning REMIT transparency data.

#### **v) Service commitments**

Within the scope of its mission statement, Impulsion and Vision, RTE intends to become the leading industrial service company in terms of client satisfaction.

As stated in the CO's previous annual reports, RTE has published a “service commitment charter”, through which it commits to its clients beyond its contractual obligations in three areas.

RTE wishes to listen to its clients and measure its key performance in order to develop services adapted to client needs and offer them an optimal service; it therefore undertakes to share its results with its clients every year.

The 2021 service commitment assessment is presented below.

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<sup>42</sup> The historical Dat@RTE product includes the Publication application (HMI access and sending emails) and the Personalised Client Space application metering menu. The other menus in the Personalised Client Space are not affected by this communication.

Transparency - more proactive and transparent concerning information about projects or in incident situations																
<p><i>Provide regular reports at the key stages of connection projects:</i></p> <p>Reporting is not always deemed necessary by the client (or RTE in agreement with the client) especially for matters concerning Enedis or not giving rise to creation of an asset.</p>	<table><thead><tr><th>Response</th><th>Count</th><th>Percentage</th></tr></thead><tbody><tr><td>Oui</td><td>110</td><td>68%</td></tr><tr><td>Non par choix de RTE</td><td>41</td><td>26%</td></tr><tr><td>Non par choix du CLIENT</td><td>8</td><td>5%</td></tr><tr><td>Non</td><td>2</td><td>1%</td></tr></tbody></table>	Response	Count	Percentage	Oui	110	68%	Non par choix de RTE	41	26%	Non par choix du CLIENT	8	5%	Non	2	1%
Response	Count	Percentage														
Oui	110	68%														
Non par choix de RTE	41	26%														
Non par choix du CLIENT	8	5%														
Non	2	1%														
<p><i>Respond within two weeks to any request for additional information about analysis of the incident, in addition to the factual information provided following a long outage:</i></p> <p>The commitment was fulfilled in 96% of cases (RTE's initial objective was set at 90%), against 91% in 2020.</p>	<table><thead><tr><th>Response</th><th>Percentage</th></tr></thead><tbody><tr><td>Respecté</td><td>96%</td></tr><tr><td>Hors délais</td><td>4%</td></tr></tbody></table>	Response	Percentage	Respecté	96%	Hors délais	4%									
Response	Percentage															
Respecté	96%															
Hors délais	4%															
<p><i>Give notification of exceeding a threshold commitment on outages or voltage dips within two weeks, in addition to the factual information provided following an incident:</i></p> <p>The commitment was fulfilled in 94% of cases (RTE's initial objective was set at 90%), against 83% in 2020.</p>	<table><thead><tr><th>Response</th><th>Percentage</th></tr></thead><tbody><tr><td>Respecté</td><td>94%</td></tr><tr><td>Hors délais</td><td>6%</td></tr></tbody></table>	Response	Percentage	Respecté	94%	Hors délais	6%									
Response	Percentage															
Respecté	94%															
Hors délais	6%															

<b>Advice - more advice so that clients enjoy solutions appropriate to their activity and thus control their costs</b>	
<p><i>Contact clients within two weeks to clarify their needs and priorities in preparing their connection offer, in terms of cost, time period, electricity quality:</i></p> <p>The two week time scale was respected in 92% of requests.</p>	 <p>hors délais; 54; 8%</p> <p>contact dans les 10 jours; 652; 92%</p>
<p><i>Provide an optimisation of change of subscribed power or tariff version within seven working days:</i></p> <p>The commitment was fulfilled in 96% of cases.</p>	 <p>Hors délais; 4%</p> <p>Respecté; 96%</p>
<p><i>Support clients and participants in territories in understanding market subjects:</i></p> <p>The educational efforts concerning the market mechanisms continued in 2021, especially aimed at smaller distributors (ELD) and with respect to the expectations within the scope of the capacity mechanism (events organised bringing together several ELDs in the regions).</p>	
<b>Deadlines – so that clients can access their data more easily</b>	
<p><i>Provide a binding proposal concerning a schedule for metering installation within six weeks:</i></p> <p>RTE had very few cases for this service undertaking (5 in 2021, 2 in 2020) and the rate is 100%.</p>	 <p>■ Délai respecté ■ Hors délais</p>
<p><i>Provide access to the RTE IS within two weeks:</i></p> <p>Out of 360 client requests recorded in 2020, 10 were processed late, that is, a commitment fulfilment rate of 97%.</p>	 <p>Hors délais ; 3%</p> <p>Respectée; 97%</p>

## 5 Transparency and Openness

RTE's approach to transparency, initially focused on providing information at a national level about the electrical power system and electricity markets, was expanded to respond to the following issues:

- The European “*Transparency*”<sup>43</sup> and REMIT regulations are gradually leading to increasingly complete information about the European electricity markets being provided.
- The French debate about the energy transition has revealed the need for better information about the development of the electrical power system at the level of each French region.
- The consultations conducted about the French law for a Digital Republic demonstrated the need to expand access to public data and to guarantee its quality, in a situation where “Open Data” and the digital transformation are being developed.

These trends were reflected in 2017 by various changes to RTE's transparency tools and resources, which continued thereafter and especially in 2020.

### 5.1 Transparency and information about the electrical power system

RTE continues to produce innovative tools and attractive publications to showcase data and information about the electrical power system, for all stakeholders.

In 2021, local areas and regions were still the focus, in response to the expectations of local authorities. RTE has made transparency and access to electricity data a performance lever to benefit the community. RTE has committed to supporting local authorities in using and interpreting the data.

#### i) éCO<sub>2</sub>mix

The mobile application éCO<sub>2</sub>mix, launched in 2011, publishes data about electricity consumption and production throughout France, and has experienced great success: it was consulted 17 million times in 2021 and has provided direct access to over 445 million figures, showing the public's interest in energy matters. The application contributes to ensuring all citizens are better informed and more aware about the challenges of the new energy policies.

The éCO<sub>2</sub>mix smartphone application has already been downloaded 195,000 times, over 7,000 times in 2021.



In 2021 no new functionality was added to the éCO<sub>2</sub>mix application. RTE has been working on consolidating the resources on which it is relying to prepare for 2023 a new version with completely new browsing and new functionalities.

<sup>43</sup> Regulation 2015/2365 of the European Parliament and Council of 25 November 2015 concerning the transparency of financing transactions on securities and reuse, amending regulation 648/2012.

## ii) Écowatt

Écowatt is a community mechanism developed by RTE in partnership with ADEME, which has existed in Brittany and the PACA region in over ten years, regions historically concerned about electricity supply security. It was extended to the whole country for winter 2020-2021. By making the information required to consumer better and less by acting on electricity consumption available to everyone, écowatt allows French people to contribute to reducing power cut risks during winter periods of high consumption.

Boosted by the feedback from winter 2020-2021 and its 12,000 subscribers, RTE changed the écoWatt service for winter 2021-2022 by referring back to the definition of each of the signals so that they further reflect the local tensions on the electrical power system (yellow signal). The gradation of the colours green/yellow/orange/red is now identical to the habits of the French on other vigilance signals (particularly weather).

Open to everyone (individuals, companies, local authorities) who wishes to sign up to the system and contribute to responsible consumption, écowatt, via its website, is used to act on electricity consumption, at the most relevant times for the community: at all times, clear signals (from green to red) guide the consumer on adopting good habits at home or in the workplace. When consumption is too high, a “power cut” warning SMS is sent to encourage everyone to reduce or shift their consumption. In this case, the electrical power system particularly needs French consumers to moderate their electricity consumption and so contribute to ensuring the electricity supply for everyone.

Partnerships are currently being prepared in order to relay écoWatt signals as far as possible and as a result act even more on the electrical power system when necessary (e.g. advertising on public transport in Greater Lyon area, relays in Brittany region to employees).

In the future, écowatt is also expected to give the public more resources to support the energy transition, for example by indicating the appropriate times for charging their electric car and taking advantage of strong renewable electricity production.



## 5.2 Data publication platforms

### i) ODRÉ (Open Data Réseaux Énergie) Platform

Since 2016 RTE has been working on an “Open Data” process, opening a specific platform for publishing extensive data concerning the electrical power system.

To contribute towards offering its stakeholders simplified and single access to electricity and gas data in France, in September 2018 RTE moved all its data sets under “Open Data” to the ODRÉ platform then closed its own “Open Data” platform, commissioned in January 2017 in collaboration with GRTgaz, then closed its own “Open Data” platform.

The ODRÉ platform currently comprises eight partners and provides to the stakeholders, including the territories and regions, sets of electricity, gas and storage data resulting from the joint expertise and know-how of the partners. The multi-energy data sets are presented homogeneously in terms of format and content.



In late 2021 the platform offered 192 data sets, including 86 to which RTE contributed (compared to six on opening in January 2017) surrounding nine themes: consumption, production, territories and regions, infrastructures, markets, mobility, meteorology, storage and environment. Some examples among the latest data sets provided by RTE: The provisional figures linked to the generation adequacy report 2021, monitoring of exchange capacities at the borders as part of the “European Clean Energy Package 70% Monitoring” of the European electricity regulations, the number of under 36kW installations by IRIS in connection with the national register of production and storage facilities (regulatory), the regional share of national consumption covered by sector, RTE's SF6 emissions.

In 2021 the eight partners also continued to work on their educational efforts concerning the data provided by continuing to organise masterclasses for the Brittany and Hauts-de-France regions, now remotely, to



support the stakeholders on the meaning of the energy data and familiarise them with using the data on the platform.

Through this approach, the ODRÉ partners aim to ensure the quality, continuity and completeness of the data provided.

## ii) **ENTSO-E Transparency Platform**

Since 5 January 2015, ENTSO-E has operated its European “Transparency Platform” (ex-EMFIP) for publishing free access fundamental information about the European electricity market.

The publications cover 95 types of information divided into seven categories: consumption, production, cross-border exchanges, balancing, unavailability of production and consumption units and of the grid, congestion management and network operation. On a daily basis RTE feeds in the French information for which it is responsible, representing on average 2500 figures per day.

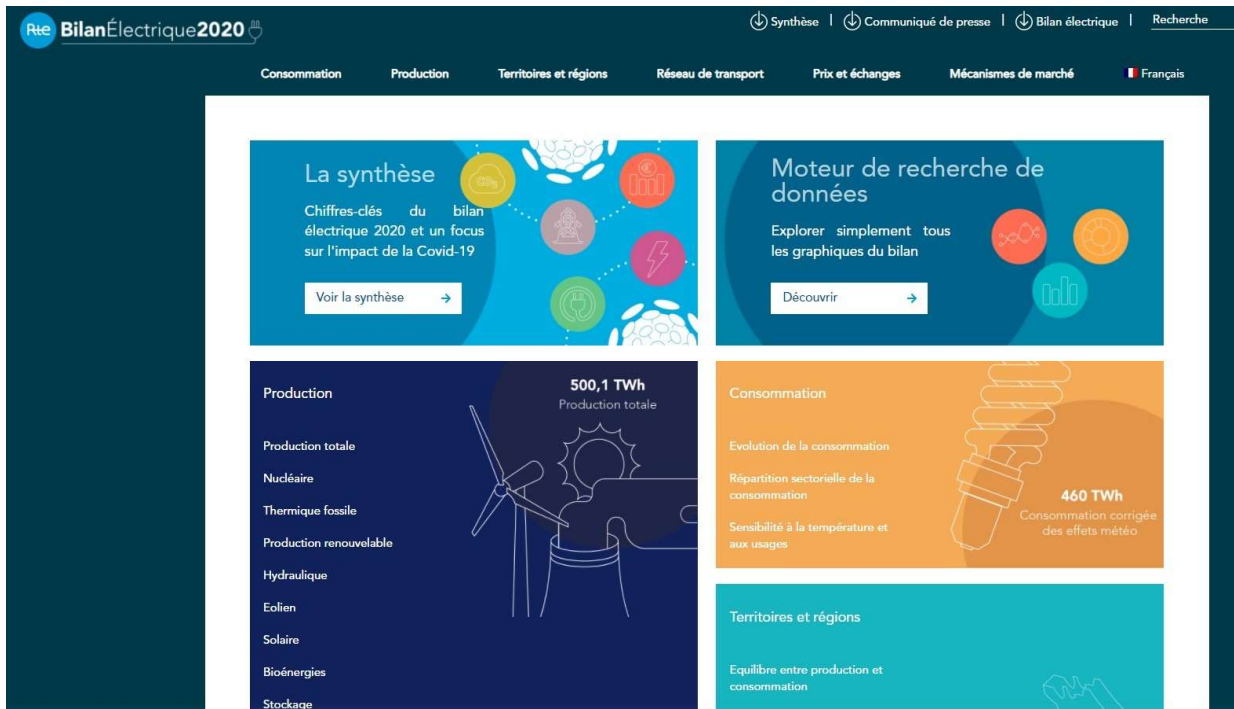


## 5.3 Publications

### i) **Electricity reports**

RTE draws up and publishes annual, national and regional electricity reports describing the characteristics of the electrical power system on a local and regional level. The annual electricity report provides an overall view of the electrical power system and electricity market over the last year.

Different reading levels are offered to make it possible to examine the subjects in more depth, connect them to each other or refer to other analyses produced by RTE. The data from the interactive graphs can mostly be downloaded via the ODRÉ platform.



Since July 2019, RTE has published online the “*Mensuel de l'Electricité*”, taking over from the “*Aperçu mensuel de l'énergie électrique*”. The *Mensuel* analyses the characteristics of the electrical power system in France and its most significant developments: consumption, production, prices, cross-border exchanges, and the developments in the transmission system.

It also offers feedback on the month's key events.





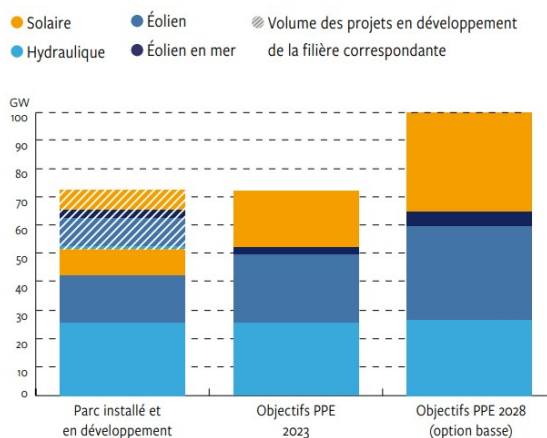
## ii) Renewable electricity panorama

The Renewable Electricity Panorama, published in partnership with SER, Enedis, and the ORE agency, has made it possible to follow the energy transition more closely.

The quarterly summary publication presents all indicators in the form of a graph for each renewable sector.

All information and analyses are compared with France's ambitions for 2023 and 2028 for each source of renewable electricity production.

Puissance installée et projets en développement, objectifs PPE 2023



Objectifs nationaux 2023\* atteints à

**72%**

\* pour l'éolien, l'hydraulique et le solaire

Installed power and projects in development, PPE targets 2023

Solar Wind Volume of projects in development in corresponding sector

Hydraulic Offshore wind

2023 national targets\* met at 72%

\*for wind, hydraulic and solar

### 5.4 Publication of figures and implementation of the European REMIT Regulation

Concerning the publication of market surveillance figures, RTE must meet the regulatory obligations for Transparency as TSO and for REMIT as market participant:

- The Transparency Regulation no. 543/2013, foundation of the electrical power system data publication, makes TSOs the main participants of the electrical power system figures. TSOs are required to collect and publish all the electrical power system figures.
- The REMIT Regulation no. 1227/2011 complements the Transparency Regulation to ensure the markets operate correctly. It is incorporated into all the rules applicable to the operation of the markets by including the requirements inherent to the energy markets.

It includes the proactive publication by the market participants of inside information, with the associated deadlines. It also requires that market participants report (in the form of reporting) the transactions carried out, and requires that all players organising market activities oversee their scope.

ACER imposes and oversees the operational implementation of REMIT by requesting from 1 January 2023 that all participants publish their inside information on platforms meeting a certain number of requirements and certified by them.

RTE therefore has a double obligation to meet:

- As market participant, RTE must publish the transactions it carried out on the markets and the inside information concerning it (network unavailability, commissioning of an interconnector, etc.). In addition to its own inside information, RTE publishes information that since 2011 has been considered as inside information and transmitted to it by the producers (production means unavailable, free messages concerning production, information about EDF's purchase obligations). For information purposes, for the whole of 2021 RTE published 3300 pieces of inside information about it and published 3000 pieces of information a day on average, with peaks that could rise to 10,000. In November 2021 it was decided to draw up an assessment of practices in terms of transparency of the electricity wholesale markets and in this context identify the data that should be published and the associated requirements.
- As a market organiser, RTE is responsible for overseeing the markets (role of "PPAT, Person Professionally Arranging Transactions").

In terms of market oversight, work is being carried out to reinforce identification of the indicators that could help to update suspicious behaviour or abuse of dominant positions on the markets.

- iii) The publication of figures, whether from RTE or the market participants, since 2011 has created an IS to collect and publish the figures. The data publication processes are mainly based on two IS applications:

- The application PRISME for collecting the different figures and routing them to the different publication platforms: the Transparency Platform (under the Transparency directive),
- The services portal, showcase for publication of data.

In 2016, RTE launched a PRISME project mainly aimed at improving the technical performance of the application for publishing producers' inside information.

As the REMIT Regulation did not provide for centralised publication of this information at European or national scale, inside information is dispersed over multiple forms of media to prevent this difficulty, ACER published several documents to clarify application of the REMIT Regulation concerning publication of inside information. Thus from 1 January 2023 market participants are required to publish their inside information by means of standardised electronic platforms assuring wide dissemination of the information, according to predefined technical conditions (in particular provision of RSS flows so that ACER can easily access the information published).

In these conditions, in March 2020 RTE undertook the procedure for certification of the services portal by ACER, as inside information platform (IIP) for third parties, in view of RTE's obligations and structural changes necessary for its own needs; this process was to end before the end of 2021. The CRE also reasserted in its letter dated 22/11/2021 its wish for RTE to provide to all market participants a data publication service certified by ACER.

The RTE services portal is therefore on the right track to be certified IIP with a service and performance level to be classified with structural IS works to be carried out so that the service provided is made sustainable and improved while meeting the objectives and respecting the abovementioned regulations.

- iv) For market oversight and the role of "PPAT" that RTE is to play, RTE's processes and tools for detecting and handling incidents must be strengthened and incorporated into tool development requirements.

Article 15 of the European Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) imposes on any person professionally arranging transactions on wholesale energy products (PPAT) the following obligations:

- immediately inform the national regulatory authority if it has reasons to suspect that a transaction could infringe articles 3 or 5 (prohibition on inside transactions and market manipulation);
- draw up and maintain effective measures and procedures for detecting the offences in articles 3 or 5.

Since the fourth version of the ACER guidelines on the application of REMIT, ACER has classified the TSOs and capacity allocation platforms, for adjustment markets, and interconnector capacity allocation mechanisms as PPATs.

In 2019, RTE added to its CoC a paragraph concerning implementation of these provisions, specifying the concepts of inside information, inside trading transactions and market manipulation and explicitly stating RTE's activity as PPAT: introduction of effective provisions and procedures to detect market abuses for RTE's mechanisms.

Within the scope of these new provisions and in close collaboration with the CRE, RTE has worked on introducing tools and procedures for oversight of the market mechanisms it operates, and in particular the intraday cross-border capacity allocation mechanisms. This report being made public enables RTE to exercise its responsibilities in complete transparency towards market participants.

In 2021 the RTE teams responsible for transparency and evaluating data declared two incidents:

- The first relating to the inappropriate behaviour of a participant suspected of sourcing the energy sold on the adjustment market from the intraday market.
- The second about a malfunction relating to sending non-standard agreements drawn up by RTE in the scope of purchasing losses towards ACER's ARIS platform.

In view of the legal risk for RTE, which goes beyond simple non-compliance with the French Energy Code, RTE has introduced a network of references present within each entity of the company and has undertaken work to list all the information potentially subject to these regulations.

**In view of these factors and the findings observed, the CO recommended continuing and successfully completing the actions undertaken: awareness-raising on the protection of inside information and explicit inclusion of this category of information into the RTE confidentiality reference framework, certification of the services portal, identification of the figures to be published with the associated requirements, changes to publication tools in view of the service and performance level to be defined, identification of the indicators for identifying suspicious behaviour or abuses of dominant position on the markets.**

## 6 Confidentiality

### 6.1 General provisions

*Each electricity public transmission network operator protects the confidentiality<sup>44</sup> of economic, commercial, industrial, financial or technical information which when disclosed could infringe the rules of free and fair competition and non-discrimination. The Energy Regulatory Commission must be informed of the measures taken by the operators to ensure it is kept confidential.*

*Commercially Sensitive Information (CSI) is defined by Decree no. 2015-1823 of 30 December 2015 and amended by Decree no. 2016-972 of 18 July 2016 and inserted into the French Energy Code in article R111-26.*

In this context, in February 2014 RTE published an internal prescriptive directive<sup>45</sup> based on the organisation of RTE built around its business lines responsible for defining and monitoring operational processes.

In accordance with the requirements of the RTE Confidentiality Directive, the commercially sensitive information confidentiality rules specific to each RTE business line are defined in the business line confidentiality reference documents.

Each business confidentiality reference framework contains at least the following points:

- the business line's activities involving commercially sensitive information (CSI);
- a list of the information associated with these activities, managed as “restricted dissemination” and “confidential” and the corresponding protection mechanisms;
- personal data;
- the procedure for handling near incidents and incidents in the event of non-compliance with the reference framework;
- the procedures for feedback and ongoing improvement.

The reference documents are drawn up under the authority of the business line managers by a duly designated leader responsible for creating, modifying and developing the confidentiality reference document concerning CSI involved in the business line in question, mainly taking into consideration the annual assessment.

At the same time, the company set up a network of “confidentiality” correspondents in the regions and in the national directorates. The purpose of this network is to be active in the field and maintain staff and management attention to confidentiality obligations at the level required.

RTE aims to be beyond reproach in terms of confidentiality of commercially sensitive information, so much so that compliance with the confidentiality commitment is at the core of RTE's mission towards all participants of the electricity market. RTE has therefore organised itself by commissioning the security and assets department to manage this theme within RTE and its managerial structure.

More generally, it is necessary to comply with the data protection legal and regulatory obligations (French Energy Code, Information Technology and Freedoms Law, General Regulation on Data Protection, Business Secrecy, cybersecurity, etc.).

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<sup>44</sup> Article L.111-72 of the French Energy Code: The electricity public transmission network operator protects the confidentiality of economic, commercial, industrial, financial or technical information which when disclosed could infringe the rules of free and fair competition and non-discrimination. The list of such information is determined by Council of State decree.

<sup>45</sup> “RTE Confidentiality Directive”, Internal Document of 19 February 2014.

Following this perspective, in the first half of 2021, RTE drew up and disseminated a data protection policy within RTE, accompanied by a directive on data protection.

This policy concerns all data created and processed necessary for RTE's activity, but also the data collected (personal data, sector data, client and commercial partner contractual data, European partner data, etc.), except for classified data under national defence secrecy, which is covered by a specific measure. This data should be covered by restriction and/or protection measures in accordance with their sensitivity. This new policy is also intended to respond to the challenge of outsourcing digital services, taking into consideration the questions of sovereignty of data and the risk of cyberattacks.

In implementation of the policy, approval of the application directive was followed by many presentations within the business line and regional managements in order to explain the issues and associated requirements. Essentially, the messages concerned the issues of data protection and the new risks faced by RTE, the need to correctly assess the confidentiality level, and the management of ISs not supervised by the DSIT (Shadow IT). Reviews of the directive's requirements are currently being conducted by the different departments, to be continued in 2022.

In-depth work is being carried out to update the confidentiality levels of data and the documents of the different business lines.

Applying the new policy is also accompanied by a compliance review of the application services hosted in the cloud in order to ensure that the data processed is correctly protected and safe from outside interference.

The data strategy and governance committee, to which the CO has access, is used to monitor all provisions set forth in this way, and especially monitoring their applicability to the different data types for which RTE must protect confidentiality.

## **6.2 Raising awareness of confidentiality**

As in 2020, due to the health context in 2021 face-to-face awareness-raising was significantly reduced. Nevertheless, multiple awareness-raising activities took place, whether in managerial committees, or in specific meetings about confidentiality. In addition to the individual awareness-raising actions, multiple communications about cybersecurity and data protection were carried out.

The network of correspondents raises agents' awareness of confidentiality in RTE. They represent players essential to disseminating the rules and best practices concerning confidentiality. Implementation of the new data protection policy and confidentiality rules led RTE to adapt the duties of these correspondents. The changes mainly concern evaluation of the data confidentiality levels, adapting the protection means to the data confidentiality level or even a review of the applications' conformity with the new policy. These changes will also consider the implementation of data governance and the arrival of new roles such as Data Owners.

Awareness of confidentiality is also raised through the e-training *Confidentiality in RTE: what are the challenges, risks and behaviours?* Accessible as self-service on the RTE training platform. It is mandatory for any new arrival to RTE for all RTE agents. In late 2021 the completion rate was 58%.

Moreover, many business line training courses also include a module on confidentiality.

On documentation management, the internal audits conducted in 2021 did not show deficiencies in terms of managing sensitive documents. In 2020, the introduction of a new documentation management tool, DOKI, implementation of which continued in 2021, provided an opportunity to clarify in a specific document the *Rules and Best Practices of Documentation management*. This point was reinforced with new collaborative tools introduced and increased documentation exchange methods, especially in the cloud – the need for healthy implementation of documentation management was decisively demonstrated.

It makes sense to bring together intellectual protection and confidentiality within the Asset Security Department; this is expected to contribute to improving awareness-raising surrounding these two themes and strengthening them.

### 6.3 Monitoring of “confidentiality” incidents

RTE identifies all incidents and near incidents which occur. Incidents are discrepancies which could potentially have consequences for the clients concerned, while near incidents are actions for which it is certain that they have had no consequences for clients (most often because the risk of error has been detected before the discrepancy has actually occurred).

The situation concerning the number of CSI incidents and near incidents in 2021 was as follows:

	2017	2018	2019	2020	2021
<b>Number of incidents</b>	20	30	14	21	8
<b>Number of near incidents</b>	5	2	2	3	5

*Number of incidents and near incidents in recent years*

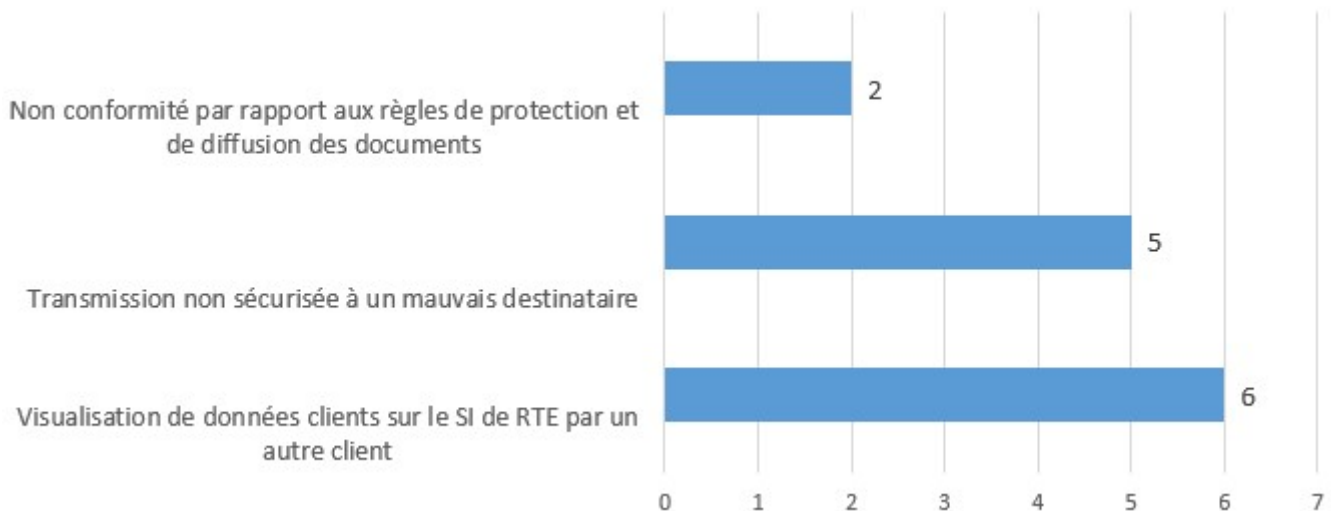
These events are broken down as follows:

- According to business lines

	2017	2018	2019	2020	2021
Development & Engineering	2		1		
Sales Department	19	26	12	20	12
Operations	1	2	2	3	
Finances				1	
Maintenance	3	2	1		1
DSIT		2			

*Distribution of number of incidents and near incidents by department*

- And depending on discrepancy type:



*Distribution of number of incidents and near incidents by type*

Non-compliance with rules on document protection and dissemination

Non-secure sending to wrong recipient

Display of client data on RTE IS by another client

This statement, subject to the quality of the information, shows that the number of incidents registered in 2021 fell significantly. They mostly concerned the display of client data and non-secure transmission to the wrong recipient. The corrective actions carried out in the client space management tools in 2019 appear to be showing some success.

The number of near incidents rose, which is an encouraging sign for detecting and preventing confidentiality incidents. Corrective actions are taken immediately as soon as an error is detected, in particular awareness-raising among teams about the vigilance to be maintained and the need to increase self-control. The relatively low number of confidentiality events mean that so far statistical processing and identification of generic causes has not been possible. In 2021 they were essentially human errors.

The CO noted that the number of incidents should be put into perspective against the thousands of instances of CSI processing carried out each month by RTE agents and should encourage RTE to take action to make the incident detection and collection mechanism robust and flag and share the near incidents used to feed the feedback loop and implementation of corrective and preventive actions.

However it can be noted that no incident has led to a client complaint against RTE. Moreover, during his regional compliance audits in Nancy in past years, and especially in 2021, the CO noted that generally the RTE Confidentiality Directive is correctly implemented by the regional teams. The control factors are generally present and applied, the procedure for handling incidents and near incidents is still widely known and correctly implemented in RTE, especially in the sales teams which handle the highest volume of CSI.

The mass remote working imposed by the health crisis in 2020 and continued in 2021 had no impact on the number of confidentiality events. No incident linked to this working method can be regretted. As in 2020, regional and national participants raised RTE employees' awareness of best practices on data protection and cybersecurity rules.

The number of IT hardware losses and thefts fell significantly in 2021. As in 2019 RTE decided to make the encryption of laptop disks widespread, measures implemented in 2020 and 2021, the impact on confidentiality of information and data was greatly reduced in the event of computer loss or theft. Moreover, recovering hardware in the event of a long absence was included in the RTE internal regulations.

In 2020 and 2021, cybersecurity and confidentiality players emphasised the risks linked to cybersecurity. Conversely, raising awareness about managing paper documentation was reduced while the risk of loss of confidentiality linked to this mobile medium exists everywhere in remote working situations with greater mobility of media, poor management and conservation of paper documents, which can lead to confidentiality incidents.

**The CO recommended strengthening management, business line coordination concerning detection and the collection of incidents or near incidents in order to improve the vitality of the feedback loop and improve confidentiality management practices, methods and skills. Finally, the CO recommended that the rules for conserving and destroying paper documentation when working remotely be proposed and disseminated.**

## **6.4 Additional considerations**

Complementing the system for managing incidents/near incidents linked to CSI, presented above and pursuant to the new data protection policy and its implementing directive, the scope of oversight and management of the confidentiality obligations led by RTE was extended to other information: data linked to protection of intellectual property (DPPI), personal data (PD) and all other data types concerning RTE in particular:

- Commercially beneficial information: the RTE CoC specifies “Within the scope of the independence of the transmission system operator within the VIU, in addition to protecting sensitive information as described in chapter 4 hereinafter, RTE must prevent information which may be commercially beneficial about its own activities being disclosed in a discriminatory manner within the VIU, and in particular to the representatives of the shareholders.”,
- Inside information as defined by the European REMIT Regulation<sup>46</sup> see specific chapter 5.4 on implementation of the European REMIT Regulation,
- Information covered by business secrecy: this subject has been internalised by the RTE departments in question, starting with the procurement department teams.

It should be noted that, as in 2020, in 2021 the efforts to raise employee awareness about confidentiality did incorporate a presentation of the diversity of confidential data types, despite the fact that these actions were carried out as part of the operational roll-out of the data protection policy and its directive. They were in response to the CO's recommendations to carry out awareness-raising activities in 2021 on protecting inside information by explicitly incorporating this category of information into the RTE confidentiality reference document and promoting a comprehensive overview of all data types except for data classified under national defence secrecy.

In terms of confidentiality, the RTE Confidentiality Directive which as is only covers two data types, CSI and IP, must be revised in line with the data protection directive, roll-out of which must therefore be continued. Similarly, the confidentiality reference documents will be updated.

In terms of functions, alongside the operational roll-out of the directives, the role and responsibilities of the different participants, especially confidentiality contacts, must be specified.

**In order to obtain an integrated overview of the Confidentiality theme, for 2022 the CO reiterated the recommendations to incorporate all confidential information into the confidentiality reference document by consistently adding to this body of rules and asking RTE to specify the role and responsibilities of the various parties connected to the data.**

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<sup>46</sup> See Chapter 5.4 “Implementation of the European REMIT regulation”.



## 6.5 Employee movement

The Commission established by article L. 111-74 of the Energy Code<sup>47</sup> is designed to govern the conditions for transferring employees who have had access to CSI to companies in the electricity sector.

The procedure for referral to the Commission was set up, in the spirit of public function deontology commissions, in order to protect the confidentiality of the CSI to prevent any distortion of competition in the event an RTE employee joins another company in the electricity sector, whether a competitor (e.g. EDF) or not (e.g. Enedis). This Commission proposed to the Chair of the RTE Management Board that certain transfers be preceded by transitional periods giving time for the information held to become obsolete. Of course, when the employee has not been made aware of CSI, the Commission Secretariat does not submit the case in question. Moreover, even in the event that the employee has become aware of CSI, a transitional period is not always required (e.g. when the CSI was aggregated or is too old to cause a competition distortion).

The greatest risk, identified in 2012, remains that certain situations which so require are not submitted to the Commission. The questionnaire feedback sent by the CO to the regional delegates<sup>48</sup> shows that the actions implemented help to prevent this risk:

- Awareness-raising among employees and management was maintained in 2019.
- Since 2016 a detection system has been in place, including the attention of some members of the HR department, namely the careers advisers in charge of monitoring the development of employees, as a backup to the attention expected from management.

The compliance audit in the East region in 2021 confirmed, as in the regions previously audited, the handling of situations to be analysed with the secretariat of the Commission of article L. 111-74 is supported by the career advisers within the regional *Comité Emploi Choix des Hommes* (CECH), bringing together RTE regional participants on the subject of mobility. The best practice observed in the previous regional audits appears to be widespread: the Access database of the East region mobility committee includes a box to be ticked on article L. 111-74.

The CO's attention was drawn to the wording of the letters sent by the HRD to resigning employees, a point to be handled as part of the updating of the internal body of rules on article L. 111-74.

Nevertheless, following the 2020 annual report, in mid-2021 the CO conducted a compliance audit on implementation of article L.111-74 because the number of cases submitted to the Commission Secretariat fell significantly in 2020, with no apparent consistency with the fall in the number of departures to EGIs (only some of these departures correspond to departures to companies in the electricity sector). This showed that for several situations it would have been worth submitting the required information to the Commission Secretariat even if after verification the persons did not become aware of CSI; this point is added to the CO's recommendations on this theme. It should be noted that, as is, the information about article L.111-74 is not accessible on the RTE intranet site.

The following table summarises the Commission's activity over the last 10 years: In 2021, the Commission proposed only one transitional period for the cases referred to it.

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<sup>47</sup> Initially introduced by law no. 2003-8 of 3 January 2003, amending article 13 of law no. 2000-108 of 10 February 2000.

<sup>48</sup> See Chapter 9.2 point VIII.A.2 "Compliance Audits Conducted in 2021".

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Cases submitted to Commission Secretariat	29	28	26	22	12	11	6	10	8	3	10
Cases leading to referral to the Commission:	10	18	8	7	2	6	2	3	3	2	5
- Cases with information considered to be incompatible	7	8	4	1	0	0	0	1	1	0	1
- Cases with information considered to be compatible	3	10	4	6	2	5	2	2	2	2	4
<b>Decision of the Chairman of the RTE Management Board</b>	<b>Still compliant with the Commission's opinion</b>										

After falling steadily between 2013 and 2015, the number of cases submitted to the Commission Secretariat continued with a fairly stable general tendency until 2019. This variation was consistent with the trend observed since 2013 in the number of departures to other companies in the EGI branch.

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Departures from RTE to other companies in the EGI Branch</b>	116	108	91	71	72	74	76	73	72

There steep drop in the number of cases submitted to the Commission Secretariat in 2020 led the CO to make its recommendations cf. above. Disseminating information on this subject and raising the awareness of careers advisers and managers is still relevant so that the number of cases to be submitted to the Commission corresponds to the reality of the departures situations and thus be in compliance with the French Energy Code.

***The CO therefore recommended:***

- **Updating the documentation and internal memoranda concerning moves to any activity in the electricity sector outside RTE (therefore including outside EGI) and not moves only to the VIU (implementation of article L. 111-74 of the French Energy Code),**
- **Making this documentation available to agents and facilitating their access to the RTE intranet site and rolling out and bringing all of these provisions into the departments and services (managers and employees),**
- **Raise career advisers' and managers' awareness of the content and implementation of article L. 111-74,**
- **Keep alive internally the process linked to implementation of article L. 111-74 and carefully define the internal players HRD, SG, LD, Departments, both in advance (detection of situations, information, manager support, etc.) and subsequently (examining cases, referral to commission, etc.).**

In view of the structuring points to be resolved, the CO did not conduct a more refined qualitative analysis by examining the data by RTE business line.

As a result, a new methodology has just been introduced and explained to the career advisers during a training course in early December. From now on, managers must contact the Commission Secretariat in all

cases where an employee leaves RTE to go to another company in the electricity sector. The secretariat then filters the cases submitted to it, in view of its legal and regulatory analyses.

Of course, cases that may be problematic and will require referral to the Commission are those concerning employees who, in carrying out their duties within RTE, have become aware of information that must be kept confidential (CSI), as defined in article R. 111-26 of the French Energy Code.

Moreover, deeper contact has already been established with the HRD in order to update the intranet site to easily find the relevant documents in connection with article L. 111-74 of the French Energy Code. A special section is currently being considered and could be created in 2022 to respond to the CO's recommendations above.

Finally, more in-depth awareness campaigns are planned for 2022, with interventions in the different CODIRs.

## **7 Monitoring of Execution of Ten-Year Network Development Plan for Transmission Grid (TYNDP) (Article L. 321-6 of the French Energy Code)**

RTE is preparing a Ten-Year Network Development Plan (TYNDP) which takes into consideration the multi-year generation adequacy report and multi-year energy programming, and the regional plans for connection to the renewable energy network.

The TYNDP specifies the main transmission infrastructures which need to be built or modified significantly in the next ten years, and lists the investments already decided and the new investments to be made in the next three years, by supplying a schedule of the planned investments.

The CO is responsible for verifying correct execution of the TYNDP and informing the CRE of any planned decision postponing or cancelling an investment provided for in the TYNDP.

For implementation of the TYNDP, RTE draws up an annual investment plan, which it submits to the CRE for approval in advance. RTE establishes an intermediary assessment of this programme and forwards it to the CRE, finally RTE draws up an execution assessment early in the year concerning the past year. In addition, the quarterly income from large projects and assessments are submitted a posteriori. In view of all these factors, the CRE has several tools aimed at ensuring detailed reporting on completion of the TYNDP and annual investment programmes.

The CO drew up an assessment of the 2021 execution of the TYNDP based on the abovementioned information and forwarded the conclusion to the CRE; this provided further clarification in order to confirm the progress in implementation of the TYNDP.

### **7.1 RTE 2021 Investment Programme**

In autumn 2020 RTE presented its 2021 investment programme to the CRE, including the financing of the TYNDP three-year projects. The CRE approved it in a decision of 4 February 2021<sup>49</sup> for 2021 for an amount of €1717.6m.

This amount which is to be compared to the 2020 amount of €1530m is part of a growing tendency of average 2bn per year over the next 4 years, i.e. approximately 1.8 bn/year net of subsidies and S3REnR shares received.

These investments concern the following main areas:

- Renovation of the day-ahead grid, in particular the necessary renovation of aerial line assets in order to maintain service quality for RTE clients,
- Adapting the grid to support the changes to the energy mix and the energy transition,
- The connection of marine energies and corresponding offshore grid,
- Digital transformation of the grid, essential to respond to the growing operating issues,
- Continued European integration of France by means of developing interconnectors,
- Development and renewal of the IS, in a context of changing needs and in connection with RTE's digital strategy,
- Modernisation of real estate assets to renovate the existing assets and support the development of RTE activities.

### **7.2 Situation and implementation of the TYNDP**

In January 2019, the minister of the environmental and solidarity-based transition published the draft PPE and indicated the provisional schedule of the TYNDP. After conducting a consultation in the CURTE SGPC in advance based on the discussion with the stakeholders introduced for the generation adequacy report, in September 2019 RTE published the draft TYNDP, which was submitted to the CRE, to the minister of the environmental and solidarity-based transition, who responded in November 2019, and the Environmental Authority, which returned its opinion in December 2019<sup>50</sup>.

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<sup>49</sup> <https://www.cre.fr/Documents/Deliberations/Approbation/programme-d-investissements-de-rte-pour-l-annee-2021>

<sup>50</sup> [http://www.cgedd.developpement-durable.gouv.fr/IMG/pdf/191218\\_sddrte\\_delibere\\_cle796677.pdf](http://www.cgedd.developpement-durable.gouv.fr/IMG/pdf/191218_sddrte_delibere_cle796677.pdf)

The CRE then launched a public consultation of stakeholders, no. 2020-005 of 5 March 2020<sup>51</sup>, then presented its analysis in its decision no. 2020-200 of 23 July 2020<sup>52</sup>; it congratulated RTE for the high quality of its work in this exercise and the TYNDP's decisive contribution for the community so that they can anticipate and understand the issues of the electricity transmission network.

There was no new edition of the TYNDP in either 2020 or 2021 and the next edition of the TYNDP, in view of the extremely high volume of work involved in an update, is expected to take place in 2022 or 2023.

Consequently, the CO strove to conduct an analysis of the execution to date of the grid development projects on the basis of the 2019 TYNDP and with the most up to date projects at his disposal, those of the 2022 investment programme presented to the CRE in autumn 2021.

### **7.3 Monitoring TYNDP execution in 2021**

Along the same lines as past years, the CRE was regularly informed of the changes in project trajectories and budgets at the pace of the various files for monitoring investment programmes during 2021 and the regular reports sent to the CRE about major projects. These analyses were conducted with complete independence from RTE, based only on the criteria resulting from the purposes of the network and the company's ability to respond to the PTN's clients' needs.

The CO receives all agendas and files from investment committee meetings, he takes part in the committee's meetings as required; this body examines and validates cases before RTE makes decisions about investments, especially when linked to the grid.

With respect to the CO verifying the correct performance of the TYNDP<sup>53</sup>, he will be able to certify for 2021, as he did in the past, that RTE has fulfilled its commitments and that the information sent to the CRE for this purpose is transparent.

To support this assertion, the CO conducted an in-depth analysis of the portfolio of projects included in the TYNDP and their schedule. To do so, the CO introduced the following steps:

- Collection in autumn 2021 of the project execution data when preparing the 2022 investment programme,
- Compiling an ad hoc file and meticulous verification of the corresponding data, collecting additional information in order to back up this data,
- Verifying the data quality and validity, especially the commissioning dates, with the departments in question,
- Analysing the organisation of project schedules and quantifying time lags,
- Evaluating the discrepancies between the commissioning dates as shown in the file specified above and updated and the commissioning dates as recorded in the 2019 TYNDP,
- List of the projects abandoned during the year and analysis of the causes of these abandonments.

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<sup>51</sup> <https://www.cre.fr/Documents/Consultations-publiques/schema-decennal-de-developpement-du-reseau-de-transport-de-rte-elabore-en-2019>

<sup>52</sup> <https://www.cre.fr/Documents/Deliberations/Decision/examen-du-schema-decennal-de-developpement-du-reseau-de-transport-de-rte-elabore-en-2019>

<sup>53</sup> Paragraph 4 of article L. 111-34 of the Energy Code.

The following results were obtained:

Projets à mettre en service en (*)	Et mis en service en 2019	Et mis en service en 2020	Et mis en service en 2021	Et mis en service en 2022	Et mis en service en 2023	Et mis en service en 2024	Et mis en service en 2025 et au-delà	TOTAL	Taux de mise en service l'année prévue (ou auparavant)	Taux de mise en service dans les 3 ans y compris l'année prévue	Taux de mise en service au-delà des 3 ans de l'année prévue
2020	1	26	17	14	2			60	45%	97%	3%
2021		2	13	17	13	4	1	50	30%	90%	10%
2022			5	20	18	8	4	55	45%	93%	7%
2023			1		8		6	15	60%	100%	0%
2024						3		3	0%	100%	100%
<b>Total</b>	<b>1</b>	<b>28</b>	<b>35</b>	<b>50</b>	<b>32</b>	<b>15</b>	<b>11</b>	<b>174</b>	<b>41%</b>	<b>93%</b>	<b>8%</b>

(\*) tel que les informations du SDDR 2019 l'indiquaient

Projects to be commissioned (\*) And commissioned in 2019 And commissioned in 2020 And commissioned in 2021 And commissioned in 2022

And commissioned in 2023 And commissioned in 2024 And commissioned in 2025 and beyond

TOTAL

Rate of commissioning in planned year (or before)

Rate of commissioning within the 3 years including in planned year

Rate of commissioning beyond the 3 years from planned year

And the main lessons stated below:

- Based on the raw table resulting from the file comprising the crossing of the 2019 TYNDP and the updated project schedule data from the process linked to the 2022 investment programme. This file has 365 lines, each representing a project comprising several duly identified operations. 174 projects can be identified, to be commissioned over a three-year period in 2021, 2022 and 2023,
- For 2021 and the projects to be commissioned the same year, 30% of projects were really commissioned and 90% presented a completed or predicted commissioning in the three-year period 2021-2023, and 10% were postponed until later,
- For 2022 and the projects to be commissioned the same year, 45% of projects have a provisional commissioning date in 2022 and 93% have a provisional commissioning date in the three-year period 2002-2024,
- For 2023 and the projects to be commissioned the same year, 60% of projects have a provisional commissioning date in 2023 and 100% have a provisional commissioning date in the three-year period 2003-2025,
- For the three-year period 2021-2023, 41% of projects were commissioned in the planned year, 93% are to be commissioned during the three years, including the planned year, and 8% beyond the three-year period.

It is important to highlight that the 2019 TYNDP data was used to conduct this study, but it should be noted that there are a low number of projects to be commissioned in 2024, which appears to be consistent with 2019 in view of the horizon effect. It appears that in early 2022, even without updated exercise of the TYNDP,

a database should be compiled of the projects resulting from implementation of the decision-making process and representing the medium-term plan (MTP) including the commissioning targets so that this database can be compared to the real updated version of the project roll-out.

The study conducted by the CO gives a vision in volume of the content of the project schedules but does not analyse the origin or cause of the delays and nor does it handle the subject by category, nature or family of projects. This required a different analysis for the players appointed, based on a reconstructed data taking advantage of the 2021 execution assessment.

In addition to this study, a complementary analysis was conducted of the projects abandoned in 2021: 74 projects abandoned in 2021, including 69 network projects partly recorded in the TYNDP, one real estate project, two IS projects and two projects concerning other RTE entities (CNER). Of the 69 network projects abandoned, 15 were recorded in 2019 TYNDP. Abandoning these projects represents a total wasted cost in 2021 of €11.1m.

The causes for abandoning projects are only linked to the RTE analysis and essentially concern:

- change of strategy for reinforcing the zones in question and change of strategy on a given zone can lead to a project being abandoned,
- abandonment of client projects which is then expressed as the abandonment of the corresponding connections.

**While awaiting a new TYNDP, the CO recommended examining the possibility of updating the list of projects that are or can be recorded in the TYNDP with the associated schedule in the first half of 2022, in order to have an updated reference against 2019 in view of the evolution of the network development or renewal inductors: changes in consumption and production, revision of S3Rs, roll-out of interconnectors, client connection needs, etc.**

## **8 Relations Between RTE and the Subsidiaries It Controls**

*The relations between RTE and its subsidiaries fulfil the obligations of the Energy Code and the provisions of RTE's CoC, in particular with respect to the protection of CSI held by RTE.*

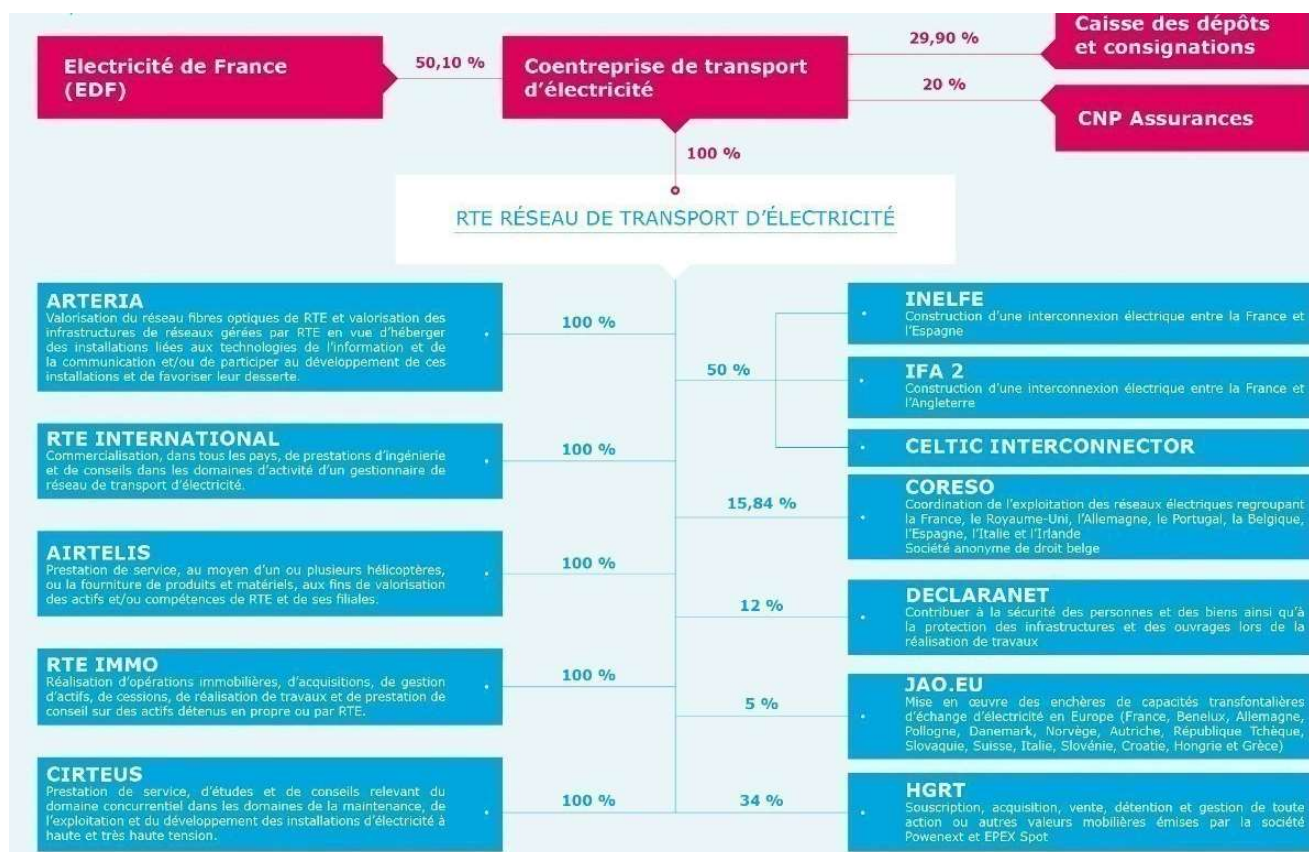
*It should be recalled that within the scope of paragraph II of article L. 111-46 of the Energy Code "The networks specified in I may also be subject to development through the intermediary of subsidiaries or holdings. Such development activities must remain accessories to grid management and may not receive financial support."*

RTE has created joint ventures with its foreign counterparts for the purpose of building interconnectors with neighbouring countries:

- Celtic Interconnector with the Irish electricity transmission system operator EirGrid;
- IFA2 with the British electricity transmission system operator National Grid;
- Inelfe with REE, the Spanish transmission system operator.

RTE also holds five subsidiaries outside the public service missions devolved to it, which mainly have the purpose of providing services: Airtelis, RTE International, Cirtéus, Arteria and RTE Immo.

Finally, RTE holds interests in companies allowing it to carry out the duties allocated to it by law. Coreso, Declaranet, HGRT, JAO.EU



It should be noted that the CO's right to access the information necessary to carry out his duties extends to RTE's information "concerning the subsidiaries included in its scope of consolidation and established in France"<sup>54</sup>. The scope of consolidation includes the subsidiaries held 100% (fully consolidated), common companies with foreign counterparts (consolidated as joint venture), HGRT and Coreso (consolidated using the equity method). Coreso is however a company governed by Belgian law and established in Brussels.

In its latest RCBCI reports, the CRE in particular asked RTE to introduce a framework agreement mechanism with each of its subsidiaries in order to describe the main principles of their relations. The framework agreements mainly concerning the methods for determining the prices of the services sold by RTE to its subsidiaries are submitted to the regulator for approval. In its 2019-2020 report, the CRE renewed its request to finalise the implementation of framework agreements between RTE and its subsidiaries.

In a decision of 13 December 2018, the CRE approved the framework agreement between RTE and its subsidiary Arteria. The CRE then asked RTE that this framework agreement template be rolled out to the other RTE subsidiaries by the end of 2019.

In a decision of 19 December 2019, the CRE approved the framework agreement between RTE and its subsidiary Airtelis.

In January 2021 RTE also sent the analysis elements to the CRE prior to referral to the CRE for approval of its framework agreement with its subsidiary RTE-i. The matter was officially referred to the CRE on 10 February 2022.

Additionally, discussions were held about the framework agreement with Cirtéus, and the draft framework agreement was sent to the CRE on 15 February 2022.

<sup>54</sup>Article L. 111-35 of the French Energy Code



In accordance with the CRE decisions approving these framework agreements<sup>55</sup>, early in the year RTE sends to the CRE a report on the services provided to RTE by the subsidiary the previous year. The 2021 reports concerning Arteria and Airtelis were sent to the CRE on 27 January 2022.

**The CO recommended that in early 2022 RTE finalise the last framework agreement, with the subsidiary Cirtéus, in order to refer the matter to the CRE officially as early as possible.**

The area of providing services to RTE clients in the competitive field is now covered by the subsidiary Cirtéus. These services are provided by GMR employees in the regions.

The observations of the chief compliance officer were identical to those made during the previous regional audits in terms of coordination between Cirtéus and RTE. Cirtéus's role and the connection with RTE are now well internalised by the teams, especially those of the Maintenance Centre. This point was confirmed by the feedback from the delegates in the CO survey.

Generally, the feedback from RTE regional delegates shows that the sales departments often contribute to raising employees' awareness, particularly new arrivals or within entity management committees. The employees appear to have correctly understood Cirtéus's role and the connection with RTE. Reminders are given and checks carried out as required by management.

**In 2022, the CO will continue to examine the relations between RTE and its subsidiaries, especially by monitoring the implementation of the undertakings laid down in the framework agreements in accordance with the powers entrusted to him<sup>56</sup>.**

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<sup>55</sup>See Chapter 3.5 "Articles L. 111-17 and L. 111-18 - Commercial and Financial Agreements Signed with the VIU– General Aspects - Procedure for Approval of Agreements by the CRE".

<sup>56</sup> Articles L. 111-34 and L. 111-35 of the Energy Code.

## **9 Maintaining RTE's Commitments Over Time**

### **9.1 Internal organisation for monitoring RTE's commitments and CRE requirements**

#### **i) Organisation of RTE at central level**

RTE has made the general secretariat a contact point with the CRE services about all matters concerning certification. The general secretariat creates and updates performance indicators concerning the various matters connected to certification (approval of agreements between RTE and the VIU, monitoring CRE requests specified in the RCBCI, following the CO's recommendations, etc.).

Until the end of 2020, the RTE legal department supported the general secretariat on the subjects of RTE's independence and non-discrimination.

Within the scope of the new organisational structure introduced by RTE in December 2020 after the Management Board was renewed, the legal department is now incorporated into the secretariat general and has taken over its duties, with the legal director also in the position of executive director responsible for the secretariat general.

This makes it easier for RTE to step up monitoring of questions concerning certification, improve consistency of monitoring from a legal perspective and optimise contact with the CRE and the CO. The CO considers that this organisational structure has proved to be suitable.

#### **ii) Organisation of RTE by region**

On a regional level, in terms of monitoring compliance RTE management has positioned the RTE regional delegates cf. Letter from the RTE Chairman of the Management Board in spring 2015 asking them *“to now be the guarantors, at regional level and in every position, of RTE's independence as defined by the Energy Code and of compliance with the Code of Conduct by all employees”*.

Within the scope of the new organisational structure implemented by RTE in December 2020, the regional delegations are now under a new “territorial coordination and action” division.

The CO is in interactions with the delegates and as required participates in the meetings of this division.

To draw up this report, in late 2021 the CO launched a survey of delegates using a detailed questionnaire to take stock of 2021 on the basis of factual observations. The regional RTE delegates were invited to respond on the basis of the information they and the centre/branch/sales department managers have learned throughout 2021.

The CO also continued his new cycle of regional compliance audits, with the East region in June 2021 (point 9.2 hereinafter).

### **9.2 Compliance audits conducted in 2021**

#### **i) Compliance Audit in East Region**

In June 2021 the CO conducted an audit of fulfilment of the commitments in the CoC in the East region, particularly focused on the independence of RTE from the VIU and also on non-discrimination and compliance with the confidentiality obligations.

The CO met around 20 people from the regional delegation, three operational centres (operations, maintenance, development-engineering), the sales department and support functions (human resources, legal, procurement, property and logistics).

The information resulting from this audit is shown below.

The situation in terms of independence from the EDF group and displaying this appears to be under control in the East region. The RTE Delegate and entity managers are paying close attention to the risks, which can therefore be identified and controlled by the actions planned by the delegation.

The chief compliance officer considers that the French Energy Code independence obligations are now well internalised by the EDF delegates in the region. The RTE officers in the region also have no particular contact with the regional Caisse des Dépôts teams.

The chief compliance officer also found that by rolling out the two Propulse modules on the Code of Conduct the people he met, and in all likelihood most employees in the region, had internalised the heightened requirements for RTE to be independent from the VIU.

The East region clearly placed in the lead within RTE in the HRD's statistics for the rate of employees who have finished the modules CoC 1 and Sapin 2. This can be explained mainly by the fact that the region has followed the HRD's instructions, therefore it has not rolled out collective sessions with an attendance list.

In terms of non-discrimination, the chief compliance officer considered that, in view of the practices in the East region, the factors demonstrating control of the obligations at regional level are present and applied.

Generally, the RTE Confidentiality Directive is correctly implemented in the East region. The control factors are generally present and applied.

Overall, the context does not show any major risk for the themes covered in the audit. The recommendations proposed by the chief compliance officer are intended to improve isolated points and addressed at the RTE entities in the regions or at the central level.

The report also highlights best practices observed in the East region, which where applicable are recommended to the other regions.

Overall, the audit does not show any major risk for the themes covered in the audit. The recommendations proposed by the chief compliance officer are intended to improve isolated points. The main recommendations are shown in point IX.B.2. "New Recommendations".

## **ii) Other checks**

### **Examination of the different financial flows between RTE and the companies in the VIU**

The details of this check are provided in point II.E.2. "Articles L. 111-17 and L. 111-18 - Commercial and Financial Agreements Signed with the VIU – Examination of the financial flows between RTE and the companies in the VIU".

### **Verification of the follow-up to requests made by CRE decisions under articles L. 111-17 and L. 111-18**

Based on the assessment of the CRE approvals of the commercial and financial agreements between RTE and the VIU or companies controlled by the VIU, initiated by the CO in 2020, the general secretariat responsible for this monitoring updated and complemented this situation.

This is shown in the table in Appendix 11 to this report.

## **9.3 Training and information**

## i) Online Training (e-learning)

The Code of Conduct online training tool, based on the concept of memory anchoring®, was rolled out in June 2018. It contributes to providing training and ensuring staff engagement over time concerning compliance with the CoC provisions at the different stages of working life. It contains two modules CoC 1 and CoC 2:

- the first module concerns the basics and is intended for all employees;
- the second module ("*going further*") is aimed at employees whose work leads them to have direct or indirect contact with companies in the EDF and CDC groups: managers, customer relations agents, legal experts, communication officers, etc.

Module 1 is also intended to be taken by all new arrivals to RTE: new recruits or transfers from other companies in the EGI branch; module 2 is to be taken by new arrivals affected and by RTE employees taking a new position in this context.

It is indicated that these modules must be taken at least once every 18 to 24 months.



The HRD regularly monitors completion of the modules to help organise implementation according to the targets set. The most updated status is that as at 31 December 2021.

The following points were the result:

- For module 1, the assessment shows that 58% of RTE employees completed the module, including 41% of the employees hired since January 2019. These indicators are well below the target set of 100% even though they are above the 2020 indicators or 54% and 38% respectively.

These figures are to be clarified with the following points:

- The value is 57% for the maintenance business line, up 5 points compared to 2020; as a reminder, the CO observed during his regional audits that online training gave rise to a special method for the teams on the ground, who are more likely to organise team meetings; so far there is no way to rule on considering signed attendance lists during these discussion meetings,
- The average value for the two other operational business lines (operations and development-engineering) settled at 62% and 74% respectively, comparable to the 2020 values. A priori these business lines operate individually,
- The regional comparison shows a significantly lower rate of 44% for the Paris central office and entities in the Ile de France Normandy region, for the other regions the rates were at comparable values.

For module 2, the results of the HRD's monitoring the tool are as follows:

- 38% of the employees affected completed the module compared to 33% in 2020; this rate falls to 20% for employees hired since January 2019,
- The overall percentages are fairly variable from one region to another,

- Once again, the regional comparison shows a significantly lower rate of 24% for the Paris central office and entities in the Ile de France Normandy and Rhône Alpes Auvergne regions.

In short, for both modules, the level for the Paris central office does not appear satisfactory, even with respect to the average level for RTE, this is a point for improvement, considering that the CoC1 and CoC2 training modules are classified as compulsory.

The feedback on the implementation of the CoC1 and CoC2 online training modules, particularly during the regional compliance audits, indicates that a pedagogical update is required; the plan is a redesign. For CoC1 this action was undertaken in 2021 and should lead to a new tool by June 2022. For CoC2, it was decided to delay undertaking a new project and give immediate priority to more targeted actions focused on the “field” for the persons affected, e.g. direct intervention in team meetings.

**In view of these factors, the CO recommended to RTE, in order to improve the rate of participation in CoC training:**

- **Preparing the launch of a new training campaign, taking advantage of the dynamic linked to the launch of the new module 1 (while waiting to continue operating the current module) and define the terms and conditions for substitution of module 2, taking into consideration the changes in the institutional context,**
- **Again raise awareness of all managers about their employees taking training courses on the Code of Conduct, especially for newly hired employees, using HR tools and statistical monitoring of training as conducted by the HRD (this monitoring should incorporate any collective sessions of teams on the ground for module 1). This new awareness-raising could then be extended to other compulsory online training such as on SAPIN 2 and GDPR,**
- **In particular, draw Paris central office managers' and employees' attention quickly to the need of CoC training.**

## **ii) Providing information to employees**

The regional compliance audits and in particular the last one in Nancy in 2021 confirmed that responses to employee questions can be found in the two online training modules. The discussions showed that the issues of independence from the VIU and their visibility appear to be under control and that persons he met, and according to them apparently most employees, have internalised the increased importance of RTE being independent from the VIU. The “memory anchoring” method of the CoC e-learning modules was widely appreciated while showing that it does seem to have reached its goals of facilitating memorisation of the key points.

The CO observed that in response to past recommendations, on the RTE intranet there is a “compliance-ethics-deontology” space where several brochures can be downloaded, including one about the independence of RTE and the CoC, which presents the subject on one page then summarises in two pages the main provisions of the CoC; this is a best practice providing a sort of instruction card, it would be good for the new CoC 1 module to make reference to it.

**The CO recommended that RTE encourage its managers to communicate about the Code of Conduct in its department or team meetings; the card above could provide a suitable medium.**

## 10 General Assessment for 2021, Recommendations and Actions 2022

### 10.1 General assessment

The Compliance Officer observed and it was demonstrated that RTE and all its employees complied with the Code of Conduct and that it was independent from the VIU and especially the EDF group, and that the company met its obligations as TSO laid down in the French Energy Code throughout 2021.

The compliance audits, observations made and examinations conducted in 2021 back up this assessment, following the statements of the CRE in its RBCI 2019-2020 and in view of the CO's recommendations in his 2020 annual report. It was followed up by the actions carried out by RTE, which are mentioned throughout this report and summarised in an appendix.

It should be emphasised that both 2021 and 2020 were marked by the health and economic crisis linked to the Covid-19 epidemic for which RTE implemented its BCP adapted to this epidemic. In 2021 RTE was able to maintain not only a normal activity level for its industrial activities of operation, maintenance and development of the electricity grid and information system, but also for its corporate activities. Additionally, the commitments made in the certification decisions made by the CRE since 2012 were implemented.

The health crisis did not hamper either the smooth running or the completion of the CO's duties; he was able to conduct his audits and attend all meetings he wanted to that were useful to his duties. He prepared this compliance report as a result.

Following the observations and compliance audits performed in various regions in recent years, the CO noted that the culture and behaviour of all employees, and particularly management, are still very naturally and deeply imprinted with these obligations and commitments.

As the CRE highlighted in his report RBCI 2019/2020, even though it is possible to classify the situation as satisfactory overall, it however presented certain points for improvement to ensure compliance with the obligations over time and prevent the risk of a "non-priority".

In fact, since RTE was certified, extensive progress has been made, especially in terms of independence of RTE resources (IT resources, legal, accounting, premises, etc.) or in terms of satisfaction of users of the public transmission network (monitoring of complaints, transparency actions, or RTE's independence or even non-discrimination concerning client access to the PTN).

In view of both these achievements and also the audits, examinations and observations carried out in 2021, the CO made several recommendations to the RTE departments, some of which reiterated from previous years. They concern the specific application of the measures for independence from the VIU, non-discrimination and protection of confidentiality.

This field of compliance with the French Energy Code should represent an opportunity for synergy for the company's management and employees, with other fields also representing certain obligations in terms of the different compliance obligations for the company or for them, especially in view of the recent legislative changes (e.g. "Sapin 2", "due diligence" laws, GDPR). All of these aspects come under "compliance" obligations, which are becoming increasingly important in the running of companies. Increasingly they take into consideration and are based on ethical values that they promote to both their employees and external stakeholders.

In view of the legal of regulatory requirements relating to compliance, RTE decided to create an Ethics and Compliance department responsible for coordinating the different aspects concerning the matter and reporting to the company's management. This department will be directly responsible for the three main "compliance" themes: GDPR, "Sapin2" and "due diligence"; and will report to the general secretariat.

The project aims to position RTE at the best level among the main companies in the energy sector or major public services in terms of considering ethical and compliance issues.

To draw up this report and make the recommendations presented hereinafter, the CO has implemented several actions:

- Exploit the working themes arising from the Compliance Officer's 2020 report and make the most of its recommendations.
- Take into consideration the recommendations from the Compliance Officer's 2021 report currently being drawn up.
- Incorporate the recommendations and requests of the CRE 2019-2020 report on compliance with codes of conduct and independence of electricity network operators.

All of the CO's work for 2021 led to recommendations being made on the following different fields:

- Identifying and protecting commercially sensitive information considering the low number of confidentiality incidents and coordination of the feedback loop,
- Training employees about the Code of Conduct and taking compulsory training,
- The HR mechanisms and measures for employee interest holding, and those who leave RTE for other companies in the electricity sector,
- The independence of RTE, communication and non-confusion of image and the events organised by the VIU, involving the necessary internal sharing of knowledge of companies in the VIU or controlled by the VIU,
- The autonomy of operation of RTE and understanding the process of approval by the CRE of the commercial and financial agreements with companies controlled by the VIU,
- Information publication and transparency actions,
- Monitoring of performance of TYNDP and assessment of the drift of project schedules, alleviate the failure to update the TYNDP,
- Relations between RTE and its subsidiaries.

## 10.2 Recommendations by the Compliance Officer for 2022

Considering the level of practice that has reached maturity and a high level of understanding of the corresponding commitments concerning non-discrimination, protection of CSI and independence from organisation made to ensure this independence the CO's recommendations concern the following points:

- **Identifying and protecting commercially sensitive information considering the low number of confidentiality incidents:**
  - Strengthen management and the business line coordination for detecting and collecting incidents or near incidents in order to improve the vitality of the feedback loop to enrich practices, methods and skills on confidentiality management,
  - Propose and disseminate the rules for conserving and destroying paper documentation when working remotely,
  - Incorporate all confidential information into the confidentiality reference document by consistently adding to this body of rules to obtain an integrated overview of the confidentiality theme and specify the role and responsibilities of the various parties concerned by the data.
- **Employee training and taking compulsory training:**
  - Prepare the launch of a new CoC training campaign, taking advantage of the dynamic linked to the launch of the new module 1 (while waiting to continue operating the current module) and define the terms and conditions for substitution of module 2, taking into consideration the changes in the institutional context,
  - Again raise awareness of all managers about their employees taking training courses on the Code of Conduct, especially for newly hired employees, using HR tools and statistical monitoring of training as conducted by the HRD (this monitoring should incorporate any collective sessions of teams on the ground for module 1). This new awareness-raising could then be extended to other compulsory online training such as on SAPIN 2 and GDPR,
  - In particular, draw Paris central office managers' and employees' attention quickly to the need of CoC training and other compulsory training.
- **HR mechanisms and procedures:**

- Implementing all HR provisions when hiring employees to find out the interests they hold in the VIU and managing and creating the group savings scheme (PEG) with the appropriate and compliant choice of PEG sub-funds,
  - Systematically reminding new employees of the need to undertake to meet the independence obligations by selling the VIU shares they hold,
  - Updating the documentation and internal memoranda concerning moves to any activity in the electricity sector outside RTE (therefore including outside EGI) and not moves only to the VIU (implementation of article L. 111-74 of the French Energy Code),
  - Making this documentation available to employees by facilitating their access to the RTE intranet site, rolling out and bringing all of these provisions into the departments and services (managers and employees),
  - Raising career advisers' and managers' awareness of the content and implementation of article L. 111-74 (so-called "Article 13" committee),
  - Keep going internally the process linked to implementation of article L. 111-74 and carefully defining the role of the internal players HRD, GS, DJ, Departments, both upstream (detection of situations, information, manager support, etc.) and downstream (examining cases, referral to committee, etc.).
- **Independence of RTE:**
    - Finalise the updating of guidelines for participation of RTE employees in events organised by the VIU, sharing them with the CRE to respond to the goals for participation of certain employees in meetings to discuss best practices in terms of corporate functions with the CDC and participation of RTE executives in meetings or one-off events organised by the presidency of the EDF Group or by the general management of the CDC group and bringing together the executives of these groups. These changes to the guidelines are in strict compliance with the independence of RTE, avoiding any confusion of image between RTE and the VIU in internal or external communication, and giving the RTE chief compliance officer permanent access entitlement,
    - Capitalise on the external communication campaigns carried out and take advantage of any opportunity to assert and recall RTE's institutional status as independent French TSO. Educate about this theme during communication campaigns to establish RTE's independence as public transmission network manager,
    - Incorporate into the indicators for monitoring the implementation of RTE's certification, the follow-up given to requests made by the CRE in its RCBCI reports and the recommendations by the CO in his annual reports (reiteration of previous recommendations).
- **RTE's operating autonomy:**
    - Continue, ensuring their successful completion, the improvement actions undertaken aimed at full understanding of the process for referring commercial and financial agreements to the CRE and consideration by RTE of the schedules and time periods allowing for investigation in optimum condition, examining the appropriateness with the CRE of measures or mechanisms for optimising the regulator's request,
    - Again raise managers' and employees' awareness of the scope and content of the VIU, share internally the knowledge of the companies in the VIU and the companies controlled by the VIU, create a reference of this knowledge for the Procurement Department in liaison with the general secretariat,
    - Incorporate into the performance indicators for monitoring implementation of RTE's certification, the annual assessments and other elements, especially recurring, to be supplied to the CRE pursuant to its approval decisions made under articles L. 111-17 and L. 111-18.



- **Information publication and transparency actions:**
  - Capitalise on the good feedback from the CURTE committees and continue this consultation method that is extremely interesting for RTE's clients and stakeholders,
  - In 2021 carry out awareness-raising activities on protecting inside information under the European REMIT Regulation and explicitly incorporate this category of information into the RTE confidentiality reference document,
  - Improve the visibility of REMIT information about interconnectors, dispersed over the long list of information about production,
  - Obtain certification from ACER for the RTE services portal, as inside information platform (IIP).
- **Monitoring TYNDP performance:**
  - While awaiting a new TYNDP, examine the possibility of updating the list of projects that are or can be recorded in the TYNDP with the associated schedule in the first half of 2022, in order to have an updated reference against the 2019 TYNDP in view of the evolution of the network development or renewal inductors: changes in consumption and production, revision of S3Rs, roll-out of interconnectors, client connection needs, etc.
- **Relations between RTE and its subsidiaries:**
  - In 2022 finalise the framework agreement with the subsidiary Cirtéus in order to refer the matter to the CRE as soon as possible.

### 10.3 Actions of the Compliance Officer in 2022

In order to observe and oversee RTE's actions concerning independence and compliance with the CoC, the CO proposed that in 2022 the following be continued:

- the audits of compliance with the CoC and RTE's independence obligations by the business lines most directly affected, prioritising the Procurement Department and the Sales Department,
- the regional compliance audits, based on a preparatory document updated to incorporate the lessons learned from compliance audits in previous years,
- compliance audits on a regular basis at meetings of the different company committees or when examining specific cases,
- in liaison with the departments in question at RTE, especially the finance department, reflect in more detail on the concept of information which if disclosed may be commercially advantageous for the VIU.

In particular, in 2022 the CO plans to continue the following in-depth analyses and audits:

- examination of the different financial flows between RTE and the companies in the VIU, based on the accounting data retrieved for the financial year,
- examination of monitoring of TYNDP performance,
- qualitative examination of employee moves to other companies in the electricity sector and EGI branch in particular, in view of the referrals to the secretariat of the Commission as in article L. 111-74,
- examination of relations between RTE and its subsidiaries, in a form still to be defined and in accordance with the powers entrusted to him,
- examination of the confidentiality issues in view of the findings and past recommendations, the actions undertaken by RTE to clarify the confidentiality rules and encourage raising employee awareness at the national and regional level in view of a more collective organisation of offices,
- examination of actions and practices for publishing inside information as defined by the European REMIT Regulation,
- ...

Moreover, the CO will continue his discussions with his French (GRTgaz, Enedis and GRDF) and foreign (European electricity ITOs) counterparts, for the latter reactivating the network set up before the health crisis and resuming face-to-face business meetings.

## 11 Appendices

### 11.1 RCBCI 2019-2020: main changes expected by the CRE and changes observed in 2021

The RCBCI 2019-2020 report was made public in April 2021 and indicated the expected changes as specified in the table below:

Main changes expected by the CRE stated in its RCBCI 2019-2020 report	Changes observed by the Compliance Officer in 2021
<b>Part 1: “Thematic dossiers” / Point 1: “HR PRACTICES OF NETWORK OPERATORS”</b>	
Set up a mechanism to inform all employees joining RTE, whatever the company of origin, about the transfer of the EDF share funds to funds accessible to RTE employees. Introduce a commitment by all employees joining RTE to fulfil their independence obligations by selling or conferring management to a third party the VIU shares they hold.	The HR mechanism was formalised and implemented cf. chapter 3.11, the CO issued two recommendations on this subject.
Present the proposals for change that the company intends to make to reach the objectives it has set concerning the rate of completion of the CoC1 and CoC2 training modules. Each year, present an assessment of the implementation of these changes and the rate of completion of both modules.	The assessment was carried out, cf. chapter 9.3, progress actions are in progress associated with the CO's recommendations.
Provide to the CRE an annual follow-up of the number of hires from the EDF Group, separating hires by EDF Group company.	In 2021, 77 employees were recruited from within the EGI, including 30 from EDF SA and 24 from Enedis. The other EGI employees came from the following companies: GRTgaz, GRDF, GazelEnergie, Régies, etc.
Facilitate access on the RTE intranet to information about implementing article L. 111-74 of the French Energy Code for both managers and employees, and update the internal memoranda concerning this same article.	The corresponding actions were launched in 2021, they now need to be successfully completed cf. chapter 6.5.

Main changes expected by the CRE stated in its report RCBCI 2019-2020	Changes observed by the Compliance Officer in 2021
<b>Part 1: “Thematic dossiers” / Point 1: “Connection Process”</b>	
Systematically include the appendices “the definitions of the different fuel types” and the “connection type outlines” into the exploratory study in order to provide a maximum of information to clients and improve their understanding of the connection projects.	Action completed, the provisions are now implemented.

Main changes expected by the CRE stated in its report RCBCI 2019-2020	Changes observed by the Compliance Officer in 2021
<b>Part 3: “Transmission System Operators”/ Point 1: “RTE”</b>	
Explicitly provide for the possibility of deviating from the standard payment schedule and the conditions to be fulfilled for activating this clause at the time of the next change to the standard models for technical and financial proposals applicable to DNOs and consumers, and standard models for connection agreements applicable to producers, consumers and new exempt interconnectors,	Action completed, the provisions are now implemented.
Modify the DNO NAC template in order to stipulate that the general terms and conditions of the new templates published by RTE automatically replace the general terms and conditions of the current agreement.	In January 2021 RTE presented to the GAC the consultation schedule for changing the standard agreements for the new pricing period TURPE 6, the consultation took place in 2021 and the new model was notified to the CRE in December 2021. Action closed.
Finalise the implementation of framework agreements between RTE and its subsidiaries.	The framework agreement with Arteria was approved by the CRE on 13 December 2018 and its template is used as the basis for the other agreements between RTE and its different subsidiaries. The framework agreement with Airtelis was approved by the CRE on 19 December 2019. The framework agreement with RTE International was finalised in 2021 and the matter was officially referred to the CRE on 10 February 2022. The draft framework agreement with Cirtéus was sent to the CRE on 15 February 2022. See chapter 8 “ <i>Relations between RTE and the subsidiaries it controls</i> ”.
Finalise the consultation and updating of standard framework agreements for processing agreements before D-1 applicable to producers, energy storage facilities and consumers, before 31 December 2021.	The new standard framework agreement for processing agreements prior to D-1 was published in the RTD on 28 October 2021, to take effect on 1 March 2022.
Ensure that all agreements governed by articles L. 111-17 and L. 111-18 are submitted to the CRE. Pay special attention to agreements historically signed with the VIU or subsidiaries of the VIU not referred to the CRE.	RTE's implementation of the process of referral to and approval by the CRE represents a strength in its vigilance insofar as the periods for sending agreements to the CRE are not completely satisfactory in view of RTE's obligations in terms of certification cf. chapter 3.5. CO's recommendation for 2022: continue, ensuring their successful completion, the improvement actions undertaken aimed at full understanding of the process for referring commercial and financial agreements to the CRE and consideration by RTE of the schedules and time periods allowing for investigation in optimum conditions. In this context, RTE can examine with the CRE the measures or mechanisms that can be used to optimise approaching the regulator.
Continue the updates of the explanatory document making TURPE billing more legible and easier for clients to understand, in order to take into consideration the planned changes for TURPE 6.	Continue and update communication about tariffs on the networks and understanding the bill, delivery to clients, action implemented and completed.

## 11.2 Recommendations from the CO's 2020 annual report and changes observed in 2021

Recommendations from the 2020 annual report by the RTE Compliance Officer	Changes observed by the Compliance Officer in 2021
<b>Reiterating previous recommendations</b>	
<b>Independence of RTE</b>	
Ask the PEG manager for the assets of employees transferred to RTE – since 1 October 2016 and in the future – to be transferred to the new sub-fund.	MESIL Undergrounding at local initiative. The HR mechanism was formalised and implemented cf. chapter 3.11.
<b>Confidentiality</b>	
Facilitate access on the RTE intranet to information about implementing article L. 111-74 for both managers and employees, and update the internal memoranda concerning article L. 111-74, if only because the postal address of the Commission Secretariat has changed when the RTE registered office changed.	The corresponding actions were launched in 2021, they now need to be successfully completed cf. chapter 6.5.
Study whether it is appropriate to automatically provide confidentiality screen filters with the laptops assigned to employees.	Action completed.
<b>New recommendations - Independence of RTE</b>	
Disseminate to RTE regional delegates the summary of the companies making up the VIU and the companies controlled by the VIU.	Action partially completed and to be continued in 2022, CO's recommendation cf. chapter 3.5.
Incorporate into its performance indicators on monitoring implementation of the RTE certification the annual assessments and other elements, especially recurring, to be supplied to the CRE pursuant to its approval decisions made under articles L. 111-17 and L. 111-18, and add this monitoring to the quarterly evaluation on the follow-up to the requests made by the CRE in its RCBCI reports and to the recommendations of the CO's annual reports.	Action to be continued, cf. CO's recommendation in chapter 3.5
Remind management that vigilance must be practised to ensure, as required, that the CO be invited to meetings and included on the company's internal distribution lists.	Action completed, point closed.
In 2021 finalise the framework agreement with the subsidiary Cirtéus in order to refer the matter to the CRE before the end of the year.	Draft agreement sent to the CRE on 15 February 2022.
<b>New recommendations - Confidentiality and Transparency</b>	

Ensure that RTE internal reports shared between several business lines do not contain CSI or inside information under the REMIT European Regulation.	Action completed, point closed to be monitored continuously.
In 2021 carry out awareness-raising activities on protecting inside information under the REMIT European regulation and explicitly incorporate this category of information into the RTE confidentiality reference document.	Action partially completed, especially within the confidentiality network, cf. CO's recommendations in chapters 5.4 and 6.4.
Improve the visibility of REMIT information about interconnectors, dispersed over the long list of information about production,	Action in progress, cf. chapter 5.4.
Remind career advisers and management of the scope of article L. 111-74, concerning moves to any activity in the electricity sector outside RTE (therefore including outside EGI) and not moves only to the VIU.	The corresponding actions were launched in 2021, they now need to be successfully completed cf. chapter 6.5.
<b>New recommendations – Maintaining commitments over time</b>	
Prepare the launch of a new online training campaign (e-learning).	Action in progress with associated recommendations from the CO, cf. chapter 9.3.

### 11.3 CRE requests in its decisions or acknowledgements of recent at the time of approving the commercial and financial agreements signed with the VIU

CRE requests	Changes observed by the Compliance Officer in 2021
<b>11.03.2015</b> <b>Framework agreement for maintenance, surveillance, manoeuvre and expertise services provided by Enedis-D for RTE</b> Send to the CRE before 31 January of each year a report on implementation of the framework agreement.	On 26 November 2021 RTE sent to the CRE the 2020 report on the services provided by Enedis-D.
<b>Framework agreements between RTE and EDF EN Services for programming PW and wind production</b> <b>10.09.2015: agreements prior to D-1</b> <b>10.09.2015: advance planning</b> <b>Framework agreements between RTE and EDF EN Services for programming production excluding photovoltaic and wind</b> <b>06.01.2016: agreements prior to D-1</b> <b>16.06.2016: advance planning</b> Send to the CRE before 31 January of each year a report on implementation of the framework agreements D-1. Finalise the consultation and updating of standard framework agreements before 01.09.2019.	On 26 November 2021 RTE sent to the CRE the 2020 report on implementation of the framework agreement with EDF on processing agreements D-1.
<b>04.11.2015</b> <b>Framework agreement between RTE and Enedis for carrying out studies and works in substations</b> Send to the CRE before 31 January of each year a report on implementation of the framework agreement.	RTE sent the 2020 report to the CRE on 26 November 2021.
<b>06.12.2017 – decision no. 2017-721</b> <b>Collaboration agreement with EDF and Hydro-Québec (maintenance and sale of the EMTP software)</b> Submit the agreement signed with the chosen distributor to the CRE for approval. Every six months submit an assessment of the commitments to ensuring all producers make a greater contribution to development of the EMTP software functionalities.	On 19 April 2021 RTE sent a report to the CRE.
<b>22.02.2018 – decision no. 2018-040</b> <b>Energy or capacity guarantee supply between RTE and the EDF Group for offsetting losses</b> Send to the CRE before 31 January of each year a report on energy or capacity guarantee supply agreements signed with the EDF Group. Keep the CRE informed in the event of changes to the consultation rules for one of the call for tenders procedures.	The new decision 2021-50 of 04/03/2021 (following the CRE referral of 5 February 2021) no longer includes annual reporting. The CRE anticipated its elimination from last year. Therefore no assessment was drawn up in 2021 for 2020.

CRE requests	Changes observed by the Compliance Officer in 2021
<p><b>12.12.2018 – decision no. 2018-261</b>  <b>Framework agreement between RTE and Arteria</b>  Send to the CRE before 31 January of each year a report on all agreements between RTE and Arteria.  Submit to the CRE for approval the agreements between RTE and Arteria except for the framework agreement with a value &gt; 5% of the total annual amount of the services billed by RTE to Arteria.</p>	<p>RTE sent the 2020 report to the CRE on 19 April 2021.</p>
<p><b>21.03.2019 – decision no. 2019-067</b>  <b>Framework document of the “Common Rules for Substations” signed by RTE and Enedis</b>  Notify the CRE of the thematic booklets stating the principles of the framework document as and when they are drawn up and updated.</p>	<p>The principles of the framework document were laid down in nine booklets in the “property limits” lot in early 2021. During the year, the work continued and made it possible to send the nine booklets to the CRE on 28/10/2021 (Receipt by the CRE on 04/11/2021).</p>
<p><b>26.09.2019 – decision no. 2019-199</b>  <b>Framework agreement between RTE and EDF for transmission and supply of electricity on RTE sites (power between 3 and 36 kVA inclusive) in the Enedis scope</b>  Send to the CRE the contract with EDF if EDF wins the contract.</p>	<p>The contract was sent to the CRE in 2020, with a delay (almost one year after notification of the contract to EDF).  Summarised information about the contracts awarded within the scope of this call for tenders was sent to the CRE on request.</p>
<p><b>19.12.2019 – decision no. 2019-298</b>  <b>Framework agreement with Airtelis</b>  Send to the CRE before 31 January of each year a report on all agreements between RTE and Airtelis.  Submit to the CRE for approval the agreements between RTE and Airtelis except for the framework agreement with a value &gt; 5% of the total annual amount of the services billed by RTE to Arteria.</p>	<p>RTE sent the 2020 report to the CRE on 19 April 2021.  According to RTE, in 2021 there was no agreement between RTE and Airtelis other than the framework agreement with a value &gt; 5% of the average total annual amount of the services.</p>
<p><b>06.02.2020 – decision no. 2020-026</b>  <b>Agreements for provision of restoration and replacement reserves between RTE and EDF, and between RTE and Agregio</b>  Notify the CRE of the addenda and handle the potential failing of one or more of the successful bidders.</p>	<p>The agreements for provision of restoration and replacement reserves, between RTE and EDF and between RTE and Agregio, were the subject of an approval decision of 29 April 2021 (decision no. 2021-116).</p>
<p><b>05.03.2020 – decision no. 2020-043</b>  <b>Addendum to the agreement between RTE and EDF for operating electrical structures owned by RTE</b>  Submit to the CRE before 01.10.2020 an analysis of implementation of the agreement and addendum for the years 2013 to 2020.</p>	<p>The agreement was explicitly approved on 11 March 2021 (decision no. 2021-55) following referral on 29 January 2021.</p>

## 11.4 Acronym Glossary

ACER	Agency for the Cooperation of Energy Regulators
ADEeF	Association des Distributeurs d'Électricité en France
ADEME	Agence de l'environnement et de la maîtrise de l'énergie
AFGNV	Association française du gaz naturel pour véhicules
IEA	International Energy Agency
ANODE	Association nationale des opérateurs détaillants en énergie
ITT	Invitation to Tender (for offshore wind farms and market mechanisms)
AOLT	Long-term call for tenders (capacity mechanism)
AORRRC	Invitation to Tender “restoration and replacement reserves”:
API	Application Programming Interface
ASN	Autorité de sûreté nucléaire
CACM	Capacity Allocation and Congestion Management guideline
MAC	Market Access Commission (CURTE)
GAC	Grid Access Commission (CURTE)
NAC	Network Access Contract
CoC	Code of Conduct
CDC	Caisse des dépôts et consignations
CECH	Comité emploi et choix des hommes - Employment and Recruitment Committee
CEER	Council of European Energy Regulators
CFA	Centre de formation des apprentis - Apprentice training centre
IAOC	Interconnector Access Operating Commission (CURTE)
CGDD	General Commission for Sustainable Development
CGEDD	French General Council of Environment and Sustainable Development
CINDEX	Centre Inter-entreprises de l'Expatriation
CNDP	Commission nationale du débat public
COMEX	RTE Executive Board
SGPC	System and Grid Perspectives Commission (CURTE)
CRE	Energy Regulatory Commission
CSEA	Economic and Audit Supervisory Committee of the RTE Supervisory Board
CTE	Co-entreprise de Transport d'Electricité (holding company which holds 100% of RTE's capital)
CURTE	Electricity Transmission Grid User Client Committee
CWE	Central Western Europe (France, Germany, Austria, Netherlands, Belgium, Luxembourg)
DCC	Connection network code: Demand Connection Code
PD	Personal Data



DGEC	French Directorate General of Energy and Climate
DPO	Data Protection Officer
HRD	Human Resources Department
RTD	Reference Technical Documentation
EB	Electricity Balancing guideline
EDF	Électricité de France
EEX	European Energy Exchange
ELD	Local Distribution Companies
EMFIP	Electricity Market Fundamental Information Platform (became Transparency Platform)
REn	Renewable Energies
ENTSO-E	European Network of Transmission System Operators for Electricity
SDB	Supply-Demand Balance
EPEX Spot	European Power Exchange
ESSOC	Law no. 2018-727 of 10 August 2018 for a State in the Service of Society of Trust
VIU	Vertically-Integrated Undertaking (defined in article L. 111-10 of the Energy Code).
FCA	Forward Capacity Allocation guideline
FCPE	Employee profit-sharing mutual fund
FCR	Frequency Containment Reserves
aFRR	automatic Frequency Restoration Reserve - Secondary reserve
FEE	France Énergie Éolienne
FNE	France Nature Environnement
FNH	Fondation pour la nature et l'homme
GMR	Groupe Maintenance Réseau
DNO	Distribution Network Operator
GRDF	Gaz Réseau Distribution France
TSO	Transmission System Operator
HVDC	High Voltage Direct Current, HVDC Connection code
CSI	Commercially Sensitive Information
EGI	Electricity and Gas Industries
IEM	Internal Energy Market
IFA	France-England Interconnector
IFA2	France-England Interconnector 2
HMI	Human-Machine Interface
INB	<i>Installation nucléaire de base</i> - Basic Nuclear Facility
INEA	Innovation and Networks Executive Agency (of the European Commission)
INELFE	Electricity Interconnector France – Spain
INPI	Institut National de la Propriété Industrielle - French National Intellectual Property Institute

INRS	Institut national de recherche et de sécurité - French National Research and Security Institute
ISO	Independent System Operator <sup>57</sup>
ITO	Independent Transmission Operator <sup>58</sup>
JAO	Joint Allocation Office
JORF	Official Gazette of the French Republic
OJEU	Official Journal of the European Union
BM	Balancing Mechanism
BM / BRE	Balancing Mechanism/Balance Responsible Entity mechanism
MESIL	Undergrounding at local initiative
MTES	Ministry/minister of environmental and solidarity-based transition (responsible for energy)
MTE	Ministry/minister of environmental transition (name from July 2020)
BES	Block Exchange Service
NEMO	Nominated Electricity Market Operators
ODRÉ	“Open Data Réseaux Énergies” platform
ORS 2019	Offer for EDF employees in 2019
PACA	Provence-Alpes-Côte d’Azur Region
BCP	Business Continuity Plan
PEE	Company savings scheme
PEG	Group savings scheme
PKI	Public Key Infrastructure
PPAT	Persons Professionally Arranging Transactions
PPE	Multi-year energy planning
IPP	Intellectual Property Protection
TFP	Technical and Financial Proposal
PV	Photovoltaic
EQ	Electricity Quality
CO	RTE Compliance Officer
RCBCI	CRE Report on compliance with codes of conduct And independence of electricity and natural gas transmission system operators
RE	Balance Responsible Entity
REX	Feedback
REMIT	(EU) 1227/2011 Regulation on wholesale Energy Market Integrity and Transparency
RfG	Network code “Requirements for Generators”
GDPR	(EU) Regulation 2016/679: General Data Protection Regulation

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<sup>57</sup> Independent System Operator as defined by chapter IV of the European Parliament and Council directive 2009/72/EC of 13 July 2009 concerning common rules for the internal electricity market and repealing directive 2003/54/EC.

<sup>58</sup>Independent Transmission Operator as defined by chapter V of the European Parliament and Council directive 2009/72/EC of 13 July 2009 concerning common rules for the internal market in electricity and repealing directive 2003/54/EC.

PTN	Public Transmission Network
RR/CR	Restoration Reserves/Replacement Reserve
CSR	Corporate Social Responsibility
RTE	Réseau de transport d'électricité
S3REnR	Regional renewable energy grid connection plan
TYNDP	Ten-Year Network Development Plan for electricity transmission grid
SAV	After-Sales Service
SER	Syndicat des énergies renouvelables
IS	Information System
SMS	Short Message Service
SNBC	National low-carbon strategy
SOGL	System Operation Guideline
SRADDET	Regional planning, sustainable development and geographical equality plan
SWE	South West Europe (France-Spain-Portugal)
TECV	Law no. 2015-992 on the energy transition for green growth
TERRE	Trans European Replacement Reserves Exchange
TURPE	Electricity transmission tariff
TYNDP	ENTSO-E Ten-Year Network Development Plan
EU	European Union
UFE	Union française de l'électricité

## 11.5 Useful internet links

### i) Legislative and regulatory texts

#### *First European “energy” package*

European Parliament and Council directive 96/92/EC of 19 December 1996 concerning common rules for the internal electricity market

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex:31996L0092>

Law no. 2000-108 of 10 February 2000 concerning modernisation and development of the public electricity service

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000750321/>

#### *Second European “energy” package*

European Parliament and Council directive 2003/54/EC of 26 June 2003 concerning common rules for the internal electricity market, repealing directive 96/92/EC

<https://eur-lex.europa.eu/legal-content/fr/TXT/?uri=CELEX:32003L0054>

Regulation (EC) no. 1228/2003 of the European Parliament and Council of 26 June 2003 on conditions for accessing the grid for cross-border electricity exchanges

<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32003R1228>

Law no. 2004-803 of 9 August 2004 on the public electricity and gas services and electricity and gas companies

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000787077/>

#### *Third European “energy” package*

European Parliament and Council directive 2009/72/EC of 13 July 2009 concerning common rules for the internal market in electricity and repealing directive 2003/54/EC

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex:32009L0072>

Regulation (EC) no. 714/2009 of the European Parliament and Council of 13 July 2009 on conditions for accessing the grid for cross-border electricity exchanges and repealing Regulation (CE) no. 1228/2003

<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32009R0714>

Ordinance no. 2011-504 of 9 May 2011 codifying the legislative part of the Energy Code

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023974937/>

French Energy Code

[https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000023983208/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000023983208/)

### **European “clean energy” package**

Legislative package “Clean energy for all Europeans”

<https://ec.europa.eu/energy/en/topics/energy-strategy-and-energy-union/clean-energy-all-europeans>

European Parliament and Council (EU) Directive 2019/944 of 5 June 2019 concerning the common rules for the internal electricity market, repealing directive 2012/27/EU

<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32019L0944>

European Parliament and Council (EU) Directive 2019/943 of 5 June 2019 on the internal electricity market

<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32019R0943>

### **Other European legislative texts**

Framework guidelines and network codes

[https://acer.europa.eu/en/Electricity/FG\\_and\\_network\\_codes/Pages/default.aspx](https://acer.europa.eu/en/Electricity/FG_and_network_codes/Pages/default.aspx)

European Parliament and Council (EU) Regulation 1227/2011 of 25 October 2011 concerning the integrity and transparency of the energy wholesale market (REMIT)

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex:32011R1227>

### **Other French legislative texts**

Law no. 2015-992 of 17 August 2015 on the energy transition for green growth (TECV)

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000031044385/>

Law no. 2016-1321 of 7 October 2016 for a Digital Republic

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033202746/>

Law no. 2018-727 of 10 August 2018 for a State in the Service of Society of Trust (ESSOC)

<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037307624/>

## **ii) Regulation**

### **CRE**

List of decisions

[https://www.cre.fr/recherche?search\\_form%5BcontentType%5D=/1/2/16997/120/16998/](https://www.cre.fr/recherche?search_form%5BcontentType%5D=/1/2/16997/120/16998/)

Decision of 26 January 2012 on certifying RTE

<https://www.cre.fr/Documents/Deliberations/Decision/decisions-de-certification>

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000025350895>

Decision no. 2018-005 of 11 January 2018 to maintain RTE's certification

<https://www.cre.fr/Documents/Deliberations/Decision/certification-rte>

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000036564958>

Decision no. 2020-172 of 2 July 2020 to maintain RTE's certification

<https://www.cre.fr/Documents/Deliberations/Decision/maintien-de-la-certification-de-rte>

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042107063>

RCBCI 2013-2014

<https://www.cre.fr/Documents/Publications/Rapports-thematiques/Respect-des-codes-de-bonne-conduite-Rapport-2013-2014>

RCBCI 2015-2016

<https://www.cre.fr/Documents/Publications/Rapports-thematiques/Respect-des-codes-de-bonne-conduite-et-independance-2015-et-2016>

RCBCI 2017-2018

<https://www.cre.fr/Documents/Publications/Rapports-thematiques/Rapport-2017-2018-sur-le-respect-des-codes-de-bonne-conduite-et-l-independance-des-gestionnaires-de-reseaux-d-electricite-et-de-gaz-naturel>

### **European bodies**

European Commission – Market legislation

<https://ec.europa.eu/energy/en/topics/markets-and-consumers/market-legislation>

Agency for the Cooperation of Energy Regulators

<https://acer.europa.eu/>

Council of European Energy Regulators

<https://www.ceer.eu/>

### **Others**

Environmental Authority

<http://www.cgedd.developpement-durable.gouv.fr/l-autorite-environnementale-r145.html>

National Energy Regulatory Authorities

<https://ec.europa.eu/energy/en/national-regulatory-authorities>

### iii) RTE

#### **Code of Conduct and Compliance Officer's Annual report**

Original	<a href="https://www.services-rte.com/fr/independance-de-rte-et-code-de-bonne-conduite.html">https://www.services-rte.com/fr/independance-de-rte-et-code-de-bonne-conduite.html</a>
In English	<a href="https://www.services-rte.com/en/independence-of-rte-and-code-of-conduct.html">https://www.services-rte.com/en/independence-of-rte-and-code-of-conduct.html</a>

#### **Non-discrimination – consultation**

RTE services portal	<a href="https://www.services-rte.com/">https://www.services-rte.com/</a>
RTE data portal	<a href="https://data.rte-france.com/">https://data.rte-france.com/</a>
CURTE space - consultation website RTE client portal	<a href="https://www.concerte.fr/">https://www.concerte.fr/</a>
Cataliz, RTE services guide	<a href="http://www.rte-cataliz.com/fr/">http://www.rte-cataliz.com/fr/</a>
Documentation Technique de Référence - Reference Technical Documentation (RTD)	<a href="https://www.services-rte.com/fr/la-bibliotheque.html">https://www.services-rte.com/fr/la-bibliotheque.html</a>

#### **Transparency - provision of data**

éCO <sub>2</sub> mix	<a href="https://www.rte-france.com/eco2mix">https://www.rte-france.com/eco2mix</a>
Écowatt	<a href="https://www.monecowatt.fr/">https://www.monecowatt.fr/</a>
National and Regional Electricity Reports	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/bilans-electriques-nationaux-et-regionaux">https://www.rte-france.com/analyses-tendances-et-prospectives/ bilans-electriques-nationaux-et-regionaux</a>
Electricity Report 2020	<a href="https://bilan-electrique-2020.rte-france.com/">https://bilan-electrique-2020.rte-france.com/</a>
Electricity Report 2021	
Monthly Electricity Overviews	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/les-aperçus-electriques-mensuels">https://www.rte-france.com/analyses-tendances-et-prospectives/ les-aperçus-electriques-mensuels</a>
Annual reports on EQ	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/les-rapports-annuels-sur-la-qualite-de-lelectricite">https://www.rte-france.com/analyses-tendances-et-prospectives/ les-rapports-annuels-sur-la-qualite-de-lelectricite</a>
ODRÉ Platform	<a href="https://opendata.reseaux-energies.fr/pages/accueil/">https://opendata.reseaux-energies.fr/pages/accueil/</a>
Renewable electricity panorama	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/le-panorama-de-lelectricite-renouvelable">https://www.rte-france.com/analyses-tendances-et-prospectives/ le-panorama-de-lelectricite-renouvelable</a>

#### **Generation adequacy report and TYNDP**

Generation adequacy reports	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/les-bilans-previsionnels">https://www.rte-france.com/analyses-tendances-et-prospectives/ les-bilans-previsionnels</a>
Seasonal analyses	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/les-analyses-saisonniere">https://www.rte-france.com/analyses-tendances-et-prospectives/ les-analyses-saisonniere</a>
European analyses	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/les-analyses-europeennes">https://www.rte-france.com/analyses-tendances-et-prospectives/ les-analyses-europeennes</a>
TYNDP	<a href="https://www.rte-france.com/analyses-tendances-et-prospectives/le-schema-decennal-de-developpement-du-reseau">https://www.rte-france.com/analyses-tendances-et-prospectives/ le-schema-decennal-de-developpement-du-reseau</a>
S3REnR	<a href="https://bit.ly/S3REnR_RTE">https://bit.ly/S3REnR_RTE</a>

Restrictions on the PTN	<a href="https://www.contraintes-reseau-s3renr-rte.com/">https://www.contraintes-reseau-s3renr-rte.com/</a>
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### **RTE Shareholders**

Co-entreprise de Transport d'Electricité (CTE)	<a href="https://ctelectricite.com/">https://ctelectricite.com/</a>
Electricité de France (EDF)	<a href="https://www.edf.fr/">https://www.edf.fr/</a>
Caisse des dépôts et consignations (CDC)	<a href="https://www.caissedesdepots.fr/">https://www.caissedesdepots.fr/</a>
CNP Assurances	<a href="https://www.cnp.fr/">https://www.cnp.fr/</a>

### **RTE subsidiaries and ownership interests**

<i>100% Subsidiaries</i>	
Airtelis	<a href="https://www.airtelis.com/">https://www.airtelis.com/</a>
Arteria	<a href="https://www.arteria.fr/fr">https://www.arteria.fr/fr</a>
Cirtéus	<a href="https://www.cirteus.com/">https://www.cirteus.com/</a>
RTE International	<a href="https://www.rte-international.com/">https://www.rte-international.com/</a>
<i>Joint ventures</i>	
Interconnexion électrique France-Espagne (INELFE)	<a href="https://www.inelfe.eu/fr">https://www.inelfe.eu/fr</a>
France-England Interconnector 2	<a href="http://www.ifa2interconnector.com/">http://www.ifa2interconnector.com/</a>
France-Ireland Interconnector (Celtic)	<a href="https://www.celticinterconnector.eu/">https://www.celticinterconnector.eu/</a>
<i>Ownership interests</i>	
Coreso	<a href="https://www.coreso.eu/">https://www.coreso.eu/</a>
Declaranet	<a href="https://www.protys.fr/">https://www.protys.fr/</a>
EPEX SPOT	<a href="https://www.epexspot.com/en">https://www.epexspot.com/en</a>
Joint Allocation Office (JAO)	<a href="https://www.jao.eu/main">https://www.jao.eu/main</a>

### **iv) ENTSO-E and European TSOs**

#### **ENTSO-E**

ENTSO-E	<a href="https://www.entsoe.eu/">https://www.entsoe.eu/</a>
TYNDP	<a href="https://tyndp.entsoe.eu/">https://tyndp.entsoe.eu/</a>
Network codes	<a href="https://www.entsoe.eu/network_codes/">https://www.entsoe.eu/network_codes/</a>
Transparency platform	<a href="https://transparency.entsoe.eu/">https://transparency.entsoe.eu/</a>
TERRE Platform	<a href="https://www.entsoe.eu/network_codes/eb/terre/">https://www.entsoe.eu/network_codes/eb/terre/</a>

#### **European electricity ITOs other than RTE**

Germany	Amprion GmbH	<a href="https://www.amprion.net/index-2.html">https://www.amprion.net/index-2.html</a>
Germany	TransnetBW GmbH	<a href="https://www.transnetbw.com/en">https://www.transnetbw.com/en</a>
Austria	Austrian Power Grid AG (APG)	<a href="https://www.apg.at/en/">https://www.apg.at/en/</a>
Bulgaria	Electroenergien Sistemen Operator EAD (ESO)	<a href="http://www.eso.bg/?en">http://www.eso.bg/?en</a>
Croatia	HOPS d.o.o.	<a href="https://www.hops.hr/en/Home/Index">https://www.hops.hr/en/Home/Index</a>
Hungary	MAVIR ZRt	<a href="https://www.hops.hr/en/Home/Index">https://www.hops.hr/en/Home/Index</a>

## v) Other links

### ***System operators and their groups***

ORE Agency	<a href="https://www.agenceore.fr/">https://www.agenceore.fr/</a>
Association des Distributeurs d'Électricité en France (ADEeF)	<a href="http://www.adeef.fr/">http://www.adeef.fr/</a>
Enedis	<a href="https://www.enedis.fr/">https://www.enedis.fr/</a>
Gaz Réseau Distribution France (GRDF)	<a href="https://www.grdf.fr/">https://www.grdf.fr/</a>
GRTgaz	<a href="http://www.grtgaz.com/">http://www.grtgaz.com/</a>
Teréga (ex-TIGF)	<a href="https://www.terega.fr/">https://www.terega.fr/</a>

### ***Participants in CURTE Committees other than system users***

ADEME	<a href="https://www.ademe.fr/">https://www.ademe.fr/</a>
Autorité de sûreté nucléaire (ASN)	<a href="https://www.asn.fr/">https://www.asn.fr/</a>
ANODE Association	<a href="https://anode-asso.org/">https://anode-asso.org/</a>
Avere-France	<a href="http://www.avery-france.org/">http://www.avery-france.org/</a>
Fondation pour la nature et l'homme (FNH)	<a href="http://www.fondation-nature-homme.org/">http://www.fondation-nature-homme.org/</a>
France énergie éolienne (FEE)	<a href="https://fee.asso.fr/">https://fee.asso.fr/</a>
France Nature Environnement (FNE)	<a href="https://www.fne.asso.fr/">https://www.fne.asso.fr/</a>
Syndicat des Énergies Renouvelables (SER)	<a href="https://www.syndicat-energies-renouvelables.fr/">https://www.syndicat-energies-renouvelables.fr/</a>
Union française de l'électricité (UFE)	<a href="https://ufe-electricite.fr/">https://ufe-electricite.fr/</a>

### ***ODRE platform partners other than TSOs***

AFGNV	<a href="https://www.afgnv.org/">https://www.afgnv.org/</a>
Weathernews France	<a href="http://climipact-metnext.com/">http://climipact-metnext.com/</a>
Elengy	<a href="https://www.elengy.com/fr/">https://www.elengy.com/fr/</a>
Storengy	<a href="https://www.storengy.com/fr">https://www.storengy.com/fr</a>
Dunkerque LNG	<a href="https://www.newsletterdunkerquelng.com/">https://www.newsletterdunkerquelng.com/</a>

### ***Other participants***

International Energy Agency (IEA)	<a href="https://www.iea.org/">https://www.iea.org/</a>
Innovation and Networks Executive Agency (INEA)	<a href="https://ec.europa.eu/inea/">https://ec.europa.eu/inea/</a>
Commission nationale du débat public (CNDP)	<a href="https://www.debatpublic.fr/">https://www.debatpublic.fr/</a>
Institut National de la Propriété Industrielle (INPI)	<a href="https://www.inpi.fr/fr">https://www.inpi.fr/fr</a>
European Energy Exchange (EEX)	<a href="https://www.eex.com/en/">https://www.eex.com/en/</a>
Institut national de recherche et de sécurité (INRS)	<a href="https://www.inrs.fr/">https://www.inrs.fr/</a>
All Nominated Electricity Market Operators (NEMOs)	<a href="http://www.nemo-committee.eu/">http://www.nemo-committee.eu/</a>