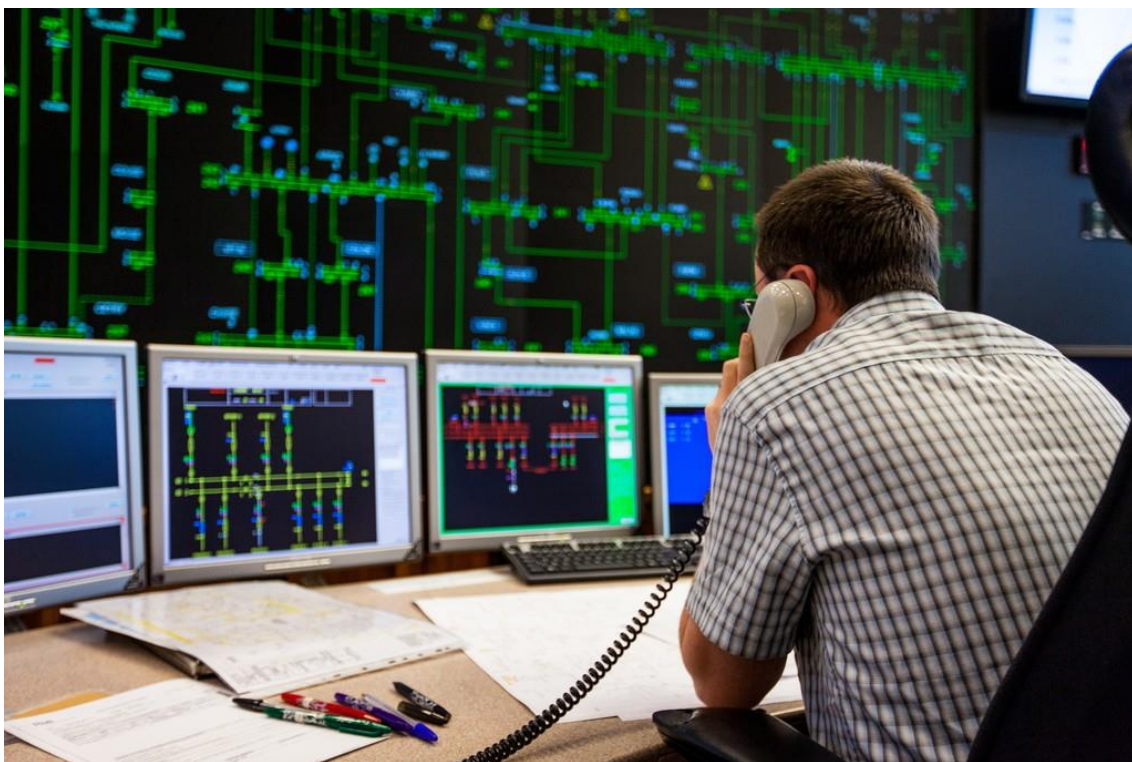




Annual Report on the Independence of RTE and Implementation of the Code of Conduct

2018



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April 2019

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General comments: The purpose of the paragraphs highlighted by a border on the left, replicated identically or similarly from the previous reports, is to restate the background information already presented or the obligations of RTE under the Energy Code, in terms of compliance. They can be omitted by readers who are familiar with the activity of RTE, the previous reports and the obligations of transmission system operators in this area.

Like last year, the plan of the report is similar to the structure of the RTE Code of Conduct and the Energy Code (*sub-section "Regulations applicable to both electricity and gas transmission companies"*).

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

Summary

RTE Réseau de transport d'électricité was certified as an ITO by CRE decision of 26 January 2012. The French Energy Code contains provisions¹ of which the purpose is to maintain the independence of the TSO from the VIU over time. The RTE Code of Conduct approved by the CRE contains, firstly, the organisational measures taken to ensure such independence and, secondly, the commitments made as TSO to the users of the network concerning non-discrimination, transparency and protecting the confidentiality of sensitive information.

Since 2012 significant work has been carried out by RTE staff and management both in fulfilling the commitments made at the time of certification, the objective of which was to consolidate RTE's independence from the EDF Group, and in implementing the Code of Conduct in the day-to-day running of the company.

RTE's actions demonstrate that France's choice of the ITO model was not a hindrance to RTE applying the European legal or regulatory framework or preparing for changes in the market or electricity system. The organisation of the electricity sector, particularly in terms of the independence and neutrality of RTE, is now in a phase of maturity and RTE must ensure that it maintains its commitments in the long term.

After EDF sold 49.9% of RTE's capital to Caisse des Dépôts and CNP Assurances in March 2017, the CRE maintained RTE's certification in decision no. 2018-005 of 11 January 2018, which in particular extended the perimeter of the VIU and approved a new version of RTE Code of Conduct.

This new context therefore applied to almost all of 2018, and RTE carried out internal communication and training activities with its employees concerning it. These actions contributed to employees and management having a better understanding of the independence of RTE and the Code of Conduct.

In 2018, RTE continued to maintain its commitments and respond to the requests made by the CRE in its certification decisions and in its successive RCBCI reports. To achieve this, the company continued to oversee all operational activity by its staff and ensured its management continued to focus on the matter.

The RTE Compliance Officer considered that throughout the year RTE and all its employees complied with the commitments of the Code of Conduct and fulfilled the company's obligations as TSO as set forth in the French Energy Code. He made both general and more specific recommendations, firstly to make the existing provisions more effective, and also to draw lessons from minor discrepancies observed in the practical application of the measures for independence from the VIU, non-discrimination or protection of confidentiality.

Particular attention should be paid to giving RTE employees a clear vision of the differences in compliance obligations for the company and for them, in particular in view of the recent legislative changes (e.g. "Sapin 2" law -anti-corruption framework, GDPR).

¹ 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*").

I. Introduction

A. Purpose and method of report

RTE Réseau de transport d'électricité is designated in article L. 111-40 of the French Energy Code as the Transmission System Operator of the public electricity transmission system in France². In this respect, RTE must comply with all the rules and regulations applicable to transmission system operators as defined by the Energy Code.

In particular, the articles concerning TSOs belonging to a VIU apply to RTE, given the composition of its shareholders. **The purpose of these provisions is to maintain the independence of the TSO** from the VIU in the long term. The CRE certified RTE in a decision of 26 January 2012 and maintained the certification in its decision no. 2018-005 of 11 January 2018: Therefore, in order to ensure that it maintains its certification, RTE must comply with the commitments made within the framework of this certification process and maintain the conditions of independence approved by the CRE.

One of the obligations imposed on RTE as an ITO is the need to bring together *"in a **code of conduct** approved by the Energy Regulatory Commission, the organisational measures taken in order to prevent the risk of discriminatory practice in connection with access to the network"*³. RTE must also have *"a person responsible for ensuring [...] the compliance of its practices with the obligations to which it is subject in terms of independence from the other companies belonging to the VIU", "to verify the application [...] of the commitments contained in the code of conduct" and to establish "an annual report [...] which it sends to the Energy Regulatory Commission"*⁴.

This document constitutes the report by the RTE Compliance Officer on the independence of RTE and implementation of the code of conduct in 2018.

It brings together and summarises the findings and the recommendations by RTE's compliance officer. The findings come from a variety of sources:

- the inspections or audits conducted by RTE's compliance officer or at his request, as well as those performed by the CRE;
- monitoring the implementation of the action plans decided by RTE at the time of certification or following these inspections and audits;
- observations made by the compliance officer throughout the entire year of the company's activities and its relations with its clients;
- the meetings and exchanges between the compliance officer and RTE's managers and employees, CRE departments, clients and various interlocutors in other companies in the VIU.

² It is specified that, pursuant to article L. 321-4 of the Energy Code, the public transmission network is established in metropolitan continental France.

³ Article L. 111-22 of the Energy Code.

⁴ Article L. 111-34 of the Energy Code.

B. Clarifications concerning publication of the report

The Code of Conduct ("*programme of commitments*" according to the terms of the French version of the European directive, "*compliance programme*" in the English version) and its annual report were introduced by the second European energy package which provided for publication of the report⁵. It was under these regulations, transposed into French law ("*An annual report concerning the application of this code shall be drawn up and made public by each operator and sent to the Energy Regulatory Commission.*"⁶), that RTE drew up and put online the annual reports from 2005 to 2010.

The third European package retains the concepts of code of conduct ("*programme of commitments*") and annual reports for TSOs with ISO or ITO status but limits the publication obligations to ISOs only. This obligation is not applicable for ITOs, which must have a compliance officer responsible for drawing up the annual report and submitting it to the regulatory authority. The publication obligation was also removed when transposed into French law⁷.

Nevertheless, in order to be transparent, the successive RTE compliance officers have always made their annual report public, putting it online on the RTE website, including a version in English. It appears that RTE is the only European electricity ITO to put its compliance officer's annual report online. It should be noted that GRTgaz puts a summary of its compliance officer's annual report online.

However, it appears that the purpose of the withdrawal of the publication obligation as decided by the European and French legislators is to allow the compliance officer, who is independent from the TSO's management, to expressly himself freely in the reports he sends to the regulatory authority.

It therefore appears to the RTE Compliance Officer that drawing up a report knowing that the entirety will be published could curb his independence and prevent him from sending certain facts to the CRE, either because they could contain CSI as defined by the Energy Code, or because publishing them would infringe a law (e.g. information technology and freedoms, business secrecy), or because they could disturb certain French or foreign stakeholders.

Consequently, since the 2017 edition, the RTE Compliance Officer's annual report has contained elements in the appendix which are not made public.

⁵ Paragraph 2 d of article 10 of the European Parliament and Council directive 2003/54/EC of 26 June 2003 concerning common rules for the internal electricity market.

⁶ Article 6 III of law no. 2004-803 of 9 August 2004 on the public electricity and gas services and electricity and gas companies.

⁷ Article L. 111-34 of the Energy Code.

C. Clarifications concerning the scope of compliance for 2018

The year 2018 took place almost entirely under the aegis of the CRE decision of 11 January 2018 on maintaining RTE's certification, published in the *Journal officiel* (French Official Gazette) of 2 February 2018. Consequently:

- The perimeter of the VIU is that extended by the decision of 11 January 2018 to:
 - o *"the CDC, which simultaneously controls RTE and directly or indirectly companies producing or supplying electricity";*
 - o *"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 them *"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."*
- The version of the RTE Code of Conduct to be considered is that approved by the CRE's decision and put online by RTE after publication of this decision.

Like the previous version, this report is structured according to the chapters of the Code of Conduct. The chapter on RTE's independence is much longer than the others as it is consubstantial with the European third energy package, which created the ITO status and the position of compliance officer. The other themes, which date back to the first package (non-discrimination, confidentiality and transparency) are covered both in internal events organised by the RTE business lines responsible for them and also frequent and in-depth discussions with the CRE.

D. 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. Similarly, the company's strategic or operational choices are likely to influence the way in which it takes its obligations into account.

As in previous years, some of RTE's key events of 2018 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 obligations of independence, its code of conduct or the quality of its consultation and its relationship with its clients.

The key events presented were largely the subject of internal communication within the company, which also demonstrates RTE's commitment to ensuring that the company's missions, obligations and commitments remain present in the minds of its employees.

January 2018

Independence and neutrality of RTE: Following the certification application process undertaken by RTE in March 2017, on 11 January 2018 the CRE adopted decision no. 2018-005 on maintaining RTE's certification. This decision also approved the new version of the RTE Code of Conduct sent to CRE in May 2017 by the Chairman of RTE's Management Board.

Non-discrimination and construction of the European Electricity Market: The secretary of state to the minister of environmental and solidarity-based transition made public the conclusions of the "wind" working group, which drew up 10 proposals. RTE and several participants in the electricity system (federations of producers and distributors) jointly sent to the secretary of state concrete proposals to encourage the acceptance of RES on the network.

February 2018

Non-discrimination and construction of the European Electricity Market: The European Commission approved for a period of 5 years the invitation to tender intended to develop the demand reduction sector in France. This invitation to tender, provided for by the TECV law, was covered in technical discussions held between the European Commission, the government departments and RTE, in particular to ensure its smooth connection with the capacity mechanism.

Transparency and non-discrimination: RTE published the new connection agreement template for the earth and sea production installations. In particular, as a result of these provisions the winners of the government invitations to tender in 2011 and 2013 were able to provide financing for their sea wind farms and to take into consideration the specific issues of construction work sea. It includes the provisions relating to compensating the producer in the event of a connection delay, as introduced by decree no. 2017-628 of 26 April 2017 and its implementation ruling of 10 November 2017.

Transparency: RTE published the electricity reports for 2017 online in digital format, providing an opportunity to analyse the changes in the system and the electricity market during the past year. Different reading levels are offered to make it possible to examine 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. The regional electricity assessments were also published in digital form in 2018.

March 2018

Quality of client relationship: RTE organised client meetings at the #Cloud Business Center in Paris. This event brought together 250 clients and 150 RTE employees and all business lines to take stock of the promises made in 2016 during previous meetings on the progress of the projects, in order to understand the needs and explain the solutions. On this occasion, RTE announced the creation of a permanent project centre in Lyon for clients to meet it and work on the services offered.

April 2018

Non-discrimination, energy transition and French TYNDP: RTE launched the consultation on the 2018 GAR and on the French TYNDP and discussed with its stakeholders a 2018 schedule to work on the studies concerning the electricity system.

Transparency and energy transition: In association with the DSOs, RTE published the second edition of the "technical and financial statements" concerning the S3REnR, which detail the status of the implementation of the initial provisions of the plan approved in each administrative region.

Non-discrimination and construction of the European Electricity Market: RTE published a report on the changes to the procedures for considering the interconnection to the European system in the French capacity mechanism. This report presented the conclusions drawn from three years of consultation with the market participants on the European opening of the capacity mechanism, and was submitted to the French authorities with a view to updating the decree regulating this mechanism.

May 2018

Transparency and non-discrimination: The consultation for the roll-out in France of the European network code concerning the connection to production installations ("RfG" code) was completed. The assessment of the consultation and the public consultations organised was submitted to the DGEC for transposition to the regulatory framework.

Transparency and non-discrimination: RTE published the new templates for the network access contract (NAC) in accordance with the TURPE 5 tariff, for all user segments (consumers, producers and distributors).

June 2018

RTE's independence in terms of financial management: After an initial drawdown in July 2017, the second drawdown of €250m was taken out with the European Investment Bank for a term of 14 years within the scope of the financing agreement signed in June 2015 for a total amount of €500m.

Non-discrimination and construction of the European Electricity Market: After coupling of the daily markets began in 2006, a new stage was entered with the launch of the XBID platform, now used to couple the daily markets with Germany, Belgium and Spain. In the long term, this coupling solution is expected to be rolled out to all European countries. Its objective is to meet flexibility needs in the short term, after they increased due to the growth of RES.

July 2018

Non-discrimination, energy transition and French TYNDP: RTE presented to a large panel of stakeholders the results of the call for contributions launched in April concerning the GAR and the French TYNDP. In particular, RTE presented the main hypotheses and variants for the next 2018-2022 GAR, made public in Autumn 2018.

Transparency and non-discrimination: RTE published its 2017 annual report on electricity quality. 2017 was the best year recorded by RTE in terms of electricity quality indicators. The actions undertaken by RTE in recent years, helped by favourable meteorological conditions, led to these excellent results benefiting a majority of RTE's clients. In particular, after accelerated renovation of the measurement transformers and operating arrangements in the event of a temperature alert, the impact of this damage could be very significantly limited, even more so than in 2016.

Transparency and non-discrimination: The CRE's services conducted an audit concerning RTE's billing process and sales practices to better understand the organisation of RTE's departments responsible for these activities and identify the associated issues concerning RTE's clients.

Transparency and non-discrimination: RTE submitted to the CRE a report on voltage regulation services and published it. This paper was the result of studies carried out by RTE and Enedis, analysis of the academic literature, experimentation and bilateral discussions with various stakeholders (RES producers, equipment suppliers, distributors), and provides a technical-economic analysis of the target market and the cost of voltage regulation on the electricity transmission system using various methods.

Non-discrimination: Following the unprecedented fire at the Harcourt substation, the cause of which remains undetermined, RTE teams were commissioned so that an alternative link was built and commissioned in three days. To improve the securing of the electricity supply in the zone while waiting for the substation to be rebuilt, RTE built six supplementary secondary lines.

September 2018

RTE's independence in terms of financial management: RTE carried out a bond issue for a total of €1bn, with a tranche of €500m over a term of 12 years at the rate of 1.50% and a tranche of €500m over a term of 20 years at the rate of 2.125%.

Transparency and non-discrimination: The consultations to roll out European network codes concerning consumer and distributor connections ("DCC" code) and the continuous current systems ("HVDC" code) were completed. The assessments of the consultation and the public consultations were submitted to the DGEC for transposition to the regulatory framework.

Transparency: RTE moved all its data sets under "Open Data" to the ODRÉ platform then closed its own "Open Data" platform to contribute towards offering its stakeholders simplified and single access to electricity and gas data in France.

November 2018

Transparency and non-discrimination: RTE published its analysis for winter 2018-2019. The electricity supply was expected to be guaranteed for the winter, with however a period placed under vigilance once again, from mid-January to the end of February 2019.

Non-discrimination and energy transition: RTE made public the 2018 edition of the GAR, intended to update the diagnosis on the changes in the electricity supply-demand balance over the next five years. The French electricity system will be balanced but without any margin until 2020, due to the closure of some of the thermal production resources in recent years. Safety margins are expected to reappear after winter 2020.

Non-discrimination and construction of the European Electricity Market: RTE put to public consultation a draft of the new capacity mechanism market rules. A version taking into consideration the feedback of participants was submitted to the CRE for its opinion and to the minister responsible for energy for approval within a time scale allowing the French authorities to meet their commitments made to the European Commission, that is, these new rules taking effect before the end of 2018.

December 2018

Transparency and non-discrimination: RTE published the new standard contracts for the connection of at-sea wind farms arising from the first two invitations to tender. The new special terms and conditions of the connection agreement, and the new addendum to the technical and financial proposal incorporate the provisions of the ESSOC law of 10 August 2018.

Quality of client relationship: RTE continued its process of offering new services via its client platform (services portal/data portal). With 150 million requests a year, the data portal is expanding its API product for market mechanism participants (in particular for balance responsible entities) and new data, open to all, is presented on the services portal. In late 2018 the audience was large, with almost 5000 user accounts split over 600 subscribing companies.

Quality of client relationship: The 2018 customer satisfaction survey showed that the customer satisfaction rate rose to 88%, up two points compared to 2017, after stagnation observed since 2016. This positive development has encouraged the RTE teams to continue to work hard to reward their clients, who expect increasing amounts of personalised support and advice to better serve their performance.

These key events, which reflect only a small portion of the work carried out by RTE during the year, are nevertheless indicative of the great importance given to topics related to the Code of Conduct and compliance in RTE's daily activity: they will be put in perspective in the rest of the document.

II. Independence of RTE

The Energy Code defines⁸ and governs⁹ 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 can be specified:

- the powers and operation of its supervisory board and the certification of its accounts¹⁰;
- the obligations organising the independence of the management¹¹;
- the obligations imposed on RTE to have independent information systems¹², to have all the human, material and financial resources needed for its mission¹³ at its disposal exclusively and to prevent any risk of confusion in terms of communication¹⁴;
- 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 the services provided by RTE to the VIU¹⁵;
- the powers and obligations of the compliance officer¹⁶.

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.

Having stated that the commitments of RTE's certification are still maintained, this chapter assesses the implementation in 2018 of the Energy Code articles governing RTE's independence (except the long-term provisions recorded by the certification decision, the provisions not to be implemented by RTE¹⁷ and the provisions only concerning the CRE¹⁸).

⁸ Article L. 111-11 of the French Energy Code.

⁹ 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"*).

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

¹¹ Articles L. 111-29 to L. 111-33 of the Energy Code.

¹² Articles L. 111-19 and L. 111-20 of the Energy Code.

¹³ Article L. 111-21 of the Energy Code.

¹⁴ Article L. 111-16 of the Energy Code.

¹⁵ Articles L. 111-17 and L. 111-18 of the Energy Code.

¹⁶ Articles L. 111-34 to L. 111-38 of the Energy Code.

¹⁷ For example, article L. 111-19-1 of the Energy Code (at the request of the TSO the VIU provides the financial resources required to make further investments).

¹⁸ For example, article L. 111-23 of the Energy Code (overseeing of the Code of Conduct and independence).

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

Through its decision of 26 January 2012, the CRE decided to certify RTE, linking this decision to:

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

Some of these commitments or additional measures were issued with a deadline linked to implementation constraints: many were to be fulfilled by the end of 2012, others in 2013, with the more complex after the end of 2013. Finally, RTE requested an additional period of time (end of 2015) to fulfil some of these commitments.

In general, these commitments are permanent. While some are by nature definitive, others require constant monitoring to be maintained over time.

In its decision of 11 January 2018 to maintain RTE's certification, the CRE also made requests to RTE, which are ongoing and require constant monitoring to be maintained in the long term.

Moreover the provisions of the Energy Code very precisely govern what is covered by the principle of the independent administration of the TSO in terms of management and governance. Throughout 2018, the compliance officer, attending all the meetings of the company management and governing bodies, had the means to observe the implementation of the rules guaranteeing the independence of RTE both in its day-to-day acts of management and in the construction of the major corporate decisions.

Nevertheless, in its report RCBCI 2017-2018 the CRE noted that RTE did not meet the deadlines it had set in the report RCBCI 2015-2016 concerning the finalisation of consultation on standard framework agreements, on the one hand for the provisional production management and network agreement and, on the other hand for the agreement processing contract before D-1.

A. Article L. 111-11 – Managerial Independence of RTE from EDF

Managerial independence was introduced when RTE was created within the scope of the first European energy package and is fully operational.

The compliance officer and RTE regional delegates were not aware of any inappropriate action by an RTE manager or employee concerning RTE's independence in 2018.

A.1. Events bringing together RTE and other companies in the VIU

A subject pointed out by the CRE in its report RCBCI 2015-2016 (compliance with codes of practice and independence of electricity and natural gas transmission system operators in 2015 and 2016) concerned the events bringing together RTE and EDF (point 1.2.2 of part 2 on page 67 of the report). The CRE states that it "very favourably" welcomed the instructions given by the Chairman of the RTE Management Board on his arrival: RTE no longer participates in internal events organised by the EDF Group, in December 2015 it withdrew from EDF's *Conseil académique des métiers* (Academic Council of Business Lines), and the RTE legal and human resources departments no longer have an institutional relationship with those of EDF.

Since 2018, it is intended that this subject be expanded to all companies constituting the VIU, that is, the CDC and all companies producing or supplying electricity placed under its direct or indirect control.

i) Guidelines concerning internal events organised by the other companies in the VIU

In its report, the CRE asked RTE to "*Formalise the guidelines allowing RTE agents to know whether or not they can take part in the various internal events organised by the group and in the meetings organised by the group within a sector or business line*".

The document defining the guidelines was disseminated to the business line directors and RTE delegates by the RTE general secretariat in May 2018. It was also sent to the CRE in early June 2018.

The RTE guidelines are based on the following principles:

- The following are not permitted:
 - RTE senior management at internal EDF Group or CDC Group meetings;
 - RTE employees in business line meetings organised by a company in the EDF Group or by the CDC Group, both nationally and regionally;
- However, to ensure the smooth operation of the electricity system and the governance of RTE, RTE employees may participate in:
 - bilateral meetings organised within the scope of contractual relations between RTE and another company in the VIU (access to the network, maintenance of RTE installations, market mechanisms, sale of land, etc.);
 - meetings organised at electricity and gas industries (EGI) branch level, which, by definition, are not limited to the companies in the VIU;
 - meetings between RTE and the representatives of the VIU within the scope of the economic supervision role given to the shareholder by the Commercial Code within the limits set by the Energy Code;
 - RTE presentations to companies in the VIU for communicating public information, as RTE is then considered an external party (e.g. presentation of French TYNDP, GAR, market mechanisms, sharing experiences, etc.); these presentations must comply with the following rules;
 - when RTE presents at an internal meeting of a company in the VIU, it is only present for the time slot planned for its presentation;
 - in order to ensure non-discrimination, RTE will offer other players the possibility of presenting before them on the same subject and with the same content.

In accordance with a request from the CRE, RTE will draw up and send to the CRE an annual report of the meetings or events included in the above example.

The compliance officer was questioned several times by RTE managers about the appropriateness of participating in a meeting with the VIU. He provided clarification on the basis of the guidelines.

ii) Events bringing together RTE and EDF

It can be noted that, in certain regions RTE may still be invited to participate in meetings internal to the EDF Group (e.g. managerial meetings, human resources) and it is required to decline, sometimes with a written response recalling the principles.

Following the compliance officer's recommendation in his 2017 annual report, RTE ceased its last participation in "*EDF Group fluidity*" regional committee meetings.

As in the past, RTE no longer participates alongside EDF in external events (e.g. meeting with local media, participation in a trade fair).

An exception occurred in 2018, concerning an EDF Group Business Line Forum, intended to allow the employees of the Fessenheim nuclear plant to explore business lines that could offer them new professional retraining opportunities in Alsace and Grand Est.

RTE initially declined the offer to participate. But it was led to review its position after discussions with the interministerial delegate for the future of the territory of Fessenheim, who informed it that this activity was part of the general support measures decided on by the government.

A representative of RTE was therefore present at this forum, but RTE management asked them:

- not to provide RTE information which would give a competitive advantage to companies in the VIU;
- to recall RTE's independence obligations towards the VIU and non-confusion of image;
- to assert where necessary RTE's decision-making power to manage its employment.

RTE informed the CRE.

The compliance officer considers that, in view of this case, an extension of the Forum to all EGIs in the Grand Est region would have been appropriate. In such a case, RTE's participation would not have raised any questions.

iii) Caisse des Dépôts

In September 2018, the secretary general of RTE and the compliance officer met the secretary general of the Caisse des Dépôts, a member of the RTE Supervisory Board, to discuss implementation of the third package.

On a regional level, it appears that the Caisse des Dépôts does not display any group synergy.

A.2. Debt management

RTE's long-term debt was €9.7bn as at 31 December 2018, of which €8.15bn represented a debt issued by RTE itself on the bond market (84%) and €1.55bn financing from the European Investment Bank (16%).

RTE no longer has any debt with EDF since the redemption of the last bond loan of €664m in October 2016.

A.3. Human resources

RTE is now a player in the EGI Branch independent from EDF in terms of human resources

- In the employment field, RTE has been effectively independent since 2011:
 - RTE contributed to EGI branch negotiations and fielded them independently.
 - RTE was not involved in any "group" action or negotiations. When the legal or regulatory context so requires, RTE now conducts, or proposes to initiate, in parallel and independently of the VIU, a company-level negotiation.
- In the field of training, RTE has been completely independent since 2015:
 - In June 2013, RTE opened a new training centre in the Jonage in the Lyon region, and has brought together all its technical training courses there.
 - Since the end of 2015 RTE has no longer participated in the monitoring systems implemented by the EDF Group (e.g. provisions succeeding the "DEFI Formation" agreement expired at the end of 2015, EDF Group Skills Academy). It has also not taken part in the youth training seminars of the EDF Group or in business line sessions.

There is no longer any institutional contact between the RTE and EDF human resources departments, including at regional level with the end of RTE's participation in the "*EDF Group fluidity*" regional committees.

B. Articles L. 111-13 and L. 111-14 - Powers of the Supervisory Board and RTE statutes

In 2018 the compliance officer took part in all RTE Supervisory Board and committee meetings (economic supervision and audit committee, salary committee)¹⁹.

The arrival of new directors in 2017 and then in 2018 did not prevent implementation of article L. 111-13 of the Energy Code, article 14 of the RTE statutes ("deliberations - powers - internal regulations") and article 5 of the internal regulations of the Supervisory Board ("powers of the board").

During the meetings of the Supervisory Board and its committees, the directors were able to receive from the members of the Management Board all explanations needed for them to gain full knowledge of the company and management of a transmission system other than the debates on decisions or injunctions within the exclusive remit of the Management Board.

The only modification made to RTE's articles of association in 2018 concerned the new address of the registered office, in the Window building in La Défense. The Supervisory Board's internal regulations were not amended in 2018.

¹⁹ Article L. 111-35 of the Energy Code.

C. Article L. 111-15 - Independence of statutory auditors

In order to ensure compliance with this article, article 20 of the RTE statutes specifies that *"before their appointment by the general meeting, then each year before the general meeting called to rule on the annual financial statements, the statutory auditors shall send a document stating whether or not they certify the financial statements of another part of the vertically-integrated undertaking"*.

In addition, in its report RCBCI 2013-2014 published in December 2014, the CRE asked RTE "to submit each year, with sufficient time, the corresponding certification issued by one of its statutory auditors" by specifying that "This certification must be accompanied by both a list of the mandates concerning other companies of the EDF VIU and held by the same statutory auditor network and also the nature of the measures implemented within this network to prevent any conflict of interest.

For the 2017 financial year, this certification concerned the perimeter of the VIU under the 2012 certification. In this respect, in January 2018 the firm Mazars SA sent to RTE an attestation of compliance with the provisions of article L. 111-15 of the Energy Code for 2017.

Drawing up this report however showed that RTE had failed to submit this attestation to the CRE in 2018. The situation was corrected in early 2019.

Since the 2018 financial year, this subject has been part of the implementation of CRE's decision of 11 January 2018 on maintaining RTE's certification which states: *"Insofar as RTE is certified by two statutory auditors, the risk of conflict of interests that article L. 111-15 of the Energy Code aims to prevent can in practice only materialise if both of RTE's statutory auditors also certify the financial statements of another company in the RTE VIU. The information provided in the file transmitted by RTE shows that no company in the RTE VIU controlled by EDF or the CDC is certified at the same time by KPMG and by Mazars, except for the Electricité de Strasbourg group."*

In fact:

- Since 30 May 2017, RTE's principal statutory auditors have been KPMG and Mazars.
- EDF's principal statutory auditors have been KPMG and Deloitte.
- CDC's principal statutory auditors have been Mazars and PwC.
- According to the certification application transmitted by RTE to the CRE, that no company in the VIU controlled by EDF or the CDC is certified at the same time by KPMG and by Mazars, except for the Electricité de Strasbourg group (the financial statements of which are certified by Mazars Strasbourg while RTE's are certified by Mazars Paris).

Consequently, article 20 of the RTE articles of association leads to the following attestations concerning compliance with the provisions of article L. 111-15 of the Energy Code in 2018:

- the attestation of the firm Mazars SA, received by RTE on 22 January 2019
- the attestation of the firm KPMG Audit, received by RTE on 21 February 2019.

These attestations were sent to the CRE by RTE.

D. Article L. 111-16 – Information Systems

This article contains two obligations.

D.1. Separation of the information systems of RTE and the VIU

RTE's information system (IS) is now totally independent from the VIU's except for two social software programs 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 2015²⁰),
- "MediSIS" agreement for management of medical files (CRE decision of 26 October 2016²¹).

D.2. IT service providers common to RTE and the VIU

In its report RCBCI 2015-2016, the CRE asked RTE to henceforth 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. This request is shown in an appendix to this report²².

The internal procedure "RTE procurement subject to approval from or notification to the CRE" was rewritten in 2017 and now contains a paragraph concerning such notification. RTE notified the CRE of the 2017 and 2018 eligible agreements as defined in article L. 111-16 in letters dated 31 January 2018 and 18 February 2019 respectively. It should be noted that in 2018, for confidentiality reasons, one of the service providers refused to tell RTE if it also provided services of the same kind on behalf of companies forming part of the VIU.

E. Articles L. 111-17 and L. 111-18 - commercial and financial agreements signed with the VIU

In 2018 the CRE approved all the agreements between RTE and the VIU submitted to it. In 2018 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.

In particular, in 2018 no agreement approval procedure was suspended following a request from the CRE for additional information. In 2017, five RTE referrals were subject to suspension. This demonstrates that the work carried out in advance by RTE with the CRE services is effective.

²⁰ <https://www.cre.fr/Documents/Deliberations/Approbation/bourse-de-l-emploi>

²¹ <https://www.cre.fr/Documents/Deliberations/Approbation/medisis>

²² See point X.B. "RCBCI 2015-2016: main changes expected of RTE and changes observed in 2018".

Of the 14 cases approved by the CRE in 2018:

- 8 cases were approved explicitly, by CRE decision, and 6 tacitly²³.
NB: Among these cases, the agreement for leaving the tax consolidation group signed by EDF and (i) RTE, (ii) its three subsidiaries Arteria, RTE International and Cirtéus and (iii) CTE (Co-entreprise de Transport d'Electricité) was not approved by an ad hoc decision but by the CRE decision of 11 January 2018 to maintain RTE's certification.
- 9 cases concerned the VIU (EDF SA and/or its electricity production or supply subsidiaries), 2 Enedis, 2 CTE, 1 Arteria (framework agreement with RTE) and two other companies controlled by EDF [the total exceeds 14 because 2 cases are common to 2 categories].
- 4 cases 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 CRE²⁴.

Furthermore, two cases concerning Enedis were being investigated by the CRE on 31 December 2018. Likewise, three cases approved in early 2018 were referred to the CRE by RTE in late 2017.

It should also be noted that, through the CRE's decision of 11 January 2018 on maintaining RTE's certification, the CRE considered that the services provided by RTE under the seven agreements signed with the companies of the VIU controlled by the CDC²⁵ comply with the provisions of article L. 111-18 of the Energy Code.

E.1. General aspects - procedure for approval of agreements by the CRE

In its 2017 annual report, the compliance officer recommended to RTE that it update the procedure on the circuit for handling CRE cases concerning commercial and financial relations between RTE and the EDF Group to incorporate:

- the new scope of the VIU;
- in the process of drawing up agreements:
 - o send regular reminders to RTE external contacts and follow up on these reminders;
 - o draw up the referral files anticipating in detail the questions the CRE may ask;
 - o organise discussions or meetings in advance with the CRE services;
 - o pay more attention to regional aspects, particularly in the chapter "Role and Responsibility of the Legal Department".
- provisions concerning subcontracting.

The procedure "*RTE purchases subject to approval from or notification to the CRE*", which specifies the means of control in the purchase process to ensure compliance with the rules arising from the Energy Code, was updated in this respect in August 2018.

²³ Article L. 231-1 of the Code on Relations between the Public and the Authorities.

²⁴ Paragraph 3 of article R. 111-7 of the French Energy Code.

²⁵ Five NAC agreements drawn up on the basis of a standard template published in RTE's reference technical documentation and approved by the CRE, and two accessory service provision agreements drawn up in accordance with the conditions published in RTE's catalogue of services.

Conversely, the "Procedure for monitoring RTE's 2012 certification as independent TSO and circuit for processing CRE cases engaging commercial and financial relations between RTE and EDF SA", which presents the organisational structure introduced by RTE to meet its legal obligations, was not updated.

The compliance officer recommended that in 2019 RTE update the memo "procedure for monitoring 2012 certification" by incorporating maintenance of RTE's certification and the changes resulting from the above recommendations.

E.2. Special cases

i) Examination of the different financial flows between RTE and the companies in the VIU

As in 2017, the accounting and taxation department sent the compliance officer a spreadsheet file resulting from extracting the financial movements between RTE and the companies in the EDF Group.

With such a complex accounting file, the compliance officer initially strived to note the transactions which appeared to comply with articles L. 111-17 and L. 111-18 of the Energy Code:

- transactions which a priori resulted from agreements approved by the CRE;
- transactions which a priori resulted from provisions not requiring the approval of the CRE (for example, payment of the dividend).

The compliance officer identified around sixty accounting movements for which it was necessary to find out more: some were requests for further details (mobile telephony and IT, human resources, etc.), others were accounting movements for which the labelling was not sufficiently explicit.

After discussion with the departments in question at RTE for the first category and supply of the invoices by the accounting and taxation department for the second, the examination did not identify non-compliance with respect to article L. 111-17 of the Energy Code.

Furthermore, a very small number of movements concerned payments of compensation by RTE to Enedis. This may mean compensation granted on the basis of the NAC, within a contractual framework approved by the CRE, or compensation for damage due by RTE pursuant to the law.

In the latter case, they are for very small amounts, below the excess threshold of the liability insurance policy taken out by RTE (above this threshold the insurance mechanisms are applicable and the compensation amount is set by a third party expert). The compensation amount is agreed by RTE and Enedis, not always very formally. Although these are rare, even exceptional, cases, for very low amounts, it is necessary to question their situation in view of article L. 111-17.

The compliance officer recommended that RTE examine this point, in particular taking into consideration the regulatory provisions governing compensation by RTE of DSOs.

The compliance officer will also continue this type examination in 2019, on the basis of the 2018 accounting information.

ii) Banque des Territoires

In the process of his compliance audits in the North and West regions²⁶, the compliance officer's attention was drawn to the new Banque des Territoires created by Caisse des Dépôts. It is a brand covering the activity of management of the public institution and of two subsidiaries, CDC Habitat and SCET. Consequently, relations between RTE and Banque des Territoires could, depending on the circumstances, come under relations between RTE and the VIU.

The compliance officer recommended that RTE regional delegates contact the secretariat general of RTE before considering any partnership with Banque des Territoires.

F. Article L. 111-21 – Non-confusion of image between RTE and the VIU

F.1. Company name of RTE - ("*RTE Réseau de transport d'Electricité*")

As the devil is in the details, the compliance officer continued the work begun in 2016 to end non-compliant situations (i.e. including "EDF" in the RTE name, which was officially removed in early 2012). These situations are essentially due to a lack of attention or negligence, leading the compliance officer to carry out fairly extensive verifications.

i) Association and other directories

The compliance officer noted in 2017 that, in the directories to which he has access (national trades directories, alumni), some RTE employees were still registered under a name containing "EDF". He drew the attention of these employees to correcting this situation. It should be noted that this is also the case for some employees who have left RTE and not updated the information about their professional situation.

A verification was carried out by one of RTE's business line directors on the directory of his alumni association (one of the Grandes Ecoles which has most graduates in RTE): of over one hundred members having given their details, there was no non-compliance. The compliance officer was not able to extend this verification to other Grandes Ecoles, due to the difficulty in finding people with access to the search by company in the online directories (i.e. up to date in payments to their alumni association).

Noting that one of the causes for loss of interest in alumni associations is the development of social media, the compliance officer conducted a search on the main social media:

- Facebook: A "*RTE-EDF Energy Transmission*" page was created on 5 September 2012, more than a year after the third energy package came into force. From all evidence, this page, followed by 190 people and with very few posts, does not depend on RTE. The compliance officer used the "*Suggest changes*" functionality to propose changing the title to "*RTE Electricity Transmission Grid*".
- LinkedIn and Viadeo: A search found a total of around thirty people currently working at RTE and with a real profile on these networks (profile filled in, several contacts on network), whose job title was not compliant with article L. 111-21. It was not possible to go any further due to not having a Premium subscription. The compliance officer wrote to these employees (in blind copy) to ask them to update their profile.

²⁶ See point VIII.B.1. "*Compliance Audits in North and West Regions*".

In total, in view of the number of cases of non-compliance out of hundreds or even thousands of employees registered in all of these directories, and in terms of the individual liabilities of the employees about which the employer can do little, the compliance officer considers that the situation is satisfactory overall.

ii) Signage of RTE substations

In the past, the signage on RTE substations was made compliant with the RTE company name (no reference to EDF).

Nevertheless, a discrepancy, which had apparently escaped all verifications, was brought to the attention of the compliance officer in July 2018: a 63 kV substation had a panel on which the two RTE and EDF logos. The discrepancy was corrected and a reminder was given to the teams of the region in question.



It should be noted that here and there are still some road signs that may contain the name "EDF Transport". Yet the compliance is not the responsibility of RTE, which can only inform the local authorities responsible of the cases in question.

F.2. Relations with stakeholders

i) General aspects

The RTE regional teams continue to observe that certain stakeholders still confuse RTE and EDF, although the incidence of confusion is falling as the years pass. Each time, RTE recalls its role, duties and its independence. RTE is moreover very careful, in all external presentations (e.g. politicians, territories, 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.

In general, the authorities, RTE clients and most local politicians now correctly distinguish between RTE and EDF. Some local politicians are however still reluctant to make this distinction, for historical or personal reasons.

ii) Communication about the incident at the Harcourt substation

The compliance officer noted that the SNCF group press release issued several hours after the fire on the Harcourt substation broke out contributed to the confusion of image between RTE and EDF:

- title of the press release: "*the incident at an RTE (EDF) substation*",
- subheading: "*the Harcourt EDF (EDF) substation*" and "*EDF no longer able to supply the 5 SNCF substations*",
- text: "*fire occurred on EDF installations*".

Yet the SNCF group itself is subject to a separation between the infrastructure manager and the commercial operator, under the aegis of a regulatory authority.

However, all subsequent communication from SNCF Réseau clearly prevented any confusion between RTE and EDF.

F.3. Trademarks identifying RTE as Transmission System Operator

In 2016 RTE regularised all the European Union trademarks which were still registered in the old name "*RTE EDF Transport*".

In 2016 and 2017 RTE carried out the formalities with the French National Institute of Intellectual Property (INPI) to regularise all French trademarks, except for three. In late 2018, the situation of these trademarks was as follows:

- it was decided not to renew the trademark filed for RTE by an RTE because it duplicated similar trademarks;
- with respect to the trademark filed in RTE's name by a service provider, after discussions with the latter regularisation is expected to take place by mid-2019;
- with respect to the trademark owned jointly by RTE and EDF, contacts were made with the initial representative and regularisation is expected to take place in 2019.

The compliance officer observed that an online search in the INPI²⁷ "Trademarks" database provides many references to "*RTE EDF Transport*". In fact, the database maintains the reference of the filers, displayed at the time of a search, and it is necessary to click on a trademark name to display its record which contains the year of registration and, where applicable, a record of any change of name of the holder.

F.4. Communication practices

i) Events and contact with the media

RTE notified EDF of some refusals to participate alongside it in external events in the regions (meeting with local media, participation in a trade fair).

ii) Press articles

As journalists are highly aware of the distinction between RTE and EDF, there are now 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.

As in 2017, the compliance officer carried out an analysis of the media²⁸ in view of the risks of confusion between RTE and EDF during an event having given rise to many articles, in this case the talk of 15 November 2018 by the Chairman of the Management Board on winter and the GAR.

²⁷ https://bases-marques.inpi.fr/Typo3_INPI_Marques/

²⁸ Based on the RTE press review: paper and online media, transcription of audiovisual media.

The results of this analysis, concerning the RTE press reviews of Friday 16 and Monday 19 November 2018 (that is, a total of 151 articles: 40 papers and 111 dispatches), are as follows:

- The new RTE shareholders (Caisse des Dépôts and CNP Assurances) were not cited.
- There is no confusion of image between RTE and EDF.
- The expression "*EDF subsidiary*" was used by Reuters and repeated by six media sources.
- The expression "*autonomous EDF subsidiary*" was used by the AFP (2 dispatches) and repeated by seven media sources and 22 daily regional press articles.
- The expression "*independent subsidiary of EDF*" was used by Usine Nouvelle.
- By deduction, three quarters of the articles did not mention the connection between RTE and EDF.

iii) Confusion of image that may come from EDF

After discrepancies observed until the mid-2010s (documents disseminated and public speeches by national or regional EDF entities, suggesting that synergies or even dependencies may still exist between the activities of RTE and that of other parties in the VIU), the situation is now satisfactory.

The few discrepancies that can be observed are relatively minor and apparently result from blunders.

This is certainly the result of the continuance of:

- this subject being monitored by RTE management and in particular by the Management Board and regional delegates as part of their duty to guarantee RTE's independence at regional level;
- EDF's work since 2015 to raise awareness among its managers and regional delegates about the independence of system operators.

Concerning the latter point, the RTE Compliance Officer is in contact with the managers in question in EDF and he spoke before the EDF regional delegates in June 2018. This is expected to continue in 2019.

iv) Association Normandie Energies

Along with several dozen other companies, RTE is a member of the association Normandie Energies²⁹, created in 2009 at the initiative of companies³⁰, the State and the Regional Council to meet regional energy challenges. The association brings together several dozen companies and around twenty associated organisations in the teaching and research sector.

As RTE is a member of this association, the chairperson of said association may be led to talk about subjects within the remit of RTE (particularly the GAR). The current chairperson is the regional delegate of the EDF Group for Normandy, which may lead to confusion of image between RTE and the VIU.

To put an end to this situation, RTE will not renew its membership to this association in 2019.

²⁹ <https://www.normandie-energies.com/>

³⁰ The founding members are EDF, Engie, ExxonMobil and Total.

v) Caisse des Dépôts

No risk of confusion of image has appeared since CDC entered RTE's capital, whether at national or regional level.

F.5. Separation of premises

The last subject to be finalised concerns the separation of six electricity production transmission substations, located within a basic nuclear installation (INB) and protected by an access system managed by EDF.

Separation work was undertaken for three substations and was completed in 2014. For the three other substations, which remain enclosed within nuclear sites, RTE and EDF prepared changes to the operating agreements clarifying the conditions for RTE staff to access these sites and defining these operating methods. This was to tackle RTE's operating issues and comply with the requirements of the CRE decision of 26 January 2012 and the CRE's report RCBCI 2015-2016, while abiding by the restrictions concerning the safety of nuclear sites.

In November 2018, RTE sent the addenda to operating agreements to CRE for approval in order to ensure compliance of the conditions of access to these three substations. The agreements concerning the exploitation and maintenance of the protection and surveillance systems for four substations were also submitted to the CRE (the three sites underwent construction work in 2014 and one of the other three sites, as the agreements of the last two were in the process of finalisation and signature). The CRE approved the whole file in decision no. 2018-250 of 5 December 2018³¹.

G. Article L. 111-22 – RTE Code of Conduct

The new version of the Code of Conduct, taking into consideration the change 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, in December 2018 RTE submitted to the CRE a referral concerning the request to add to the Code of Conduct information concerning:

- RTE's obligations under the REMIT regulation (European Regulation on Wholesale Energy Market Integrity and Transparency),
- RTE's role as person professionally arranging transactions.

This proposed addition is described in detail in point IV.D. "*Implementation of the REMIT regulation*".

³¹ <https://www.cre.fr/Documents/Deliberations/Approbation/Approbation-de-contrats-entre-RTE-et-EDF-en-lien-avec-les-postes-de-RTE-enclaves-dans-des-sites-EDF>

H. Articles L. 111-24 to L. 111-28 – mandate of the members of the RTE Supervisory board

Four new members were appointed following various resignations in 2018: the three representatives of the shareholder for EDF, including the Chairman of the Board and the Chairman of the Economic and Audit Supervisory Committee (CSEA), and an employee representative.

There was no change to the Supervisory Board "minority"³², as the CRE decision of 11 January 2018 on maintaining RTE's certification confirmed the compliance of the case of the CDC representatives appointed in 2017, by means of shareholder engagement, in particular:

- CDC undertook to notify the CRE of if of a member of the Board of Directors of CTE (Co-entreprise de Transport d'Electricité) was appointed on proposal of the CDC: no change took place in 2018.
- EDF, the CDC and CNP undertook to authorise the presence of the RTE Compliance Officer at the meetings of the CTE Board of Directors: the compliance officer attended all Board meetings in 2018.

I. Articles L. 111-24 and L. 111-29 to L. 111-32 – mandate of RTE managers

The managers are the members of the Management Board and the operations, maintenance and development-engineering directors³³. As the current Management Board comprises five members, the "majority" of the managers notified by RTE to the CRE is composed of the members of the Management Board.

No change took place in 2018.

J. Article L. 111-33 – Remuneration and holding of interests in the VIU

This article contains two obligations.

J.1. Remuneration of RTE managers and employees

This provision 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.*"

These are implemented for the long term, particularly since the certification decision of 26 January 2012, asking RTE to modify the internal regulations of its Supervisory Board to provide explicit clarifications concerning the remuneration of the members of the Management Board in order to comply with article L. 111-33. It should also be noted that the compliance officer takes part in the RTE Supervisory Board remuneration committee meetings.

³² Defined in article L. 111-25 of the Energy Code.

³³ Paragraph II of article L. 111-30 of the Energy Code.

J.2. Holding of interests in the VIU

This provision falls under the personal responsibility of the RTE managers and employees: "*Directors 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 managers³⁴. While it cannot control compliance with this obligation, the employer nevertheless has a duty to inform its employees about their obligations, in particular and specifically concerning the holding of shares.

In his 2015 to 2017 reports, the compliance officer recommended that RTE send detailed information to all employees to remind them of their obligations concerning article L. 111-33 of the Energy Code.

In 2018, this recommendation now fell within the scope of the new VIU perimeter resulting from the CRE decision of 11 January 2018 to maintain RTE's certification.

The information was sent in May 2018, in the form of a short "*HR Memo*" sent by email to all employees, with a link towards online explanations on the RTE intranet. Around ten comments were posted on this intranet page by employees, and responses were given. The brief "*HR Memo*" was sent to the CRE for information purposes in early June 2018.

One of the comments observed that, among the funds offered online for the PEG (group employee savings plan), it appeared possible to purchase EDF shares. The examination then conducted by the compliance officer led to the following observations:

- The "*request for arbitrage*" page on the website appeared to make it possible, for two PEG funds, to carry out arbitrage towards EDF shares.
- The "*summary of funds offered*" on the website showed EDF shares in the savings plan funds. This was not abnormal insofar as employees still own EDF shares acquired before June 2011 and may wish to access general information (i.e. past performance). Conversely, it was abnormal for EDF shares to still be on the list when clicking the button "*display only funds open for payment*".
- However, EDF shares were not offered on the website page "*request for free payment*".

Following RTE's contact with the PEG manager, these anomalies were corrected.

Moreover, the 2018 roll-out of the e-learning tool on the Code of Conduct³⁵ also improved RTE employee knowledge concerning the obligations of article L. 111-33.

³⁴ Paragraph I of article 13 of ordinance no. 2011-504 of 9 May 2011 codifying the legislative part of the Energy Code.

³⁵ See point VIII.C.2. "*Roll-out of an online training tool (e-learning)*".

K. Articles L. 111-34 and L. 11--35 – Missions and powers of the compliance officer

K.1. General aspects

2018 has been the seventh full financial year during which the compliance audit instituted in July 2011 was conducted. Access to all information required is fluid and there is participation in all governing bodies (e.g. Supervisory Board and its committees, management board, executive committee, specialised governance and working bodies) along with the proper documentation and files, identical to those available to the members of these bodies.

As in previous years and with respect to the perception RTE employees may have of the position, they continue to positively identify it, and the members of the management generally spontaneously inform the compliance officer of the compliance of events in relation to his mission. The compliance officer has not noted any lassitude among employees vis-à-vis his interventions and requests. They are not reluctant to answer the questions put to them and to document the responses, even when they are followed by additional investigations in terms of control of compliance.

In 2018, the compliance officer continued to recall within RTE that, in addition to his compliance audit duties, he can be asked in advance for advice about any matter concerning the independence of RTE and the implementation of the Code of Conduct.

The duties of the compliance officer concerning monitoring grid investments and relations between RTE and the subsidiaries it controls are specified in chapters VI and VII respectively.

The audits conducted by the compliance officer in 2018 are described in point VIII.B.

In 2018 the compliance officer did not need to engage external resources beyond his day-to-day work.

K.2. Further transposition of the third package into French law in 2016

At the time of further transposition into French law of the third European energy package in 2016³⁶, two points were added to the duties of the compliance officer:

- Article L. 111-34: *"He shall immediately inform the Energy Regulatory Commission of any substantial failing in implementation of the commitments specified in the previous paragraph".*

As in 2016, the compliance officer did not observe any substantial failing by RTE of its undertakings contained in the Code of Conduct.

- Article L. 111-34: *"He shall report on his activity to the board of directors or supervisory board and may make recommendations concerning the Code of Conduct and implementation for their attention."*

This provision was implemented for the first time in 2017. In 2018 the compliance officer presented his work to the RTE Supervisory Board meeting of 25 May 2018. After the new version of the Code of Conduct was approved by the CRE in its decision of 11 January 2018 on maintaining CRE's certification, no recommendation for change was made to the Board in 2018.

³⁶ Ordinance no. 2016-130 of 10 February 2016 on adaptation of books I and III of the Energy Code to European Union law and concerning the internal electricity and gas markets.

K.3. Risks analysis, audit and internal control

This annual analysis follows the recommendation made in 2014 by the compliance officer following the 2014 audit at his request on compliance with the commitments in connection to RTE's certification by the regulator.

The analysis of the company's major risks conducted in 2018 examined the "discrimination/non-compliance" risk. While it is still considered to be one of RTE's major risks, this risk was incorporated with the "*corruption and fraud*" risks within a new risk, "*ethical or regulatory breach*", which also incorporates the requirements for compliance with competition law and the GDPR.

The analysis concluded that this risk appeared to be somewhat under control in 2018. The compliance officer considered that the "*non-discrimination*" aspect was mostly under control, as in past years, and that the general level reflected the level of control of other aspects, some of which were being implemented in RTE in 2018.

This analysis was added to the recurrent file made available to the company's governing bodies (Management Board and Supervisory Board).

Moreover, in 2018 the compliance officer was given access to the bodies and preparatory files dealing with this subject at RTE. On this matter, he can testify to the attention paid by the company to compliance with the rules of independence, non-discrimination and confidentiality in management and oversight on a day-to-day basis. However, the audits conducted in 2018 focused on internal processes or technical subjects, which does not require that these themes are included.

K.4. Compliance Officer sharing of experiences with counterparts

In 2018, the compliance officer continued its discussions with his counterparts: GRTgaz, Enedis and GRDF on the one hand and European electricity ITOs on the other hand.

Today in Europe there are 6 electricity ITOs other than RTE:

- 2 of the 4 German TSOs: TransnetBW GmbH (100% subsidiary of ENBW) and Amprion GmbH (RWE AG still controls 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.

A meeting took place in Zagreb in March 2018, bringing together the compliance officers of HOPS, TransnetBW, APG and RTE. Two officers from the Croatian regulatory authority took part in the dinner the evening before. At the beginning of the meeting, the chair of the Executive Board of HOPS came to welcome the participants and present the company HOPS and the Croatian electricity system.

The meeting started with a presentation of the CRE's decision of 11 January 2018 on maintaining RTE's certification and the recommendation of the European Commission, and the online training tool developed by RTE. Following this, the discussions between compliance officers concerned in particular the rules of independence, VIU/ITO/compliance officer/regulator relations, practices concerning dividends and miscellaneous points on the exercise of the compliance officer position.

L. Articles L. 111-36 to L. 111-38 – Appointment and independence of the compliance officer

As proposed by the Chairman of the Management Board and pursuant to a CRE decision dated 29 June 2016, RTE's Supervisory Board approved the appointment of a new RTE Compliance Officer for a period of five years from 1 October 2016. At the time of its decision, the CRE verified that the person in question met the requirements of independence laid down by article L. 111-38 and approved the non-standard employment contract covering him in this respect.

The CRE again assessed the independence requirements within the scope of the process for re-examining RTE's certification. In its decision of 11 January 2018 on maintaining RTE's certification, it in particular found the compliance with the provisions of article L. 111-38 of the Energy Code in view of the new perimeter of the VIU. Moreover, this decision approved an addendum to the employment contract by the compliance officer correcting a substantial error shown in the initial agreement.

III. Fair Treatment and Non-discrimination

This chapter initially cites certain factors for analysis as to ensuring fair treatment in accessing the transmission system and the electricity market.

Then, with respect to RTE's relationship with its clients, listening to their needs and taking their requests into consideration, the quality of the implementation of commitments under RTE's Code of Conduct is to a large extent assessed in two types of situations:

- consultation, dialogue with all the stakeholders prior to, on the one hand, introducing provisions (rules, contracts, etc.) linking RTE to its various client categories (e.g. rules, contracts) and, on the other hand, the publication of RTE's planning documents provided for by the law (GAR, French TYNDP);
- client relations, ongoing dialogue with every single client.

A. Fair treatment in accessing the network and the market

An inspection carried out in 2013 had focused on compliance with the obligations of non-discrimination in the implementation of the balancing mechanism.

The matter of RTE applying the rules of economic precedence in activating the chosen bids is a central issue with significant economic implications for the balancing mechanism participants. In addition to proposing prices, this selection process brings together a number of relatively complex technical criteria for implementing the bid (implementation starting time, duration, location, etc.).

Since it was set up, the balancing mechanism has often led to participants making requests to RTE for explanation concerning bids not selected in order to demonstrate the absence of any discrimination in the choices made.

The compliance officer considered that the means used, and the results obtained, were likely to ensure compliance with transparency and non-discrimination in the balancing mechanism operational implementation activity with a high level of confidence. In this context, the compliance officer however suggested considering, in a form and at a frequency to be decided, the use of traced information in the selection process in order to provide feedback to each player concerned and keep ahead of any requests for explanations.

To this end, RTE is currently conducting an a posteriori analysis of client requests for explanations and the follow-up given to them.

A.1. Fair treatment in market tools

In 2018, out of 48,100 bid activations (that is, almost 4,000 per month) under the balancing mechanism, there were customer questions about 6 (that is, 0.01%). These questions were posed by six different balancing participants; they were processed, and transparent feedback given to the participants.

Out of the six situations in question:

- For four of them, the analysis demonstrated that RTE could justify the reasons why the bid had not been activated and that RTE's behaviour had been as expected in view of the operating context (BE unavailable, outside balancing, or committed to rapid reserves; technical characteristics of the requirement not in line with those of the bid; saturated interconnection capacity; incorrect interpretation of prices displayed in real time).

- For one of them, the request was partially admissible (either for part of the time slot in question, or for a sub-set of EDA).
- One case was the result of an error leading to reminders to operators as part of the ongoing improvement of the process.

A.2. Fair Treatment between participants

Another element for analysis in the fair treatment of market participants is the distribution of companies awarded service contracts following an invitation to tender.

- **"Rapid and Complementary Reserves" Invitation to Tender:** The contracting of rapid and complementary reserves for the period from 1 January to 31 December 2019 ended on 25 July 2018. The Herfindahl-Hirschman index fell to 2,502 (against 2,844 for 2018). The market share of the largest three new entrants is 68%. Industrial consumers have stable market shares of approximately 35%.
- **"Demand Reduction" Invitation to Tender:** This invitation to tender supporting the development of the consumption demand reduction sector is now within the framework validated by the European Commission. The invitation to tender for 2019 was launched on a schedule allowing coordination with the other market mechanisms, and the results were made public in October 2018. These results can be used to verify attainment of the objective for recentering public support for demand reduction not underpinned by diesel generators.

A.3. CRE audit on billing process and sales practices

In 2018, the CRE's services conducted an audit at RTE in order, on the one hand, to better understand the organisation of RTE's departments responsible for these activities and, on the other hand, to identify the issues associated with the billing process and sales practices towards different RTE clients (consumers, DSOs, and new exempt interconnections).

RTE presented to the CRE auditors the organisation set up for billing activities (policy and general organisation, workforce, billing tools and software, best practices, benchmarks, etc.) and described the billing processes (connection, access to transmission system and accessory services) and the debt collection process.

The auditors examined these processes and conducted an analysis of a sample of invoices issued in 2017 and in the first quarter of 2018 to ensure RTE's compliance with the correct implementation of the provisions of the Energy Code, in particular compliance with the principle of non-discrimination. This analysis led them to make four recommendations to RTE concerning, on the one hand, changes to the contract templates and, on the other hand, improvement of the information provided to network users.

The auditors' conclusions attest to the good organisation and consistency of the billing and collection processes, and the transparency and non-discrimination in such processes. They also emphasise the high quality support for clients in understanding their bill.

The auditors also examined the organisation of handling complaints concerning billing and commercial gestures and debt write-offs, which led them to make a fifth recommendation, aimed at formalising guidelines for handling complaints to prevent any risk of non-discrimination.

These five recommendations are shown in the RCBCI 2017-2018 (part 1 "Thematic Dossiers", point 2 "Billing and Sales Practices")³⁷.

³⁷ See point X.C. "RCBCI 2017-2018: main changes expected by the CRE and changes observed in 2018".

B. Consultation in CURTE

CURTE is the main consultancy body for construction of the electricity market and the changing electricity transmission grid in France. It is open to the various transmission system 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 follow the meetings as they see fit.

CURTE comprises four working commissions³⁸: "Grid Access", "Market Access", "Interconnection Access Operating" and "Grid and System Perspectives" ("Grid Perspectives" until 2016). 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.

The presentations made during these meetings are available on the space dedicated by RTE to consultation.

B.1. General aspects

The compliance officer noted a sustained activity of the different working committees throughout 2018. Once again in 2018, CURTE activities generally enabled:

- constant information from participants on cases in progress and on changes in the context of the areas addressed by the committees;
- transparent consultation procedures, paying particular attention to the time limits for responses from the participants, as was their wish.

As in 2017, he continued to observe a certain heterogeneity in the operation of the committee meetings, a priori consubstantial with the themes tackled.

The rest of this chapter also recalls the richness and diversity of the topics covered in consultation in 2018.

As in the past, the end of this chapter presents the actions carried out in 2018 to improve access to and dissemination of information connected to CURTE's work and the results obtained. This follows up the compliance officer's 2015 annual report which stated that, following the satisfaction survey conducted in late 2015, CURTE's organisation could still be improved on this point.

³⁸ The Plenary Committee, which had the task of planning changes in commissions at a more strategic level, has not been active since 2011.

Additionally, in 2018 the compliance officer examined the material operation of the commissions' plenary meetings in view of the information and participation of the participants. In general terms, two categories can be defined:

- GAC and IAOC:
 - o The meetings are set well in advance: in 2018 on average two and a half months for the IAOC and even more for the GAC which runs a whole-year schedule.
 - o Reports are drawn up: detailed reports for the GAC, showing which speakers took the floor, and more summarised reports for the IAOC.
- MAC and SGPC:
 - o The meetings are set with limited notice (approximately 20 days on average in 2018 for the MAC and 30 for the SGPC).
 - o No report in 2017 and 2018.

The limited notice and lack of report could encumber correction information to participants, particularly those with small workforces. Publishing presentations online certainly provides a lot of information, but it is interesting to know the subjects discussed and arguments made.

The compliance officer recommended that RTE ensure that all participants affected by CURTE's work could have access to the useful information.

The compliance officer also reminded RTE of his recommendation to limit the inconsistencies between the lists of members found on the space dedicated by RTE to consultation and the invitations to commission meetings.

B.2. Grid Access Commission (GAC)

The GAC deals with various subjects related to grid connection and access for different types of clients. It is used in particular 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 2017, the following subjects were covered in specific GAC presentations in 2018:

- **Monitoring French legislation and regulatory news:** In 2018 there was plenty of news:
 - the publication of law no. 2017-1839 on 30 December 2017 (so-called "hydrocarbons" law)³⁹ instituting new measures for future marine wind farm projects in the event of a delay or damage to a connection;
 - CRE decision no. 2018-015 of 1 February 2018 approving the agreement templates for connecting the earth and sea production installations to the public transmission network⁴⁰;
 - CRE decision no. 2019-093 of 26 April 2018 approving the NAC templates for producers and consumers⁴¹;
 - the 22 December 2017 annulment by the Council of State of decree no. 2016-434 of 11 April 2016 concerning S3REnRs⁴² and the publication of decree no. 2018-544 of 28 June 2018 concerning S3REnRs and multi-producer connections⁴³;
 - the publication of law no. 2018-727 of 10 August 2018 (so-called "ESSOC" law);
 - CRE decision no. 2018-227 of 8 November 2018 approving the special terms and conditions template concerning the creation and financing of connection structures⁴⁴.

All of these texts and their impacts on the connection and access to the network by participants were presented in the GAC.

- **Monitoring the European regulatory situation and roll-out of the ENTSO-E network codes:** At the three 2018 meetings the progress on the each of the texts in the European package "Clean Energy for All Europeans", and the trialogues, was tracked on their pathway in the European Council and Parliament.
- **Optimisation of voltage regulation:** The work carried out by RTE to identify all levers that can be activated (conventional and RES production facilities, considering the resources installed on the transmission, distribution and private client systems) and initial economic estimates were presented to the participants in the GAC; this work will continue in an ad hoc working group.

The following tables show the details of the work schedule for 2018, broken down by the main fields (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.

³⁹ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036339396>

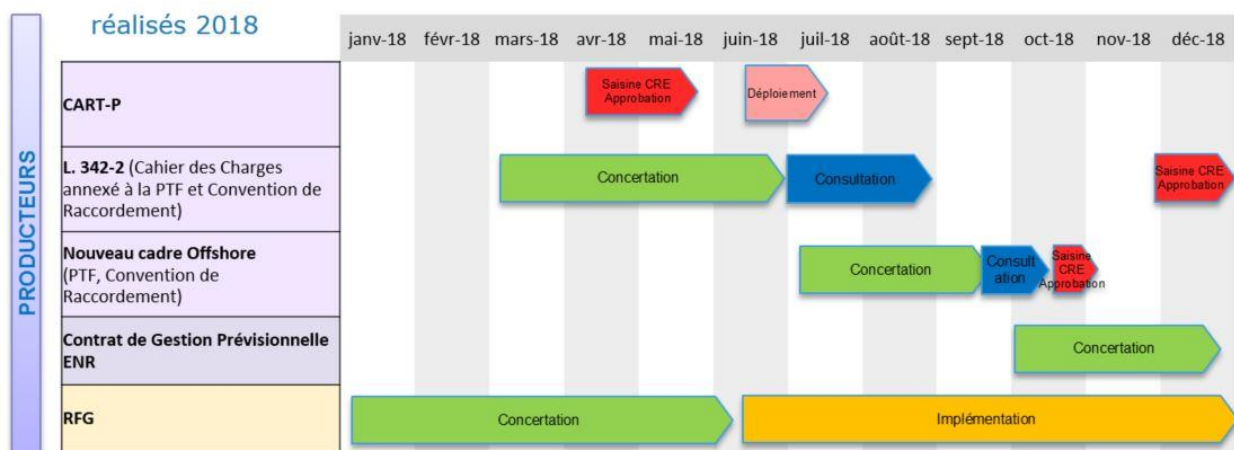
⁴⁰ <https://www.cre.fr/Documents/Deliberations/Approbation/convention-de-raccordement2>

⁴¹ <https://www.cre.fr/Documents/Deliberations/Approbation/modeles-de-contrat-d-acces-au-reseau-public-de-transport-d-electricite>

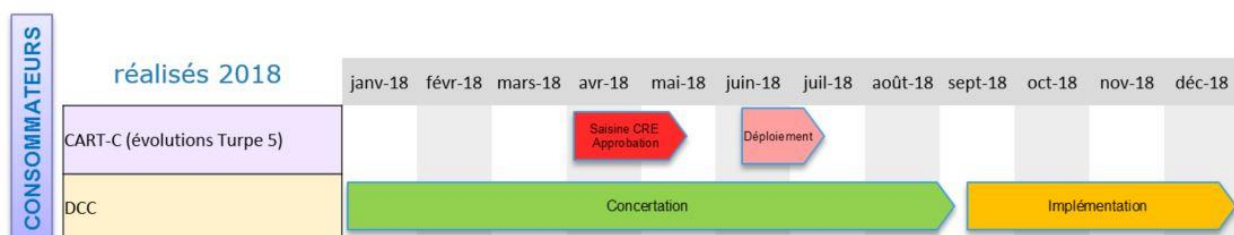
⁴² <https://www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000036253386>

⁴³ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037130677>

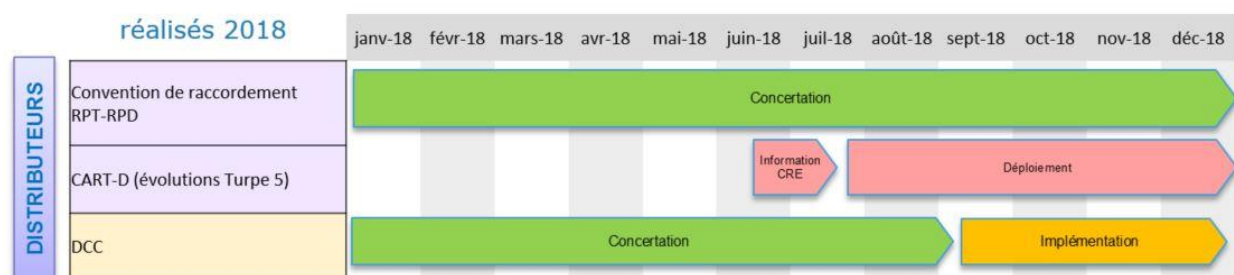
⁴⁴ <https://www.cre.fr/Documents/Deliberations/Approbation/Conditions-particulieres-relatives-a-la-Realisation-et-financement-des-ouvrages-de-raccordement-de-la-convention-de-raccordement-au-reseau-publ>



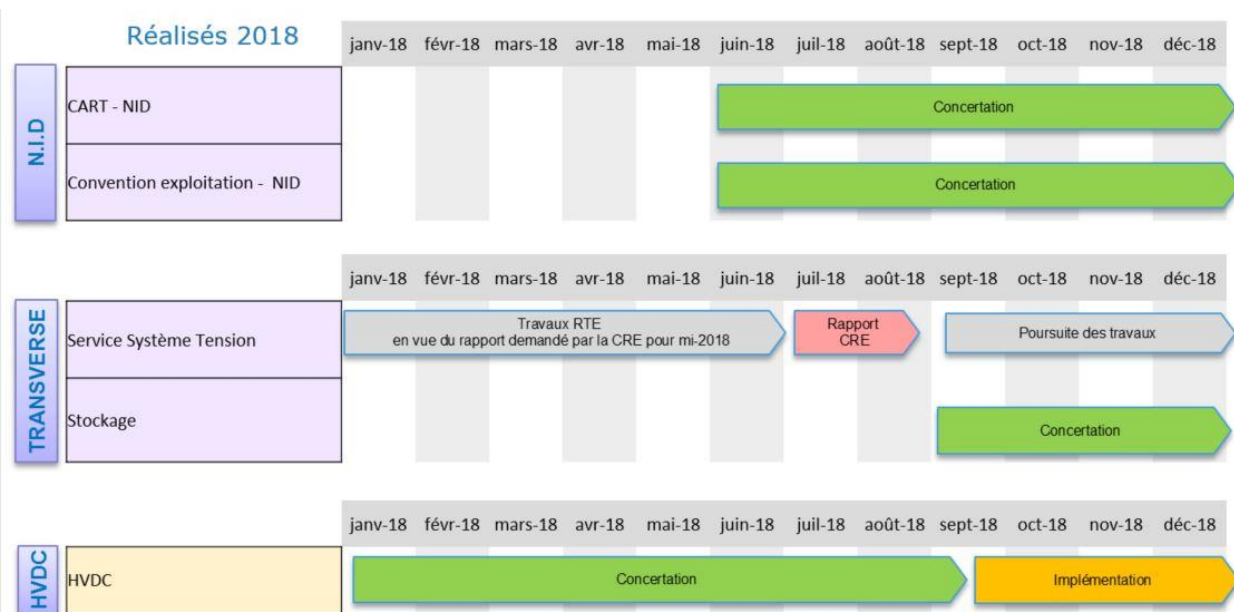
Working groups on producers' connection and access to the system



Working groups on consumers' connection and access to the system



Working groups on distributors' connection and access to the system



Other working groups

B.3. 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);
- determination and reconciliation of power flows;
- access to and participation in the balancing mechanism (BM);
- production and demand reduction programming;
- organisation of market, new mechanisms and interaction between the existing ones.

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

In 2018, as since 2013 the activity of the MAC was largely organised around the ongoing transformation of the market mechanisms.

The MAC's most significant projects in 2018 concerned the following subjects:

- **Capacity mechanism:** 2018 was marked by a consultation concerning the third version of the capacity mechanism. This decision is expected to echo the European Commission approval decision, including three facets: a competitive facet (already expressed in the second version since 2016), a cross-border participation facet and a facet concerning investment in new capacities. This was expressed by a new version of the capacity mechanism in force since 29 December 2018, making it possible to guarantee the long-term existence of the mechanism by ensuring its complete compliance with the undertakings made by the French authorities. This third version of the rules, based on the feedback throughout the 2018 consultation, also helped to simplify the mechanism.
- **Demand reduction:** the reliability of demand reduction and the associated control were one of the recurring subjects in 2018, covered in the discussions held with the participants. Multiple elements have changed in the demand reduction sector plan in the last two years. In 2018, three working approaches were defined: simplification of the rules and the contractual framework for the sector (visibility, simplified access, standardisation of market mechanisms, shared recommendations), a transversal approach and the improved performance in the demand reduction sector.

In addition to the work of the plenary committee, the MAC's activity was sustained in 2018: around twenty working groups were active, including four technical workshops and five calls for a contribution on the change to the BR-BM rules, changes connected mainly to the arrival of the common balancing energy exchange platform TERRE, and to the new capacity mechanism rules.

B.4. Interconnection Access Operating Commission (IAOC)

The IAOC monitors the rules of access to the French public transmission grid on matters concerning imports and exports and specific mechanisms concerning each interconnection and the harmonisation project for the Central West Europe zone; it offers actors, in the presence of the CRE, an opportunity to express themselves regarding the rules and to participate in defining changes.

The IAOC met four times in 2018. The discussions mainly focused on the different European projects underway: schedules, constraints encountered, feedback from the consultation of actors. The main topics discussed were the following:

- the capacity calculation methodologies submitted within the scope of the CACM⁴⁵ regulations;
- the progress connected to calculation of the intraday capacity in the CWE zone;
- preparation of the launch of the XBID project⁴⁶ and its repercussions on the regulations for accessing interconnections;
- the content of the deliverables required by the European regulations: opening hours of the intraday markets, changes connected to the European "*clean energy*" legislation package;
- the requirements in terms of transparency of the flow-based mechanism in the CWE zone.

Alongside monitoring these projects, the IAOC is also a space for discussion and information. Thus during 2018 the publication of data on the RTE website, the monitoring of operating incidents and the analysis of specific situations were handled.

B.5. System and grid prospects commission (SGPC)

The SGPC (GPC until 2016) began its activities at the prompting of RTE in 2011 with the ambition of being the privileged consultancy body with civil society stakeholders about the medium- and long-term stakes of the electrical power system. That is the reason why the SGPC deals with, in addition to the users of the transmission system, environmental associations (FNE; Greenpeace, FNH, Négawatt), institutional participants (DGEC, CGDD, ADEME, France Stratégies, etc.), professional associations (SER, UFE, FEE, etc.), demand reduction aggregators (EnergyPool) and linear infrastructure managers (GRTgaz and GRDF).

Technical, economic and future-proofing subjects are handled within the SGPC. They are also intended to consult stakeholders and inform them about the duties commissioned by the legislator to RTE (such as the GAR and the French TYNDP) as well as sharing on more general current issues connected to the development of the electricity system (such as smartgrids and RES).

The main activity of 2018 was essentially work concerning:

- additions to the 2017 GAR (2017 incorporated a long-term section, the last long-term section was from 2014);
- drafting of the 2018 GAR (like each year and in accordance with the law, the GAR included a risk analysis in the medium-term);
- drafting of the 2018 French TYNDP (the purpose of the new exercise is to provide a strategic vision of the system's development in the long-term)⁴⁷.

⁴⁵ Regulation (EU) 2015/1222 of the Commission dated 24 July 2015 establishing a guideline concerning capacity allocation and congestion management.

⁴⁶ https://www.epexspot.com/fr/couplage/xbid_cross_border_intraday_market_project

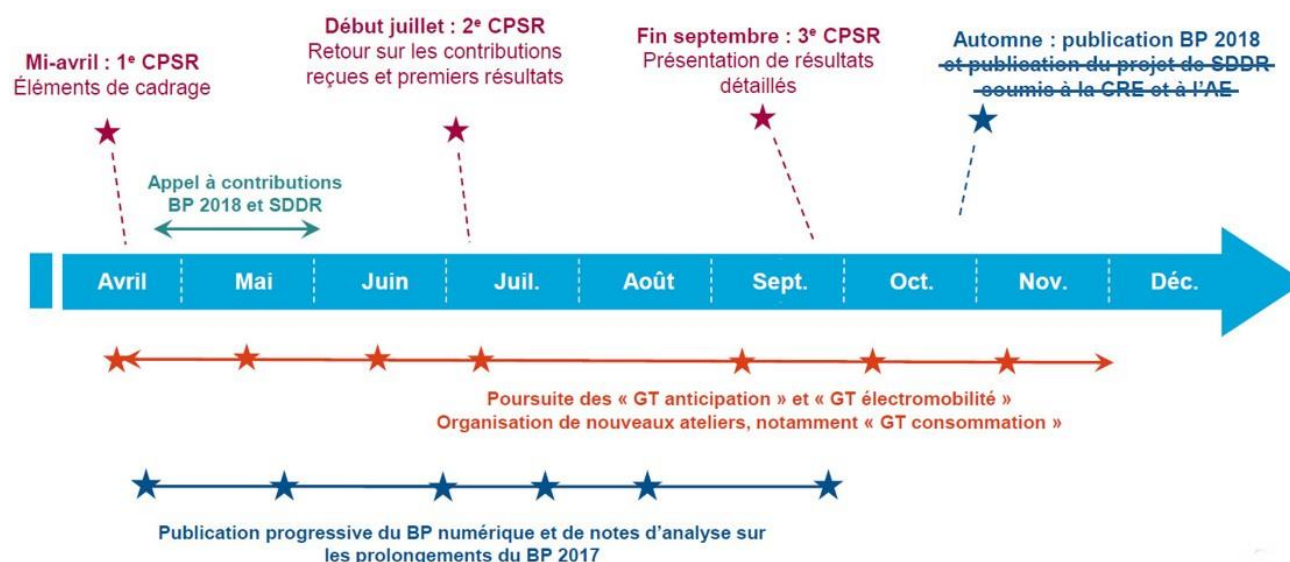
⁴⁷ See point VI.B. "*Next French TYNDP*".

As in 2017, a consultation with all participants in the electricity system was held to come up with hypotheses concerning the preparation of long-term scenarios. A double call for contributions concerning the 2018 GAR and the 2018 French TYNDP was launched in May 2018. The large number of responses were used to make corrections to the initial hypotheses and were incorporated into the data used to draw up the RTE work.

The SGPC meet three times in 2018:

- **First meeting in April:** presentation of the working approaches on the extensions to and variants of the 2017 GAR and launch of the consultation on the 2018 GAR and the 2018 French TYNDP.
- **Second meeting in July:** presentation of an assessment of the work on the additions to the 2017 GAR, framing of the medium-term analysis of the 2018 GAR, and framing and initial results of the 2018 French TYNDP. RTE in particular presented a summary of the feedback from the calls for contributions.
- **Third meeting in September:** presentation of status of progress of the work on the additions to the 2017 GAR, status of progress of the medium-term analysis of the 2018 GAR, and results to date of the 2018 French TYNDP and follow-up.

The results of the work carried out in the last quarter of 2018 on the French TYNDP were presented at the SGPC meeting in January 2019. This meeting was also the opportunity for a presentation of the summary of the 2018 GAR results and a discussion about the future 2019 GAR scenarios and a presentation on the progress of the work for the "electricity mobility" study conducted by RTE.



SGPC Work Schedule in 2018 [CPSR = SGPC; BP=GAR; SDDR=TYNDP; GT=WG]

NB: after discussing with the CRE and the ministry of environmental and solidarity transition, RTE had not made public the 2017 French TYNDP, which was based on a not updated set of hypotheses in a context of structural change of the major fundamentals. As the MYEP was not finalised in 2018, RTE was not able to publish the draft 2018 French TYNDP in 2018⁴⁸.

Creation of "Electromobility" working group

In spring 2019 RTE and Avere-France launched a working group dedicated to analysis of integrating electromobility into the electricity system, open to the sector's stakeholders. The objective was to monitor, share and guide the in-depth studies on electromobility following up the publication of the 2017 GAR.

⁴⁸ See point VI.B.1. "Next French TYNDP - Connection with the MYEP".

Creation of "Anticipation of acceptance of RES" working group

This working group, resulting from the reflections made within the GAC in 2018, was created within the SGPC, due to its links with the work on the French TYNDP.

With the prospect of the RES development dynamic growing in the years to come, connected in particular to the new targets set by the Multi-Year Energy Programme (MYEP) and the public authorities' stated intention of working on the regulatory framework to reduce the administrative investigation periods, both for RES production projects and for network structures, the various participants have shown a shared interest in working jointly on proposals to facilitate the acceptance of RES. Initial discussions took place at the ministerial working groups organised surrounding the connection of RES and the Connection Plan put forward by the DGEC in early 2018.

In this context, and within the scope of the work and consultation on the French TYNDP, RTE set up this working group to reach concrete solutions to reduce connection periods, shared by all participants (system operators, producers, DGEC, CRE). Its proposals could make it possible to save 2-5 years in commissioning certain key structures, particularly source substations, and thus reduce the periods for connecting to the network by almost 2.5 GW of RES in each study cycle (5 years on average), while controlling the risk of wasted costs.

B.6. Improved consultation with clients

In his 2017 annual report, the compliance officer recommended that RTE be particularly vigilant as to the expectations of the participants that are less represented or less present within CURTE, which will be able to obtain information on the future client portal.

In its RCBCI 2015-2016 report, the CRE wished for RTE to pay more attention to the consultation system and stated that RTE must *"draw up and implement an action plan aimed at improving, by deadlines to be specified, 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."*⁴⁹

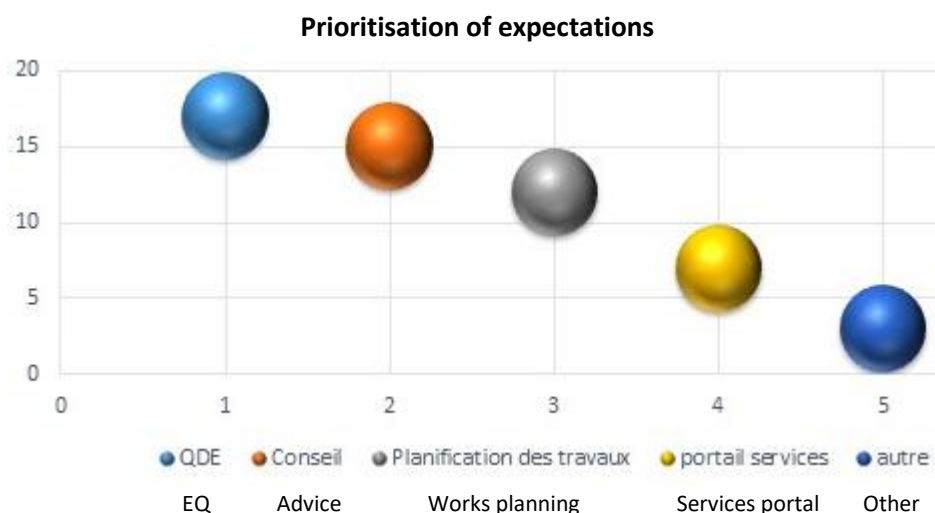
As stated above, the consultation system is today structured around four different commissions, which generally meet on a quarterly basis. The website dedicated to the consultation provides a consultation calendar, proposes reacting to the consultations (draft texts or calls for contributions on questions) and allows the published documents to be viewed. The calendar can be used to put attachments online for meetings and allows the consultation party to react in forum mode.

In 2018, RTE initiated a certain number of subjects directly connected with the idea of co-construction of services, bringing together the various participants.

At an initial workshop organised in Lyon, RTE client expectations were identified and classified in order of importance. Client representatives were invited to vote for the subjects they would like to see tackled by RTE as a priority within the scope of the new co-construction workshops.

One of the first lessons was observed that the expectations expressed once again confirmed three major themes involving values for RTE clients: EQ, advice surrounding energy and electrical materials, and work planning.

⁴⁹ See point X.B. "RCBCI 2015-2016: main changes expected of RTE and changes observed in 2018".



The RTE client votes reasserted their requirements concerning transparency and speed of communication in situations of incidents (voltage dips, long outages), confirmed the expectation of improvements in terms of planning network unavailability, and demonstrated the need for further advice, whether on technical problems or problems concerning TURPE.

Several themes were proposed in March at the "*RTE 2018 client meetings*". At these meetings, clients approved⁵⁰ RTE's approach consisting of co-constructing the new package of services for tomorrow meeting their needs. Some participants applied to participate in new co-construction workshops.

The workshops with clients took place on several sites:

Month	Location	Client segments	Participants	Themes	Workshops
06.2018	Nantes	Consumers/ Distributors	17	Works planning	4
06.2018	Lyon	Consumers	21	Services portal / Users club	2
09.2018	Lyon	Distributors	15	Works planning	1
10.2018	Saint-Denis	Consumers/ Producers/Traders	21	Storage connection	2
10.2018	Marseille	Consumers/ Distributors/Producers	31	Services portal	2

They made it possible to highlight the themes on which clients and RTE must work together:

- how to develop RTE's commercial offering for connection,
- how to offer clients adapted content and provide efficient information on planning works in response to need,
- how to offer a 2.0 service for EQ, from what information and with which associated communication do clients need concerning EQ.

The works planning theme was also covered in several workshops.

⁵⁰ Participation in co-construction workshops proposed and results of survey conducted on the stand.

C. Client Relations

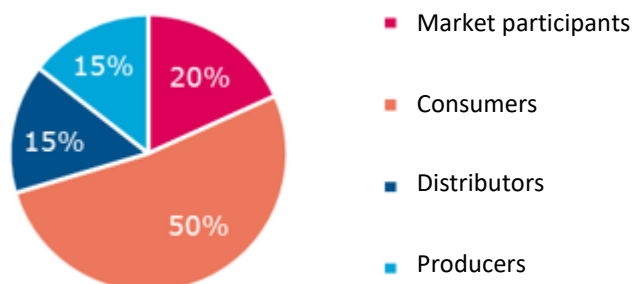
RTE is an electricity sector service company. Accordingly, it is responsible for the permanent nature and quality of the link it maintains with participants in the sector who are clients of this service. To accomplish this, the focus of RTE's commitments is the attention paid to client relations.

C.1. Client satisfaction survey 2018

Within the scope of the satisfaction surveys conducted every year, RTE conducted a new survey among its clients in 2018.

917 client contacts responded, that is, stable participation compared to 2017 (+12).

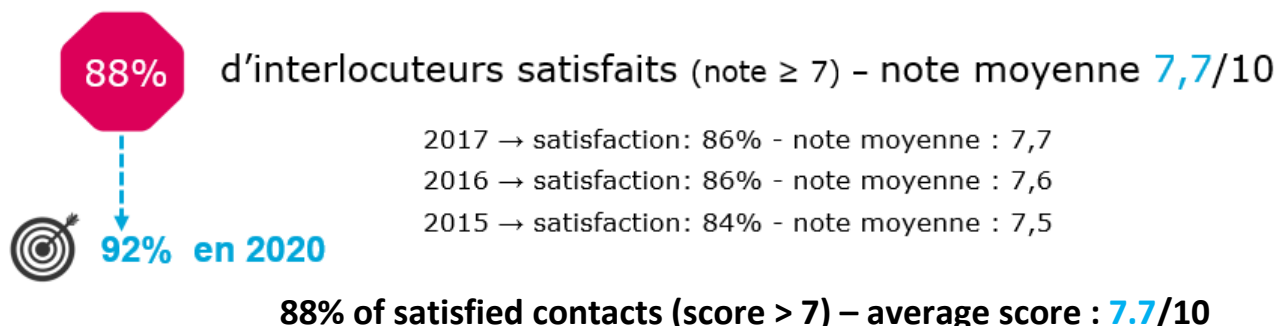
They account for 329 RTE clients, that is, approximately 60% of the portfolio.



The survey questionnaire remained almost identical to past years: two questionnaires were drawn up in order to be more relevant and better targeted with regard to client activities (grid and market). The questionnaires had around fifteen questions to measure satisfaction for all services offered by RTE and the client experience. This survey must thus be used to guide improvement of RTE's products.

The ambition of the RTE mission statement, *Impulsion and Vision*, to serve the performance of its clients is embodied in the objective to reach 92% satisfaction by 2020.

The survey showed a higher overall satisfaction level than in past years.

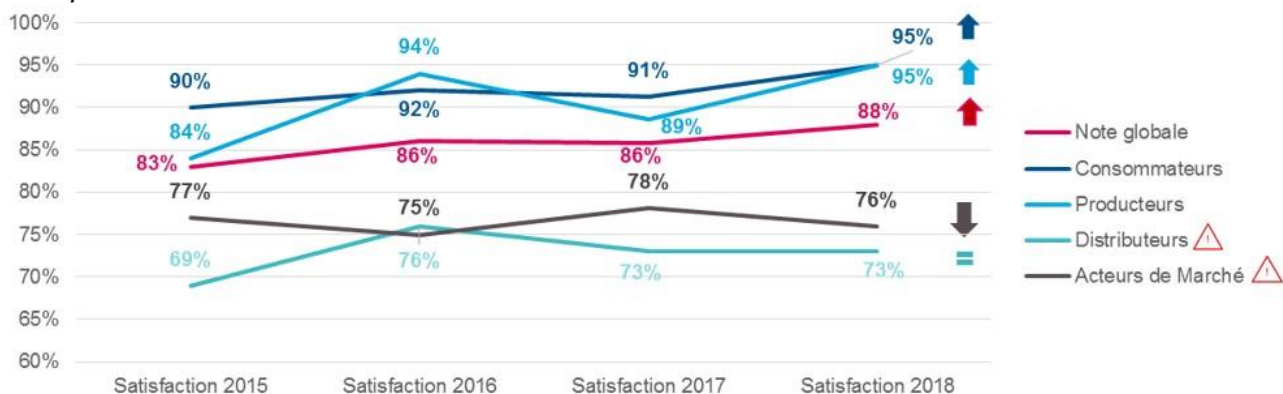


Satisfaction by client segment

Since the 2015 survey, client scores and verbatim accounts have been studied by activity segment (consumers, producers, distributors and market participants). They revealed heterogeneous satisfaction levels and expectations according to client activity on key moments such as connection, electricity quality, access to information (i.e. transparency, following incidents, access to IS), services (e.g. maintenance), advice and client relations. Targeted actions have been implemented since 2016 to meet the main customer expectations.

In positive terms, RTE still had a very good image according to the clients questioned. Clients also expressed their general satisfaction with the quality of their relationship with their contact person.

The graph below summarises the changes in satisfaction rate for all clients in the last three satisfaction surveys.



A heterogeneous evolution can be seen, revealing two different situations:

- The satisfaction rate of market participants and distributors remained low in absolute terms, stable or slightly down.
- The satisfaction rate of consumers and producers was well up, pulling up the overall score, and reached 95%.

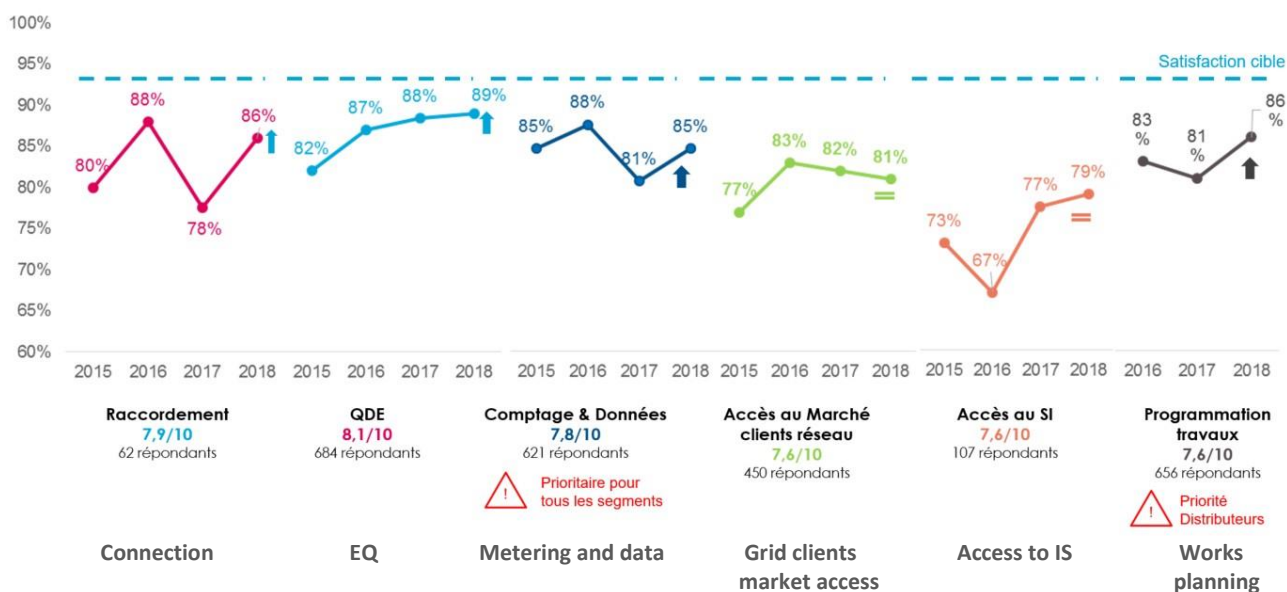
As following the previous surveys, analysis is currently ongoing to identify and implement actions targeted to client segments.

Satisfaction by product line

The questionnaire contained around fifteen questions to measure satisfaction with all services offered and the client experience.

The rate of positive opinions on the services offered was up overall, highlighting the impact of the three action plans rolled out by RTE (access to IS/metering and data, connection, works planning).

Access to the RTE IS remained low in absolute terms. A long-term plan is in place for the EOD and PKI tools.



For a more refined analysis, the survey was used to gather clients' priority expectations, by crossing each client segment and each product line.

In particular this concerns personalised support (distributors), advice on pricing (consumers), co-construction of new services (distributors) and complaint handling (producers).

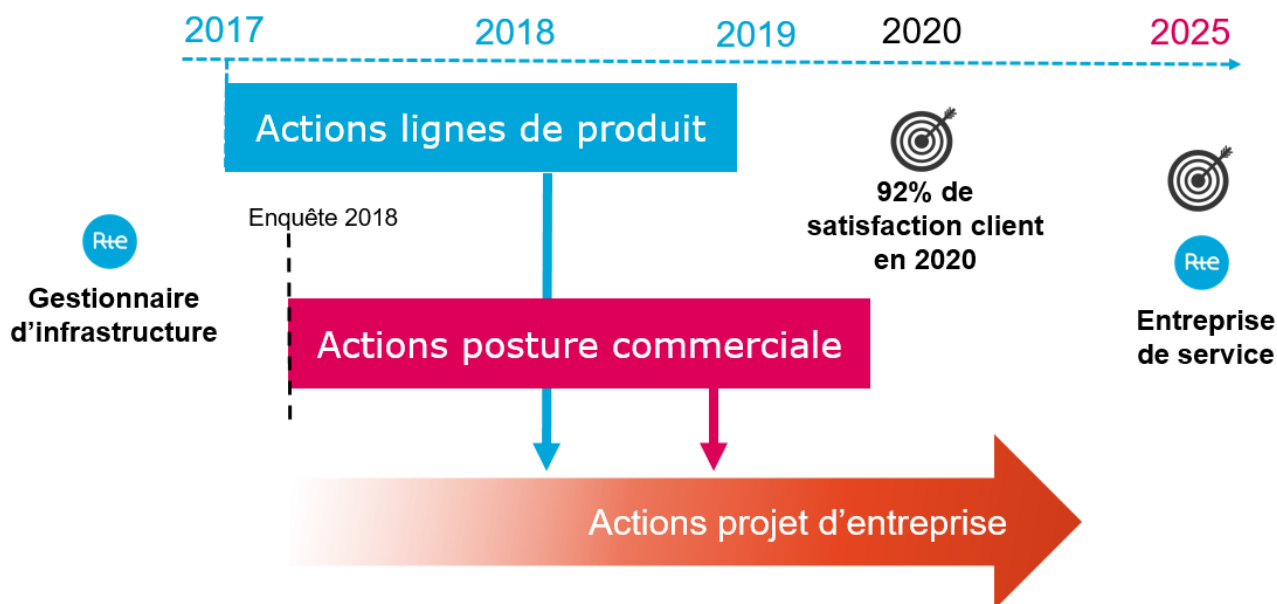
Generally, the survey showed that customer relations represents one of RTE's greatest assets. In particular the verbatim accounts show:

- *The organisation of RTE is perceived as complex*: The scale of RTE and its various areas of expertise (technical, financial, regulatory, etc.) were seen as complexifying factors.
- *The most satisfied clients* emphasised, on the one hand, the availability and effectiveness of their contacts at RTE and, on the other hand, their good understanding of subjects and good client support.
- *The most unhappy clients* cited the disruptions on the network, but they also considered the client relationship unsatisfactory (for example, reactivity too slow, failure to listen or inappropriate responses).

RTE's "*clients and territories*" action plan adopts a "*client-centric*" strategy as a key factor in the company's commercial performance; this strategy is underpinned by:

- clarifying the commitments and services offered by product line,
- the development of positive markets for contact experience with RTE,
- the development of new services,
- adaptation of operating modes for proximity activities.

RTE's ambition is summarised in the diagram below:



C.2. Client complaints

From the client satisfaction survey performed in 2013, the overall vision that RTE's clients had of the handling of their complaints by the company showed:

- *Low satisfaction score, as in previous surveys:*
 - *speed of handling: 6.2;*
 - *quality of handling: 6.4, a clear improvement (5.5 in 2010).*
- *The responses from RTE clients revealed that complaint handling could be improved by:*
 - *systematically acknowledging receipt;*
 - *having regular contacts between the issuing of the complaint and the response given by RTE.*

The rules established in the Code of Conduct concerning complaint handling are as follows:

- *The system set up by RTE to address complaints is open to everybody and to all users, without any discrimination.*
- *A client who wishes to make a complaint sends it to their client relations contact. Within 10 days, this contact acknowledges receipt of the complaint. 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 him why this time limit is being exceeded.*

RTE provides market participants with a system for handling complaints on its institutional website.

The status of complaints comes directly from the application used since 2014 to trace complaints and their handling, in accordance with the CRE's recommendations following its audit of complaints of 22 February 2013. An indicator for monitoring compliance with the time limits for handling complaints has been set up by RTE and is monitored every month.

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

Finally, in 2018 the compliance officer took note of the request made by the CRE in its audit report on the RTE billing process and sales practices as in its report RCBCI 2017-2018, to draw up formalised guidelines for handling complaints in order to prevent any risk of discrimination⁵¹.

⁵¹ See point III.A.3. "CRE audit on billing process and sales practices".

i) Status of complaints at the end of 2018

In late 2018, the number of complaints was down, reaching 67 compared to 85 for 2017, that is, the lowest total since 2013.

2013	2014	2015	2016	2017	2018
82	122	98	89	85	67

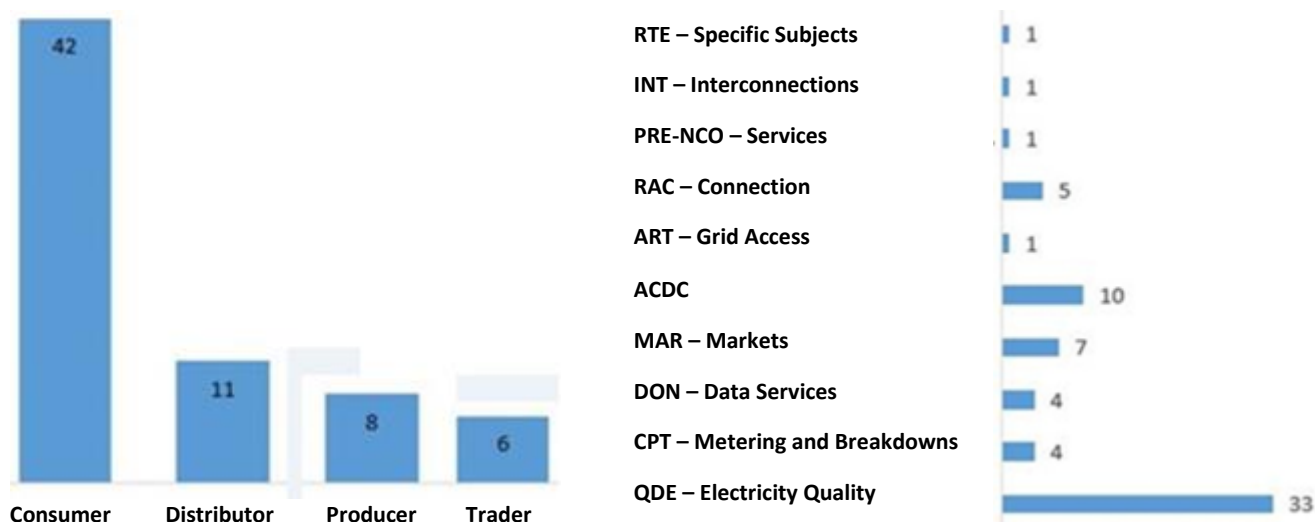
Conversely, the rate of compliance with the response (10 days) and handling (30 days) times fell significantly (25 complaints were handled in a period of 20 days, that is, 37% against 48% in 2017).



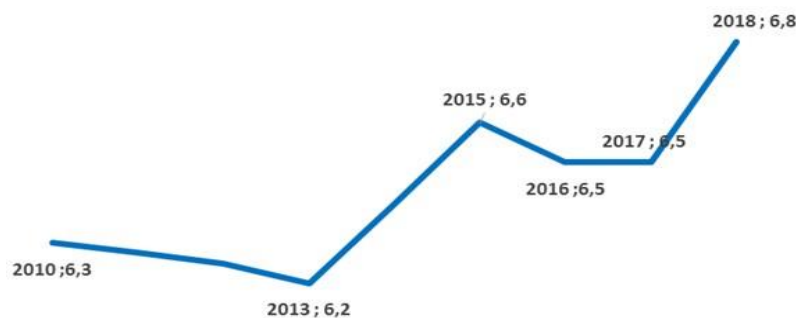
RTE's sales department will implement corrective actions in early 2019 to reverse this tendency (reminder of best practices, update to existing operating methods, recording in tools).

Like every other year, the consumer segment continued to incur the most complaints (linked to the quality of electricity supply).

The number of complaints concerning QE remained stable (at 33 against 34 in 2017), the fall in the number of complaints concerned access to the network (10 against 23 in 2017) and aspects linked to billing by the ACDC units (1 against 11 in 2017). Complaints concerning connection and the markets rose and those concerning other aspects varied little.



At the same time, measurements of service quality as perceived by RTE clients in terms of complaint handling rose significantly between 2017 and 2018, recognising the improved handling quality (possibility to the detriment of handling times).



ii) Examination of complaint handling in North and West regions

During his compliance audits in the North and West regions⁵², the compliance officer conducted an examination of the client complaint handling situation, leading to the following main observations.

- The handling process is mature. Complaints are entered in the tool, with attachments attesting documents received or sent (including scans of postal confirmations of receipt). Based on the definitions provided by the RTE sales department, the regional sales departments correctly distinguish between what constitutes a complaint and what is not (e.g. a request for an explanation about a bill).
- While RTE's regional sales departments do their utmost to respond to clients as best they can, they do not always seek proof that clients have indeed received a response from RTE. And even if a client states that they have received RTE's response, this information is not always traced in the tool.
- The system of electronic registered letter is not always known by the regional sales departments even though it can prove useful and less time-consuming than traditional registered post.

The compliance officer recommended that RTE:

- ***systematically ask clients to acknowledge receipt of the responses given by RTE to their complaints,***
- ***as required, use electronic registered letters.***

C.3. Service offers

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 wishes firstly to comply with the legal obligations⁵³ 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 provides commercial brokerage for the services in the competitive field previously included in RTE's catalogue. RTE meanwhile continues to offer in this catalogue directly, drawn up 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 interconnections).

⁵² See point VIII.B.1. "Compliance Audits in North and West Regions".

⁵³ Article L. 111-46 of the Energy Code.

After several significant developments in 2017, as stated in the compliance officer's 2017 annual report, there was no significant development on this subject in 2018.

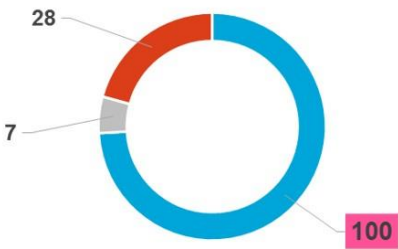
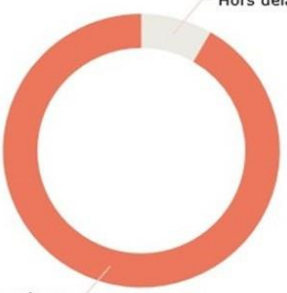
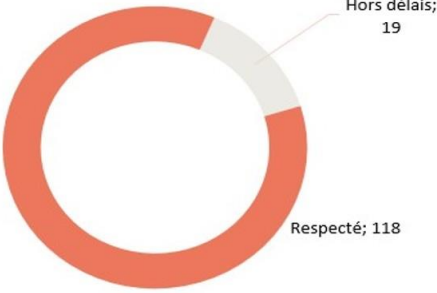
At client meetings organised in Paris on 29 March 2018, RTE announced the creation of a permanent project centre in Lyon for clients to meet it and work on the services offered.

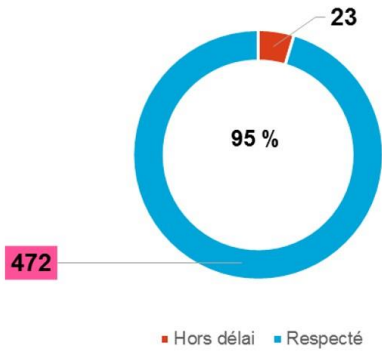
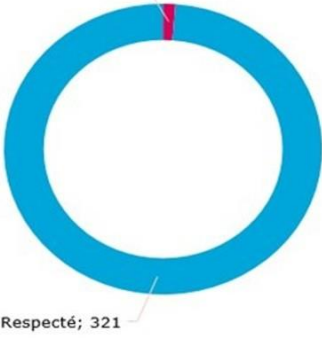
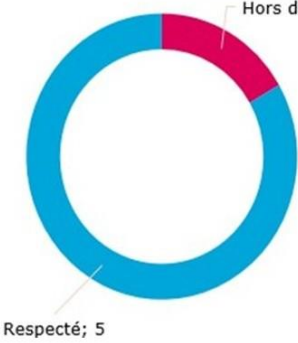
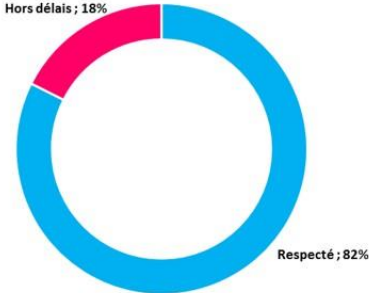
C.4. Service commitments

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 compliance officer's 2017 annual report, 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, and thus undertakes to share its results with its clients every year. The 2018 service commitment assessment is presented below.

Transparency - more proactivity and transparency concerning information about projects or in incident situations	
<p><i>Provide regular reports at the key stages of connection projects.</i></p> <p>Out of 135 connection cases, 35 were not correctly reported (either because the clients did not wish to do so, for 7 of them, or because the case did not so require, for example, if there are no works). The 100 remaining cases were correctly reported.</p>	 <p>■ Reporting effectué ■ Pas de reporting : choix RTE ■ Pas de reporting : choix du client</p>
<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 92% of cases (RTE's initial objective was set at 90%).</p>	 <p>Respecté; 44 Hors délais; 4</p>
<p><i>Within two weeks give notification of exceeding a threshold commitment on outages or voltage dips, in addition to the factual information provided following an incident.</i></p> <p>The commitment was fulfilled in 86% of cases (RTE's initial objective was set at 90%).</p>	 <p>Respecté; 118 Hors délais; 19</p>

Advice - more advice so that clients enjoy solutions appropriate to their activity and thus control their costs	
<p>Contact clients within two weeks to specify their needs and priorities in preparing their connection offer, in terms of cost, time period, electricity quality.</p> <p>For 2018, this commitment, closely monitored and managed quarterly, was fulfilled 95%.</p>	 <p>472</p> <p>23</p> <p>95 %</p> <p>■ Hors délai ■ Respecté</p>
<p>Provide an optimisation of change in subscribed power or tariff version within seven working days.</p> <p>A major effort was made on this commitment, with a rate of 99%.</p>	 <p>Respecté; 321</p>
<p>Support clients and participants in territories on the understanding of market subjects:</p> <p>RTE's objective is to provide pedagogy about the market mechanisms to the participants in the electricity system. The number of meetings/presentations with clients or territories has increased significantly between 2017 and 2018 to reach the number of 142 (against 118 in 2017). The main themes tackled at these discussion meetings are the development of flexibility, storage and the capacity mechanism. These discussions took place throughout the territory and were organised by the sales departments.</p>	
Time periods - so that clients can access their data more easily	
<p>Provide a binding proposal concerning a schedule for metering installation within six weeks.</p> <p>RTE has recorded few cases concerning this service commitment and the rate is 83%.</p>	 <p>Hors délais; 1</p> <p>Respecté; 5</p>
<p>Provide access to the RTE IS within two weeks.</p> <p>Out of 506 client requests considered, 417 were handled within the deadline, that is, a commitment compliance rate of 82%.</p>	 <p>Hors délais; 18%</p> <p>Respecté; 82%</p>

IV. Transparency and Openness

RTE's approach to transparency was initially focused on providing information about the electricity system and electricity markets at a national level. While the need for national information is not questioned, there has been a significant change in the challenges:

- The European "*Transparency*"⁵⁴ and REMIT regulations are gradually being implemented by the provision of increasingly complete information about the European electricity markets.
- The French debate about energy transition has revealed the need for better information at the level of each French region about the development of the electricity system.
- The consultations conducted around the law for a Digital Republic demonstrated the need to expand access to public data and to guarantee its quality, in a situation of development of "Open Data" and digital transformation.

These trends were reflected in 2017 by various changes to RTE's transparency tools and resources, which continued in 2018.

A. Transparency and information on the electrical system

Within the scope of the TECV and Digital Republic laws, RTE continues to produce innovative tools and attractive publications to highlight the data and information about the electricity system, addressed to all stakeholders.

In 2018, 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 the use and interpretation of data.

A.1. éCO2mix

The mobile application éCO2mix, launched in 2011, publishes data about electricity consumption and production throughout France, and has experienced growing success: it is consulted 20 million times a year and has provided direct access to 40 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.

Following the provision of real time regional data in 2016, a "general public" version in late 2016, with in particular the real time data for the Greater Paris metropolitan area, and data from thirteen other metropolitan areas in 2017, in 2018 the Strasbourg Eurométropole and the spot prize for Austria arrived. The next version is being prepared with new data visualisations, new data, new pedagogical information and new services for the territories.



The éCO2mix smartphone application has already been downloaded 129,000 times, and over 14,000 times in 2018.

⁵⁴ 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.

B. Data Publication Platforms

B.1. "Open data" platform move

Based on the principle that opening up data to everyone gives citizens the opportunity to act on their consumption and become active participants in the electricity system, in 2016 RTE began an "Open Data" process, opening a specific platform for publishing extensive data concerning the electricity 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.

B.2. ODRÉ (Open Data Réseaux Énergie) platform

In January 2017, GRTgaz and RTE set up the platform ODRÉ. During the course of 2017 they were joined by Teréga (ex-TIGF), AFGNV, Weathernews France, Elengy, Storengy and Dunkerque LNG.

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

It is intended that new multi-energy, multi-operator and multi-grid data will be added to this platform, but also that it will be expanded with new partners wishing to share an approach of transparency and educating citizens, local authorities and economic players, thus contributing to the preparation and assessment of energy policies.

The platform is also intended to host increasingly dynamic data that is updated in real time.

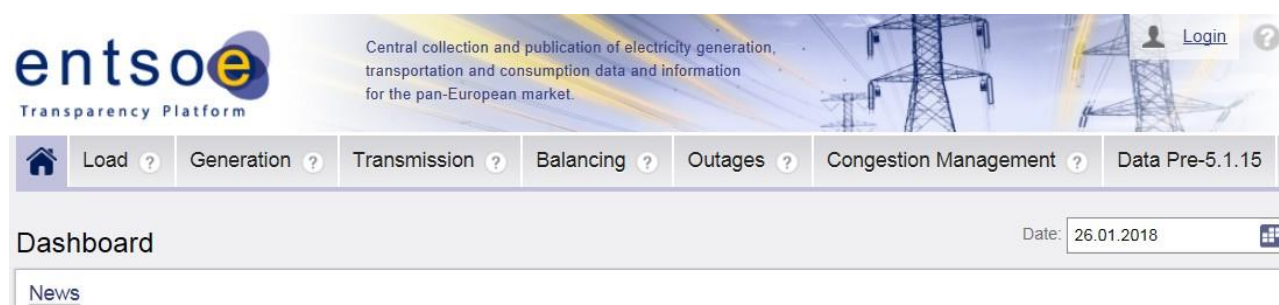


In late 2018 it offered 82 data sets, including 62 to which RTE contributed (compared to 6 on opening in January 2017) surrounding seven themes: production, consumption, territories and regions, markets, meteorology, storage. Additionally, pedagogical activities aimed at the stakeholders were introduced to support them in using the platform and data (e.g. master class, interactive regional indicators).

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

B.3. Electricity Market Fundamental Information Platform (EMFIP platform)

Since 5 January 2015, ENTSO-E has operated a European platform EMFIP for publishing free access fundamental information about the European electricity market. The publications cover 65 types of information divided into six categories: consumption, production, cross-border exchanges, balancing, unavailability of production and consumption units and of the grid, and congestion management. On a daily basis RTE feeds in the French information for which it is responsible, representing around 1000 figures per day.



C. Publications

C.1. Electricity reports

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

Since 2017, RTE has published the electricity reports for the past year in digital format.

Different reading levels are proposed to make it possible to examine 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.

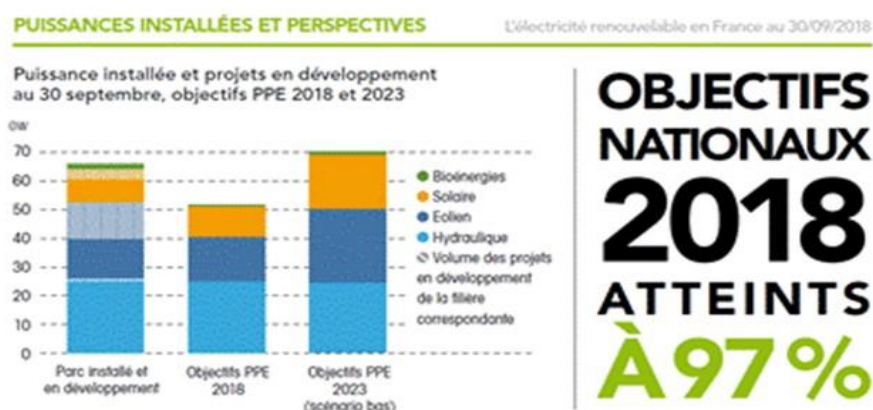


C.2. Renewable energy panorama

The renewable electricity panorama, published in partnership with SER, Enedis and ADEEF 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 2018 and 2023 for each source of renewable electricity production.



D. Implementation of the REMIT regulation

Pursuant to article 15 of the European Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) any person professionally arranging transactions on wholesale energy products (PPAT) has 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.

The fourth version of the ACER guidelines on the application of REMIT classify TSOs and capacity allocation platforms for adjustment markets and interconnection capacity allocation mechanisms as PPATs.

RTE wishes to include the implementation of these provisions in its Code of Conduct, by:

- specifying the concepts of inside information, inside trading transactions and market manipulation;
- explicitly stating RTE's activity as PPAT: introduction of effective provisions and procedures to detect market abuses for RTE's mechanisms.

RTE therefore contacted the CRE in December 2018, pursuant to article L. 111-22 of the Energy Code, to propose adding to chapter 3 of the Code of Conduct ("*Ensuring transparency in relations with the regulator, network users and other participants on the electricity market*") a third paragraph: "3.3. The publication of inside information within the scope of the REMIT regulation".

The implementation of these new provisions of the RTE Code of Conduct will be assessed from the RTE's compliance officer annual report. The fact that this report is made public will enable RTE to exercise its responsibilities in complete transparency with the market participants.

V. Confidentiality

A. General Provisions

For obligations made to RTE and its employees in terms of confidentiality and respect for it, an audit performed in 2012 at the request of the compliance officer recommended that: *"the entire system, from its organisation and coordination to the awareness-raising and training of the various company players, be revised and reactivated"*.

Within this framework, in 2014 RTE published an internal prescriptive directive⁵⁵ based on the new organisation of RTE built around its business lines, now responsible for defining and monitoring operational processes such as the training system. In accordance with the action plan after the audit, a requirements review was conducted of this document, and in 2014 it was adjusted by the business departments concerned.

With respect to raising awareness among the different players in the company concerning their obligations in terms of confidentiality, the compliance officer observed that it continued in the internal audits carried out between mid-2013 and mid-2015 in RTE's regions. The company set up a network of "confidentiality" correspondents in the regions and in the national directorates. Since 2015, during his compliance audits in the regions and in monitoring the activity of the national directorates the compliance officer has ensured that this network is active and takes part fully in maintaining staff and management attention on the obligations in this matter.

The provisions in force therefore appear to be appropriate for all officials responsible for various aspects of relations with clients.

The compliance audits conducted since 2016 by the compliance officer have provided an overall satisfactory assessment as to confidentiality of CSI in RTE.

RTE has organised itself to improve management of confidentiality (including data protection in the widest sense and cybersecurity): the RTE security and assets department is now responsible for managing the matter internally, in particular the managerial responsibility for such matters and the use of information technology tools.

B. Types of data for which RTE must maintain confidentiality

During his compliance audits in the North and West regions⁵⁶, the compliance officer noted that generally, the RTE Confidentiality Directive is correctly implemented in the North and West regions. The control factors are present and applied generally.

He noted however that the actions to meet the confidentiality obligations conducted by RTE concern three data types: commercially sensitive information (CSI), intellectual property protection (IPP) and personal data (PD). The RTE Confidentiality Directive covers the first two types of data and the third type is covered by other internal directives ("information technology and freedoms", GDPR, etc.).

⁵⁵ "RTE Confidentiality Directive", Internal Document of 19 February 2014.

⁵⁶ See point VIII.B.1. "Compliance Audits in North and West Regions".

Two other data types, which concern RTE, are cited less often in the regions:

- Commercially advantageous information: RTE's Code of Conduct, in its version approved by the CRE on 11 January 2018, states "*Within the scope of the independence of the transmission system operator from the VIU, in addition to protecting sensitive information as described in chapter 4 hereinafter, RTE must prevent information about its own activities which may be commercially advantageous being disclosed in a discriminatory manner within the VIU, and in particular to the representatives of the shareholders*".
- Information covered by business secrecy: this subject is now internalised by the RTE departments in question, starting with the purchasing department teams.

The compliance officer recommended that RTE promote a global vision of all the data types for which RTE must protect confidentiality, in particular information of which dissemination is likely to be commercially advantageous for the VIU.

C. Raising Awareness of Confidentiality

In 2018, awareness surrounding confidentiality continued to be raised at a steady pace among employees and new arrivals. RTE undertook work to standardise presentation media. It also developed an online training course, which recalls the principles and resources implemented for confidentiality in RTE and which will be accessible to everyone in 2019.

Continuing on from the audits conducted in 2017, an internal inspection was conducted of the means of protection for sharing data externally. No data leak was detected, but discrepancies in the means of protection were observed, thus increasing the probabilities of loss of confidentiality. Nevertheless, these discrepancies did not concern CSI.

In 2018 RTE created a working group on data protection to redefine the scope of sensitive information, and the means and methods for protecting intangible assets. A series of recommendations, functional but also organisational, were put forward and after a feasibility analysis will lead to a data protection policy.

The creation of this working group has made it possible to respond to several recommendations from the RTE Compliance Officer's 2017 annual report:

- verify the implementation within RTE of the Confidentiality Directive provisions concerning the protection of RTE's intangible assets.
- carry out actions to clarify the confidentiality and employee awareness regulations, and pay attention to the updating of distribution lists.

The creation of this working group also provides an element of response to an observation made by the compliance officer during the compliance audits in the North and West regions⁵⁷: while the question of RTE's intangible assets is indeed considered in the regions through the subject of intellectual property (e.g. filing patents, trademarks), the matter of protection of intangible assets is still vague, particularly in comparison with RTE's tangible asset protection policy.

The compliance officer will monitor the progress of this work and assess it in his 2019 annual report.

⁵⁷ See point VIII.B.1. "*Compliance Audits in North and West Regions*".

D. Monitoring "Confidentiality" Incidents

RTE identifies all incidents and near incidents which occur.

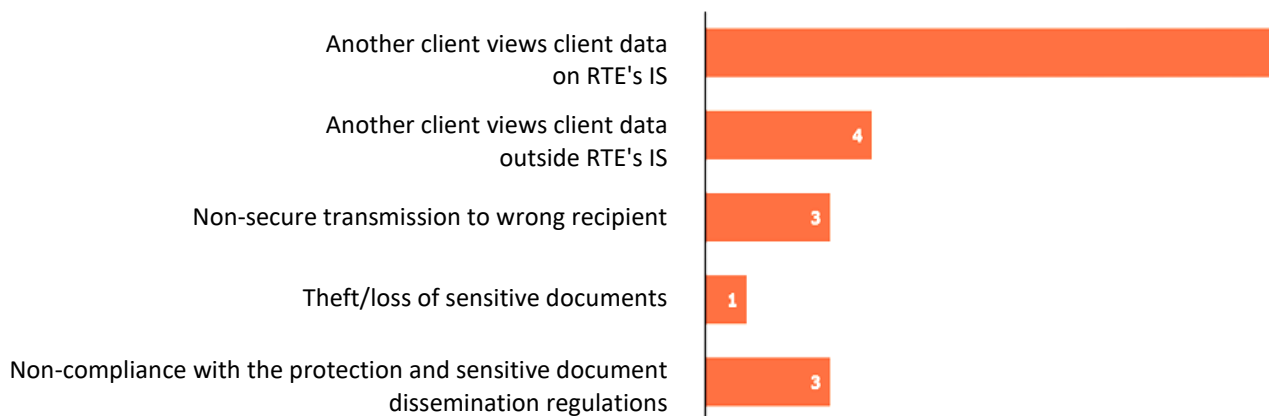
It is recalled that incidents are discrepancies which could potentially have consequences for the clients concerned, while near incidents are actions for which it is certain that they have had no consequences for clients (most often because the risk of error has been detected before the discrepancy has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

The situation of the number of incidents and near incidents in 2018 was as follows:

	2012	2013	2014	2015	2016	2017	2018
Number of incidents	15	9	14	25	13	20	30
Number of near incidents	4	6	9	13	22	5	2

Number of incidents and near incidents in recent years

The number of incidents rose significantly between 2017 and 2018 and exceeded the 2015 level. The incidents declared in 2018 mainly concerned the sales teams and were connected to the client configuration and balance responsible entities in client management tools. Although the number of incidents rose, this number must be viewed from the perspective of the thousands of manipulations carried out on client data each year.



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 number of near incidents meanwhile fell. In 2016, they were essentially due to non-compliance with the protection and sensitive document dissemination regulations. The heightened vigilance in 2017 following the internal audit on means of protection continued in 2018.

Employee awareness-raising activities are to continue throughout 2019, particularly raising awareness among RTE's new arrivals and actions to clarify the rules and raise employee awareness.

E. Employee Movement

The Commission established by article L. 111-74 of the Energy Code⁵⁸ is designed to govern the conditions for the transfer to companies in the electricity sector of employees who have had access to CSI.

It was set up so that the chairman of the RTE Management Board could refer to an opinion before deciding whether RTE employees could move to other companies working in the energy sector when they had been exposed to CSI. This Commission proposes that certain transfers be preceded by transitional periods giving time for the information held to become obsolete.

The greatest risk, first identified in 2012, is still that certain situations which should be are not submitted to the Commission. The questionnaire feedback sent by the compliance officer to the regional delegates⁵⁹ shows that the actions implemented help to prevent this risk:

- Awareness-raising among employees and management was maintained in 2018.
- Since 2016, measures have been in place to strengthen the detection system 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.

During the compliance audits in the North and West regions⁶⁰, the compliance officer found that the question of whether the situations handled requires an application to be submitted to the Commission secretariat of article L. 111-74 is brought by the career advisers to the *Comité Emploi Choix des Hommes* (CECH), bringing together RTE regional participants on the subject of mobility. Management is well aware of the implementation of article L. 111-74.

He observed a best practice consisting of inserting a tab for article L. 111-74 into the CECH monitoring table, which makes it necessary to ask the question, particularly during the preparatory discussions for meetings between career advisers and managers.

Furthermore, the two regions consider that the memorandums concerning implementation of article L. 111-74 show a certain vagueness about whether to refer to the Commission secretariat or not and that a need for coordination has been felt. The compliance officer confirmed this vagueness but observed that, in view of the low number of cases, uncertainties can be resolved with email or telephone contact between the region and the Commission secretariat.

Nevertheless he observed that the information about article L. 111-74 is minimal and difficult to access on the RTE intranet, even finding the name of the person responsible for the Commission secretariat in the RTE legal department. In particular, the page "*HR in Practice*" does not contain any item concerning moves from RTE to other companies in the sector.

The compliance officer recommended that RTE:

- ***facilitate access on the RTE intranet to information about the implementation of article L. 111-74 for both managers and employees,***
- ***update internal memorandums concerning article L. 111-74, if only because the postal address of the Commission secretariat changed when RTE's registered office changed.***

⁵⁸ Initially introduced by law no. 2003-8 of 3 January 2003, amending article 13 of law no. 2000-108 of 10 February 2000.

⁵⁹ See point VIII.A.2 "*Organisation of RTE by region*".

⁶⁰ See point VIII.B.1. "*Compliance Audits in North and West Regions*".

The following table summarises the Commission's activity over the last 10 years: for the first time since 2014, in 2018 the Commission proposed a transitional period for one of the cases referred to it (duration of one month).

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Cases submitted to Commission secretariat	26	25	29	28	26	22	12	11	6	10
Cases leading to referral to the Commission:	13	10	10	18	8	7	2	6	2	3
- Cases with information considered to be incompatible	6	3	7	8	4	1	0	0	0	1
- Cases with information considered to be compatible	7	6	3	10	4	6	2	5	2	2
Decision of the Chairman of the RTE Management Board		Still compliant with the Commission's opinion								

After falling steadily since 2013, the number of cases submitted to the Commission secretariat rose in 2018. This variation appears to be consistent with the trend observed since 2013 in the number of departures to other companies in the EGI branch.

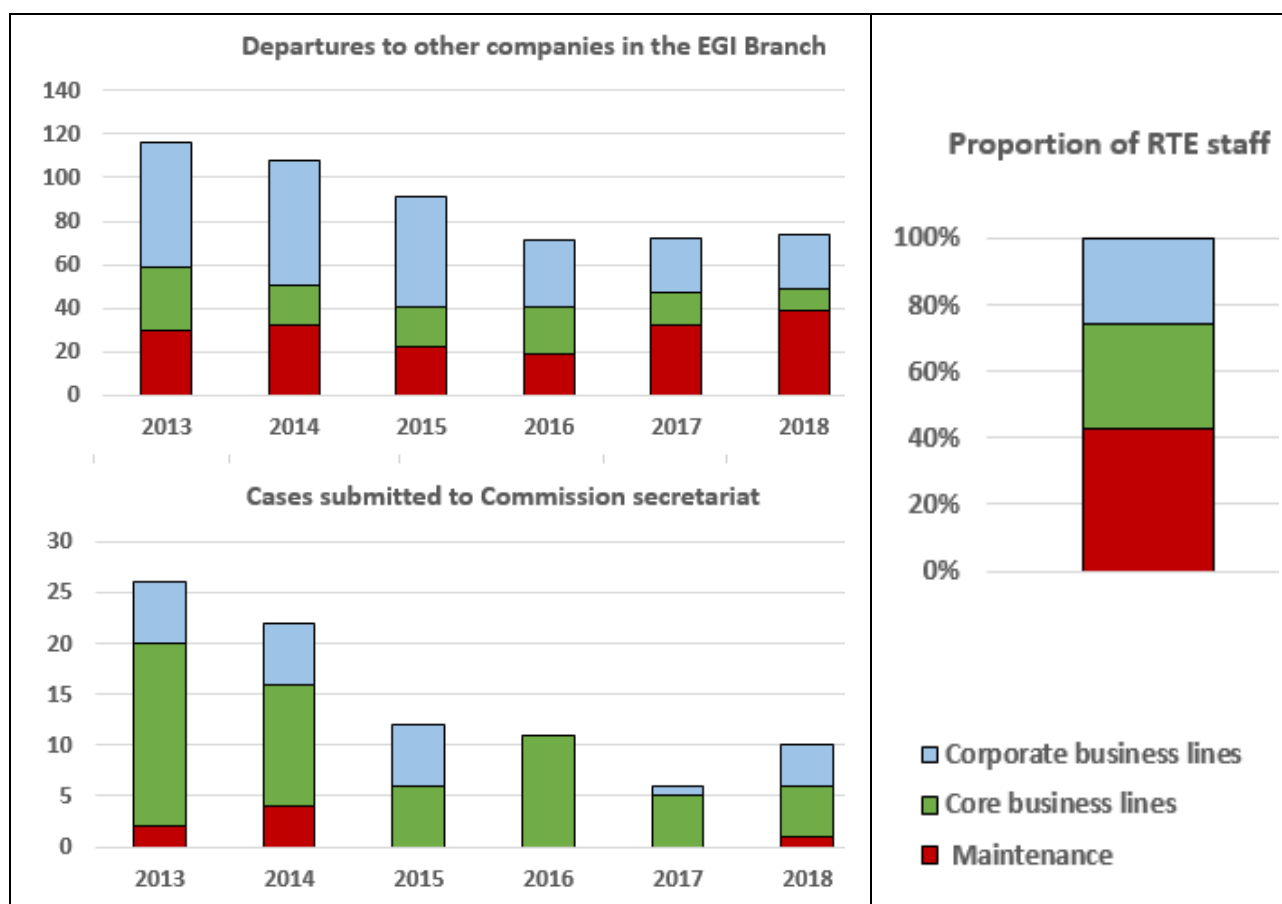
Year	2013	2014	2015	2016	2017	2018
Departures from RTE to other companies in the EGI Branch	116	108	91	71	72	74

As the variation in the number of cases submitted to the Commission secretariat since 2013 is much higher than the variation in the number of moves to other companies in the branch, the compliance officer wished to carry out a more qualitative examination of these moves, by examining the figures by RTE "business lines".

To this end, the business lines were classified into three main categories:

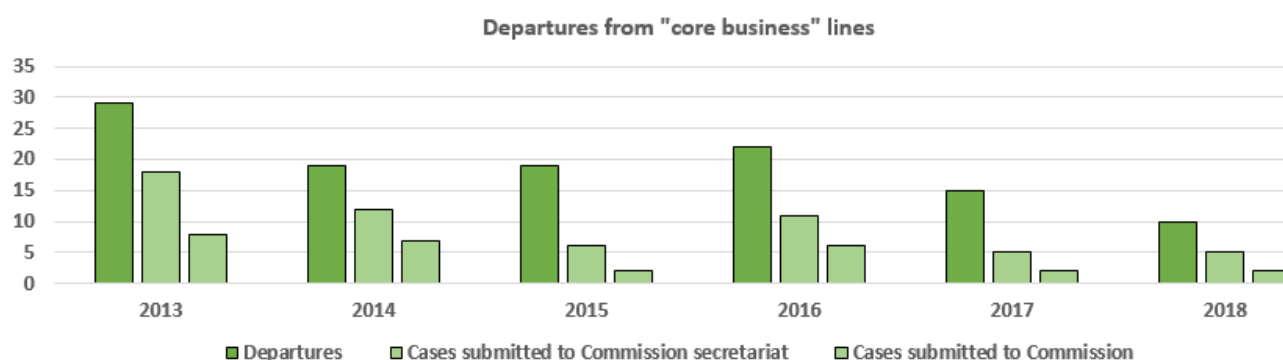
- The transmission system maintenance business lines, covering approximately 45% of the RTE workforce. In general, the employees in question are not exposed to CSI, or only occasionally. Some may move to similar business lines, particularly in electricity distribution system operators.
- The other RTE "core business" lines: exploitation, development and engineering, clients-markets, economy and canvassing, R&D, etc., covering approximately 30% of the RTE workforce. The employees in question may be exposed to CSI. Some may move to other business lines in the electricity and gas industries.
- The "corporate business" lines: finances, procurements, information system, human resources, legal, communication, property, covering approximately 25% of the RTE workforce. The employees in question are sometimes exposed to CSI. They may naturally move towards similar business lines in other companies in the branch.

The variation in departures and referrals to the Commission secretariat are represented in the graph below.



The following observations can be made:

- Employee departures from the RTE "maintenance" business lines have varied closely to the total RTE departures. The employees in question are the subject of few referrals to the Commission secretariat and no referral to the Commission.
- The departures of employees from other RTE "core business" lines continued to fall in 2017 and 2018. At the same time, referrals to the Commission secretariat fell more than the departures. These business lines represent most of the referrals to the Commission secretariat and, except for one case in 2018, all the referrals to the Commission.



- The departures of employees from RTE corporate business lines fell significantly, essentially between 2015 and 2016. The share of these business lines in the referrals to the Commission secretariat is variable and, except for one case in 2018, no referral to the Commission has been made for these business lines.

The analysis will continue in 2019, emphasising the departures of "core business" employees, knowing that it is not easy to determine statistical trends with such low numbers. Other factors may be examined, for example, and insofar as possible, data on moves towards the electricity industries alone may be used, with the gas industries not covered by article L. 111-74.

VI. French Ten Year Network Development Plan for Transmission Grid (TYNDP)

A. RTE 2018 Investment Programme

RTE's desire for sustained investments, justified by the requirements of its clients and by national or European policies, is intended to meet the following objectives:

- support for the energy transition (incorporation of RES, whether land wind energy, photovoltaic or marine wind farms);
- supply security for territories (large urban areas, active territories or electricity peninsulas such as Brittany);
- integration of the European market, with interconnections with border countries;
- renewal of existing grid (management of existing assets), in order to maintain the service quality for RTE customers;
- development and renewal of the IS, in a context of changing needs and in connection with RTE's digital strategy.

In 2018, as in previous years, with the CRE's approval RTE maintained a constant focus which enabled the company's investments to go from just over €800m in 2008 to a level to the tune of €1,400-1,500m from 2012. The amount authorised by the CRE decision no. 2017-272 of 7 December 2017⁶¹ was €1,492m for the 2018 programme.

B. Next French TYNDP

B.1. Connection with the MYEP

In his 2017 annual report, the compliance officer stated that, after discussing with the CRE and the ministry of environmental and solidarity transition, RTE had not made public the 2017 French TYNDP, which was based on a not updated set of hypotheses in a context of structural evolution of the major fundamentals⁶², and that in 2018 RTE needed to work on drawing up a new French TYNDP in accordance with the new public guidelines.

The French energy and climate strategy, based on the SNBC (national low-carbon strategy) and on the MYEP, was submitted on 27 November 2018 by the president of the Republic. In addition to the target figures for 2023 and 2028, the State set five objectives for the MYEP:

- reduce energy consumption,
- reduce the use of fossil fuels,
- diversify the energy mix,
- create jobs,
- increase buying power.

⁶¹ <https://www.cre.fr/Documents/Deliberations/Approbation/programme-d-investissements-rte-2018>

⁶² The four structuring evolution scenarios made public by RTE in late 2017 when the 2017 GAR was released; the prospect of the MYEP being published with new guidelines and decisions made by the public authorities; the new edition of the ENTSO-E TYNDP.

However, the MYEP was not finalised in 2018: in his decision of 30 November 2018 following the public debate on revising the MYEP, the minister of the environmental and solidarity-based transition decided that revision of the MYEP would continue and that the State would take into account the lessons of the public debate in the draft MYEP to be put forward for consultation.

RTE was therefore not able to publish the draft 2018 French TYNDP in 2018.

In January 2019, the minister of state, minister of the environmental and solidarity-based transition published the draft MYEP and stated the provisional schedule: roll-out in parallel with the compulsory consultations (environmental authority, Boards and Committees, neighbouring states), then consultation of public following the recommendation made by the environmental authority.

B.2. Advance consultation on the 2018 French TYNDP

The preparation of the 2018 French TYNDP was subject to an advance consultation within the CURTE SGPC⁶³, based on the discussion with the stakeholders as set up for the GAR. In addition to the "traditional" information provided in the French TYNDP (list of network infrastructures decided or being examined for the next 3 and 10 years), the purpose of the new exercise was to provide a strategic vision of the system's development in the long-term (until 2035). The schedule was as follows:

- launch of the consultation in mid-April 2018 (guidance elements),
- launch in early May 2018 of a call for contributions (long-term hypotheses, methodologies and indicators used in prospective analyses),
- guidance and initial results in early July 2018, with in particular the report on the call for contributions,
- assessment late September 2018.

The initial results of the work was presented to the SGPC in mid-January 2019 (network variation requirements according to RES trajectories; variants on the development of self-consumption; requirements for network renovation over period 2020-2035).

The analyses showed that:

- The public choices announced within the scope of preparation of the MYEP do not, in themselves, lead to uncontrolled growth of the network costs if the conditions stated are not met.
- Conversely, they do require changes to the infrastructure, which must be accepted, anticipated and facilitated:
 - adaptations to the existing system, in particular for the acceptance of RES,
 - new interconnections to facilitate the energy transition on a European scale.

The analyses must be complemented by:

- adaptation of the results for the MYEP scenario,
- analysis of "*marine energies*" and "*digitalisation*" to obtain complete trajectories.

⁶³ See point III.B.5. "*System and Grid Prospects Committee (SGPC)*".

C. Analysis of French TYNDP

C.1. Analysis of three-year deadline French TYNDPs

With respect to the commitments made in the 2011 to 2016 French TYNDPs with a three-year deadline, the compliance officer's 2017 annual report presented an assessment in late 2017.

As there was no new French TYNDP version, it was not desirable to add a new line to this assessment. However, it was modified to take into consideration the projects effectively commissioned in 2018⁶⁴ and predictions of commissioning postponement, as updated internally in RTE. The updated figures are shown on a yellow background.

Projects to be commissioned in (*)	and commissioned in 2012	and commissioned in 2013	and commissioned in 2014	and commissioned in 2015	and commissioned in 2016	and commissioned in 2017	and commissioned in 2018	postponed to 2019	postponed to 2020	postponed to 2021	postponed to 2022	postponed to 2023	Projects suspended (change in consumption, studies restarted, etc.)	Connection projects abandoned at the client's request	Total	Rate of commissioning expected year (or previously)	Rate of commissioning within 3 years
2012	43	9	3											2	57	75%	96%
2013	1	35	12	8	1	1	2							2	62	58%	90%
2014		1	28	12	11		1	3	1	1	1		2	4	65	45%	80%
2015			1	24	19	5	1	3	4				2		59	42%	83%
2016				2	37	11	9	5	7	2		1	2	2	78	50%	76%
2017				1	2	19	11	9	1	2			4	1	50	44%	84%
Total	44	45	44	47	70	36	24	20	13	5	1	1	10	11	371	52%	84%

(*) as shown in the TYNDPs from 2011 and subsequent years in which the project appears for the first time

The changes in commissioning rates remained marginal compared to the 2017 annual report table (maximum 2%). Therefore at this stage there is no change to be made to the lessons learned in 2017, the main one being that the rate of projects postponed beyond the three-year period commitment is relatively low.

The 2017 annual report contained the 2014 French TYNDP assessment in terms of projects expected to be commissioned within three years. It is possible to update this second table by assessing the 2015 French TYNDP assessment, knowing that, once again, the predictions to postpone commissioning are based on an update internal to RTE.

⁶⁴And, alongside this, projects that were to be commissioned in late 2017 but were postponed to early 2018.

Projects to be commissioned in (*)	and commissioned in 2016	and commissioned in 2017	and commissioned in 2018	postponed to 2019	postponed to 2020	postponed to 2021	postponed to 2022 or later	Projects suspended (change in consumption, studies restarted, etc.)	Connection projects abandoned at the client's request	Total	Rate of commissioning expected year	Rate of commissioning within 3 years
2016	35	10	9	5	7		3	3	3	75	47%	72%
2017	2	17	9	9	1	2		4	1	45	42%	82%
2018			10	6	4			3		23	43%	87%
Total	37	27	28	20	12	2	3	10	4	143	45%	78%

(*) as shown in the 2014 TYNDP and not the TYNDP in which the project appears for the first time

It can be seen that the results are worse than the 2014 French TYNDP: the forecast commissioning rate in the past year went from 62% to 45% and the three-year commissioning rate went from 90% to 78%.

This is partly explained by the change in project abandonment rate:

- from 1% to 7% for projects abandoned due to changes in the energy context (changes in consumption, network studies renewed, etc.).
- from 2% to 3% for connection projects abandoned at the client's request.

C.2. Overall analysis of the French TYNDP

In his 2017 annual report, the compliance officer conducted an analysis of the consistency of the French TYNDP projects, on the basis of a consolidated table of the 2011 to 2016 French TYNDPs, which led him to highlight some anomalies, all relatively minor.

This consolidated table was completed on the basis of feedback from the project teams collected by RTE in late 2017 and late 2018, data not made public. The compliance officer conducted a new analysis of the consistency of projects, which highlighted around twenty minor anomalies: for a dozen projects, explanations were missing for the reasons for changes to the predicted commissioning dates for projects between the 2016 French TYNDP version and the 2018 file; for the other projects, they were anomalies concerning the data internal to the RTE file. RTE corrected these anomalies with a view to the next edition of the French TYNDP.

In 2018 the compliance officer also conducted an analysis of the causes of delay and abandonment of French TYNDP projects between 2011 and 2018. This analysis incorporates RTE internal feedback from 2017 and 2018.

	Progression 11-12	Progression 12-13	Progression 13-14	Progression 14-15	Progression 15-16	Progression 16-17	Progression 17-18	Average
Total projects	170	174	260	277	344	295	284	258
Expectation thresholds (1)			19	41	56	39	25	26
Thresholds reached (2)			19	10	12	16	14	10
Unchanged date (3)	116	133	138	114	188	143	159	142
Delay	49	37	83	99	78	89	72	72
Abandonment	5	4	1	13	10	8	14	8
Causes for project delays and abandonments (4)								
Client	24%	46%	46%	39%	42%	41%	51%	42%
Studies	20%	12%	17%	30%	39%	39%	19%	27%
Instruction	33%	22%	13%	18%	8%	7%	7%	14%
Works	22%	20%	24%	13%	11%	12%	23%	17%

(1) *Expectation thresholds*: structural project within the scope of an S3REnR with commissioning date not yet set because the triggering thresholds are not yet reached.

(2) *Thresholds reached*: structural project within the scope of an S3REnR with commissioning date just set because the triggering thresholds have just been reached.

(3) *Unchanged date*: the commissioning date has not changed from the previous edition of the French TYNDP.

In other words, it mainly refers to:

- projects being studied for which the studies have not shown any change from the commissioning date,
- projects undergoing administrative or works procedures, which are taking place as planned.

It may also refer to:

- for a small percentage of cases, projects for which the commissioning date is not yet set, or is long-term, while awaiting confirmation from the studies,
- for 1 to 2% of the cases in the first editions of the French TYNDP, projects for which the commissioning year was slightly advanced or anticipated, without an explanation having been provided in the French TYNDP.

(4) The various causes for projects being delayed or abandoned are described below:

Client: connection project cancelled at client's request, or delayed, sometimes moved up, at the request of or in liaison with the client in question, often due to their schedule. In both cases, the "client" is respectively a local authority requesting a MESIL and a TSO with which an interconnection project exists.

Studies: delay or abandonment connected to the studies conducted by RTE (network studies, engineering studies). It may be due to:

- changes to external factors: change in hypotheses or consumption or production predictions, change in study hypotheses leading to a delay in the project, loss of justification of the project due to changes in consumption, etc.
- new factors highlighted by the RTE studies (development or extension of studies, additional studies, results of detailed studies): existence of an alternative solution, substance of project less significant than expected, simplification of technical solution (commissioning year is therefore moved forward), insufficient profitability to undertake the project, etc.

Instruction: delay or abandonment linked to project instruction. It may be due to:

- the prior consultation phase: delay or suspension of project following consultation, technical study restarted following consultation, acceptability difficulties, adaptation of schedule according to consultation, etc.
- administrative procedures: constraints linked to administrative procedures, simplification of administrative procedures, adapting schedule according to investigation time, delay in approving the implementation plan, difficulty in obtaining road authorisations to carry out the work...

Works: delay linked to construction work on projects. It may be due to:

- external factors: difficulty in acquiring the land necessary for extending substations, preventive archaeology diagnosis, cable supply problem, need to minimise environmental and societal impact, environmental constraints, etc.
- technical difficulties: constraints linked to works, unexpected site problems, technical difficulty revealed during work, difficulties in obtaining registration of approach, unavailability of line assemblers, mobilised on other projects, need for smoothing out RTE works, etc.
- for less than 1% of projects, schedule loosened without impact: less urgent need, no risk to production development, etc.

Due to the lack of precise coding for the causes of delay, and the lesser level of detail provided in the first editions of the French TYNDP, it may be that certain delays are not very well classified. The figures in the table below should therefore not be considered in detail, as the main idea is to demonstrate the main trends.

For the years to come, the new provisions (decree of 28 June 2018 concerning S3REnR and multi-producer connections, update to RTD on 1 December 2018) are from the perspective of a rise in the RES development dynamic, particularly as the criteria connected to the S3REnR adaptation and revision mechanisms are loosened⁶⁵. These changes will be reflected in the French TYNDP.

⁶⁵ See point III.B.5. "System and Grid Prospects Committee (SGPC)", particularly the creation of an "Anticipation of acceptance of RES" working group.

It can be seen, not counting the S3REnR projects waiting for thresholds to be triggered or for which the thresholds have just been triggered, that:

- on average each year, one third of the projects included in the French TYNDP are postponed,
- conversely, the number of projects abandoned only settles at approximately 3.5% on average.

These figures however cover different situations:

- Most of the delays and abandonments (over 40%) are linked to projects involving the connection of RTE client installations for which the commissioning dates themselves are subject to unexpected delays.
- Slightly over a quarter result from RTE studies, which shows the interest in regularly updating the studies, as the justification for a project or its substance may change over time, particularly under the effect of external changes.
- Delays (or rare abandonments) linked to project instructions are limited (less than 15%), which may show, on the one hand, a certain control of the procedures by the RTE teams and, on the other hand, the fact that most of the projects are limited in scope in terms of their external impact (short connections, renovation or rebuilding of substations, etc.).
- Delays linked to works are also limited (slightly over 15%), which is relatively in phase with the three-year analysis of the French TYNDP.

D. Monitoring French TYNDP Performance

In autumn 2018, RTE presented to the CRE its 2019 investment programme, including the financing of projects within 3 years from the French TYNDP. By decision of 20 December 2017⁶⁶, the CRE approved this programme except for four new projects concerning the information system, which are therefore not covered by the French TYNDP.

In particular, the CRE approved the spending concerning the RINGO project for 2019 (industrial-scale experimental demonstrator with the objective of classifying the use of batteries to manage congestion on the 63-90 kV network technically) but it indicated that it "*would remain attentive to the correct fulfilment of the commitments made by RTE*".

As in past years, the changes of which the CRE was correctly informed through various files following up the investment programme during 2018 were the result of analyses conducted by RTE completely independently, based solely on the criteria mentioned above: requests by clients and the company's ability to respond to these requests.

It should be noted that the CRE "*asked that RTE alert it in the future in the event of significant modification to the substance and costs of a project included in its investment programme as approved by the CRE*".

The compliance officer takes part in the RTE Project Commitments Committee meetings; this body examines and validates files before RTE makes decisions about grid investments.

With respect to the compliance officer's verification of the performance of the French TYNDP⁶⁷, he will be able to certify for 2018, 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.

⁶⁶ <https://www.cre.fr/Documents/Deliberations/Approbation/Programme-d-investissements-2019-RTE>

⁶⁷ Paragraph 4 of article L. 111-34 of the Energy Code.

VII. Relations between RTE and the Subsidiaries It Controls

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 by the intermediary of subsidiaries or holdings. Such development activities must remain accessories to grid management and may not receive financial support."*) and its statutes, RTE holds 100% interests in five companies:

- Arteria: sale of fibre optic cables built by RTE and pylons;
- RTE International: engineering and consultancy and ancillary services in the fields of activity of an electricity transmission system operator;
- Airtelis: provision of services, by means of one or more helicopters, and supply of products and materials for valuation of assets and/or competencies of RTE;
- RTE Immo: acquisition, management, administration and assignment of property and property rights, carrying out works on property with a view to valuation, and provision of property services;
- Cirtéus: service provision, studies and advice in the areas of the maintenance, operation and development of their high and very-high voltage facilities, and training;

RTE also:

- owns jointly with Red Electrica de España the company INELFE: construction of new interconnection lines between the French and Spanish transmission systems;
- owns jointly with National Grid the company IFA2: construction of new IFA2 interconnection line between the French and English transmission systems;
- holds interests in two affiliated companies:
 - HGRT (34%): holds 49% of the company EPEX SPOT of which the purpose is managing electricity spot markets in France, Germany, Austria and Switzerland;
 - Coreso (16%): security analyses and coordinated preventive or corrective solution proposals in order to control the security of the electricity system of Western Europe;
- holds interests in two other companies:
 - JAO (5%): operation of auctions of cross-border electricity exchange capacities in the centre-west and centre-south zone of Europe;
 - Declaranet (12%): contributes to the safety of persons and property and to protecting infrastructures and structures when carrying out construction or maintenance work in the public domain by offering the processing of declarations of intentions to start work.

These companies are not directly covered by the obligations laid down in articles L. 111-9 et seq. of the Energy Code. Nevertheless, the relations between RTE and its subsidiaries must abide by the obligation of the Energy Code and the provisions of RTE's Code of Conduct, in particular the protection of CSI held by RTE. Such relations are also covered by regulatory principles covered in an exchange of correspondence between RTE and the CRE in late 2010:

In February 2017 the CRE sent to RTE an audit report on the relations between RTE and its subsidiaries. Based on this document, the RCBCI 2015-2016 report made several requests, which are stated in appendices to this report with their progress status in late 2018⁶⁸.

In particular, the CRE asked RTE to set up a framework agreement system for each of its subsidiaries to submit them to the CRE for approval within the scope of application of article L. 111-17 of the Energy Code. The first framework agreement for the Arteria subsidiary was approved by the CRE on 13 December 2018⁶⁹. This model may be used as the basis for the other agreements between RTE and its different subsidiaries.

Moreover, in his compliance audits in the North and West regions⁷⁰, the compliance officer examined the relationship between RTE and Cirtéus in terms of the services sold by this subsidiary to RTE clients and provided by RTE employees. He was able to make the following observations:

- The employees apparently did understand Cirtéus's role and the connection with RTE. This point was also confirmed by the RTE regional delegates' feedback⁷¹.
- When working on clients' premises on behalf of Cirtéus, the vehicles are either RTE vehicles with the RTE logo covered by magnetic plaques bearing the Cirtéus logo, or unmarked vehicles.
- The contact with Cirtéus for these services goes through the persons authorised in the GMRs.

The feedback from other RTE regional delegates shows that the sales departments often contribute to raising employee awareness, particularly new arrivals or within entity management committees. The employees apparently do understand Cirtéus's role and the connection with RTE but some wonder about the interest of affixing magnetic signs on the vehicles.

In 2019, the compliance officer will continue to examine the relations between RTE and its subsidiaries, in a form to be defined and in accordance with the powers entrusted to him⁷².

It should be noted that the compliance officer'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*"⁷³. The scope of consolidation includes the subsidiaries held 100% (fully consolidated), INELFE and IFA2 (consolidated as joint activities), and HGRT and Coreso (consolidated using the equity method). Coreso is however a company governed by Belgian law and established in Brussels.

⁶⁸ See point X.B. "*RCBCI 2015-2016: main changes expected of RTE and changes observed in 2018*".

⁶⁹ <https://www.cre.fr/Documents/Deliberations/Approbation/Approbation-de-la-convention-cadre-conclue-entre-RTE-et-sa-filiale-Arteria>

⁷⁰ See point VIII.C.1. "*Compliance Audits in North and West Regions*".

⁷¹ See point VIII.A.2 "*Organisation of RTE by region*".

⁷² Articles L. 111-34 and L. 111-35 of the Energy Code.

⁷³ Article L. 111-35 of the Energy Code.

VIII. Maintaining RTE's Commitments over Time

A. Internal organisational structure to monitor RTE's commitments and CRE requirements

A.1. Organisation of RTE at central level

RTE positioned the general secretariat as contact point with CRE's services about all matters concerning the certification, and 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, etc.).

This organisational structure has proven to be very relevant. The compliance officer considered that exchanges with the CRE are now fluid and take place as required prior to applications.

The compliance officer also welcomed the continued support from the RTE legal department on the subject of RTE's independence and non-discrimination.

A.2. Organisation of RTE by region

RTE wished to state the role of RTE regional delegates, reporting directly to the Chairman of the Management Board.

With respect to monitoring compliance, a letter in spring 2015 from the RTE Chairman of the Management Board asked 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"*.

As part of the preparation for this report, in late 2018 the compliance officer sent to the delegates a detailed questionnaire to take stock on 2018 at a regional level.

He also continued his new cycle of regional compliance audits in the North and West regions. The results of these audits are summarised in point VIII.B.1 below.

Finally, in 2018 the compliance officer noted that an RTE regional delegate assessed all of his missions in terms of independence of RTE on the basis of the discussions with the compliance officer that took place several months after his appointment.

The compliance officer recommended that RTE includes him in the immersion programme in the central functions intended for new RTE delegates and advisers for internal regional affairs.

B. Compliance Audits Conducted in 2018

B.1. Compliance Audits in North and West regions

In November 2017 the compliance officer conducted two audits of compliance with the commitments in the Code of Conduct in the North and West regions, particularly focused on the independence of RTE from the VIU, and on non-discrimination and compliance with the confidentiality obligations.

In each region, the compliance officer met around twenty people from the regional delegation, the three operational centres (operations, maintenance, development-engineering), the sales department and support functions (human resources, legal, procurement, property and logistics).

The information gathered from these audits are shown below and the recommendations are shown in appendix⁷⁴.

i) Independence from the EDF Group and displays of this independence

- The situation in terms of independence from the EDF Group and its display appear to be under control in the North and West regions. The RTE delegates and entity managers are attentive to the risks, which can therefore be identified and controlled by the actions stipulated by the delegations.
- The compliance officer considers that the Energy Code obligations are now well internalised by the EDF delegates and by EDF operational management. The RTE officers in the two regions moreover have no particular contact with the regional Caisse des Dépôts teams.
- He also considered that rolling out the two online training modules on the independence of RTE and the Code of Conduct ensures that the people reached, and in all likelihood most employees in the two regions, internalise the heightened requirements for independence of RTE from the VIU. Pathways for improvement concerning these two modules were identified and recommendations were made to the RTE HRD⁷⁵.

ii) Non-discrimination

- The compliance officer considered that, in view of the practices in the North and West regions, the factors demonstrating control of the obligations at regional level are present and applied.
- However, he made recommendations to better ensure the legal security of complaint handling⁷⁶.

iii) Confidentiality

- Generally, the RTE Confidentiality Directive⁷⁷ is correctly implemented in the North and West regions. The control factors are present and applied generally.
- The compliance officer nevertheless made a recommendation to RTE concerning taking a global vision of all the data types for which RTE must preserve the confidentiality, in particular information of which dissemination is likely to be commercially advantageous for the VIU⁷⁸.

⁷⁴ See point X.A. "General recommendations from the Compliance Audit in North and West Regions".

⁷⁵ See point VIII.C.2. "Roll-out of an online training tool (e-learning)".

⁷⁶ See point III.C.2. "Customer complaints".

⁷⁷ "RTE Confidentiality Directive", Internal Document of 19 February 2014.

⁷⁸ See point V.B. "Types of data for which RTE must maintain confidentiality".

Overall, the context does not show any major risk connected to the themes covered in the two audits. The recommendations proposed by the compliance officer are intended to improve isolated points.

B.2. Other verifications

i) Examination of the different financial flows between RTE and the companies in the VIU

The details of this verification are provided in point II.E.2. ("*Articles L. 111-17 and L. 111-18 - Commercial and Financial Agreements Signed with the VIU - Special Cases*").

ii) Examination of the French TYNDPs to assess further the situation of the implementation of the investments planned

The details of the different verifications concerning the French TYNDPs are provided in point V. ("*French Ten Year Network Development Plan for transmission grid (TYNDP)*").

C. Training and Information

C.1. Communication surrounding the CRE's decision to maintain RTE's certification

In his 2017 annual report, the compliance officer found a certain number of failings concerning employees' awareness of the conditions of RTE's independence from the VIU, and recommended that RTE roll out internal communication campaigns about the independence of RTE and the Code of Conduct after the CRE decision to maintain RTE's certification was issued.

The following campaigns were conducted by RTE in 2018:

- In early February 2018 a news item "*Maintaining RTE's certification as independent TSO*" was published online with the option of downloading the CRE decision.
- In March 2018 the legal department sent out a "*Juriflash*" newsletter, almost a page of which covered maintaining RTE's certification.
- In May 2018 a four-page memorandum was sent to all managers with the title "*RTE's obligations for maintaining its certification, always on the ITO model, following the changes to its capital*". This memorandum was sent to the CRE for information purposes in early June 2018.
- In May 2018, a short "*Your HR Info*" news flash was sent to all employees with the title "*Holding shares: reminder of obligations of RTE employees*"⁷⁹. This news flash was sent to the CRE for information purposes in early June 2018.
- In June 2018 the HRD launched the roll-out of the two online training modules on the independence of RTE and the Code of Conduct (see below).

C.2. Roll-out of online training tool (e-learning)

As stated in his 2017 annual report, the compliance officer worked on creating an online training tool, in liaison with the RTE Human Resources Department, which engaged a specialist in memory anchoring®.

The information technology tool was finalised in spring 2018 then, after a testing phase, rolled out in June 2018 as stated above.

⁷⁹ See point K.2. "*Holding of interests in the VIU*".

This new training course contains two modules:

- The first module concerns the basics and is intended for all employees.
- The second module ("to go 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 officers, legal experts, communication officers, etc.

These modules are intended to be taken at least once every 18 to 24 months. Module 1 is also intended to be taken by all new arrivals to RTE, whether new recruits or employees coming from other companies in the EGI branch; and module 2 is to be taken by new arrivals affected and by RTE employees taking a new position in this context.



The HRD regularly monitors completion of the modules to help organise implementation according to the targets it has set. In late December 2018, the following findings could be made concerning roll-out of the two modules:

- Concerning employee participation in the modules:
 - o The number of employees logging in to the modules for the first time has risen regularly and almost in linear fashion over the months since the end of summer 2018.
 - o In late 2018 almost 40% of RTE employees logged in to the first module, which is slightly below the target set by the HRD.
 - o In late 2018 almost 10% of RTE employees logged in to the second module which, in view of the estimate of the number of employees concerned, is certainly close to the target set by the HRD.
- Concerning the results, the statistics are similar for the two modules and very satisfactory:
 - o Almost all of the employees who logged in to the modules completed them (the system makes it possible to take the module by interrupting then restarting; the recommendations for memory anchoring® are to do short sessions).
 - o The average training duration is approximately one hour, based on short sessions, of under 17 minutes.
 - o Slightly over 90% of employees who started completed the modules.
 - o The pass score with success at the final assessment was the same: 98% of employees who took the module passed.
 - o The number of employees who passed the final assessment has risen regularly and almost in linear fashion over the months since the end of summer 2018.

C.3. Findings concerning employee information level in late 2018

During his compliance audits in the North and West regions⁸⁰, the compliance officer found that a certain number of questions asked during the audits now have a response in the implementation of the two online training modules. The managers in these North and West regions did what was necessary so that the online training tool was rolled out in line with the targets set by the HRD.

The discussions with the persons met showed that they, and apparently most employees in the regions, have internalised the fact that there are heightened requirements for independence of RTE from the VIU.

- The memory anchoring[®] was widely appreciated. Notwithstanding the annoyance it could have caused for some, it does seem to have reached its goals of facilitating memorisation of the key points.
- In particular, the issues linked to holding interests in the VIU are now much better known than in the past, due to the effect of both the HR memorandum of 25 May 2018 and roll-out of the first module.

However, the first module does not seem to be adapted to the field teams and to the situation of certain persons, such as work-study trainees at RTE. Best practices were implemented to train the persons in question despite this.

Furthermore, the compliance officer noted good practices in rolling out the modules, and suggestions for improvement, that he sent to RTE HRD, recommending that the possibility of implementation be examined.

The compliance officer recalled his recommendation from the previous year to draw up an internal communication brochure on the independence of RTE and Code of Conduct, following the example of the brochures drawn up by the two German ITOs, Amprion and TransnetBW.

⁸⁰ See point VIII.B.1. "Compliance Audits in North and West Regions".

IX. General Assessment for 2018, Recommendations and Actions 2019

A. General Assessment

The RTE Compliance Officer considered that RTE and all its employees abided by the commitments of the Code of Conduct throughout 2018, particularly concerning independence from the EDF Group, and fulfilled the company's obligations as TSO included in the Energy Code. The compliance audits and examinations conducted in 2018 confirm this assessment.

Following the compliance audits performed in the regions in recent years, the compliance officer noted that the culture and behaviour of the entire staff, and particularly management, are still very naturally and deeply impregnated with these obligations and commitments.

The CRE decision on maintaining RTE's certification was an opportunity for RTE to roll out measures to provide information and training to employees and management on the subject of the independence of RTE and the Code of Conduct. The roll-out of the online training tool (e-learning)⁸¹ contributed to employees and management having a better understanding of these subjects, and in particular better knowledge of the exact terms of these obligations and commitments.

Furthermore, most of the changes expected by the CRE in its RCBCI 2015-2016 report and the compliance officer's recommendations in his 2017 annual report have given rise to actions by RTE in 2018. Mentioned throughout this report, these actions are summarised in the appendix. However, certain changes expected by the CRE are extended or expanded in its RCBCI 2017-2018 report and certain of the compliance officer's recommendations are recalled and reiterated in this report.

In view of all his audits, examinations and observations in 2018, in this report the compliance officer makes a certain number of new recommendations to RTE. These recommendations, some general and others more specific, and are shown in point B. below. They firstly aim to make the existing provisions more effective, and secondly, to draw lessons from minor discrepancies observed in the specific application of the measures for independence from the VIU, non-discrimination or protection of confidentiality.

Particular attention should be paid to give RTE employees a clear vision of the differences in compliance obligations on the company or them, in particular in view of the recent legislative changes (e.g. "Sapin 2" law -anti-corruption framework, GDPR).

⁸¹ See point VIII.C.2. *"Roll-out of an online training tool (e-learning)"*.

B. Recommendations by the Compliance Officer

C.1. Reiterating previous recommendations

- Examine whether it is appropriate to prepare a document summarising the various obligations applicable to employees in terms of compliance (e.g. anti-corruption Code of Conduct, deontology of procurement; data protection).
- Create an internal communication brochure on the independence of RTE and the Code of Conduct.
- Update the procedure on the circuit for handling CRE cases concerning commercial and financial relations between RTE and the EDF Group to incorporate maintaining RTE's certification and the changes resulting from the previous recommendations.
- Clarify RTE's situation concerning CINDEK (RTE leaving the scope covered by EDF and, where applicable, joining in its own right).
- Push the opening of the Ile-de-France energy trades CFA to participants in the energy sector outside the EDF Group.
- Limit the inconsistencies observed between the lists of members found on the space dedicated by RTE to consultation and the invitations to CURTE committee meetings.

C.2. New recommendations

The recommendations resulting from the compliance audit in the North and West regions are detailed in Appendix X.A. The main recommendations are included in the list below.

i) Independence of RTE

- Incorporate the compliance officer into the immersion programme in the central functions intended for new RTE delegates and advisers for internal regional affairs.
- Examine the situation of compensation paid to Enedis (cases for an amount below the excess threshold of the legal liability policy taken out by RTE) in view of article L. 111-17 of the Energy Code, in particular taking into account the regulatory provisions governing RTE's compensation to the DSOs.
- Contact the secretariat general of RTE before considering any partnership with Banque des Territoires.

ii) Non-discrimination

- Ensure that all participants affected by CURTE's work can have access to the useful information.
- Systematically ask clients to acknowledge receipt of the responses given by RTE to their complaints.

iii) Confidentiality

- Promote a global vision of all the data types for which RTE must protect confidentiality, in particular information of which dissemination is likely to be commercially advantageous for the VIU.
- Facilitate access on the RTE intranet to information about the implementation of article L. 111-74 for both managers and employees, and update the internal memorandums concerning article L. 111-74, if only because the postal address of the Commission secretariat has changed.

C. Actions of the Compliance Officer in 2019

In order to observe and oversee RTE's actions concerning independence and compliance with the Code of Conduct, the compliance officer therefore proposed that in 2019 the following be continued:

- the audit cycle undertaken in 2015 to verify compliance with the Code of Conduct and RTE's independence obligations by the business lines most directly affected;
- the new cycle of regional compliance audits initiated in 2017, based on a preparatory document updated to incorporate the decision on maintaining RTE's certification and the information taken from the compliance audits conducted in recent years.

In particular, in 2019 the compliance officer plans to continue the following in-depth analyses and checks:

- examination of the different financial flows between RTE and the companies in the VIU, based on the 2018 accounting data retrieved;
- oversight of the use of the RTE company name;
- examination of the consolidated French TYNDP table;
- qualitative examination of employee moves to other companies in the EGI branch, in view of the referrals to the Commission secretariat as in article L. 111-74;
- examination of relations between RTE and its subsidiaries.

Furthermore, the compliance officer plans to examine the confidentiality issues in view of the findings and past recommendations, the actions undertaken by RTE to clarify the confidentiality rules and raise employee awareness, new RTE offices at national and regional level. In particular, in liaison with the departments in question at RTE, he will seek to better specify the concept of information of which dissemination may be commercially advantageous for the VIU.

Finally, the compliance officer will continue his discussions with his French (GRTgaz, Enedis and GRDF) and foreign (European electricity ITOs) counterparts.

X. Appendices

A. General recommendations from the Compliance Audit in North and West regions

i) Independence of RTE

Human Resources:

- Online training modules on the independence of RTE and the Code of Conduct: some practical recommendations for better adapting this training to the teams on the ground and work-study trainees; some suggestions for improvement for employees who have completed the modules.
- Incorporate the compliance officer into the immersion programme in the central functions intended for new RTE delegates and advisers for internal regional affairs.

Sales:

- Remind the employees in question on a regular basis that Enedis is a client of RTE, making the connection with what they have learned during roll-out of the online training tool.

Regional Delegations:

- Contact the secretariat general of RTE before considering any partnership with Banque des Territoires.

ii) Non-discrimination

Sales

- Systematically ask clients to acknowledge receipt of the responses given by RTE to their complaints.
- As necessary, use electronic registered letters.

iii) Confidentiality

Documentation

- Promote a global vision of all the data types for which RTE must protect the confidentiality, in particular information of which dissemination is likely to be commercially advantageous for the VIU.
- Draw up summary documents showing what certain regions have produced, to prevent each region being forced to draw up its own summary documents.

Article L. 111-74

- Facilitate access on the RTE intranet to information about the implementation of article L. 111-74 for both managers and employees.
- Update internal memorandums concerning article L. 111-74, if only because the postal address of the Commission secretariat has changed.

Intangible Assets

- Ensure that managers and employees take into consideration the protection of RTE's intangible assets.

B. RCBCI 2015-2016: main changes expected by the CRE and changes observed in 2018

As a reminder, the RCBCI 2015-2016 report was published in early 2017. The compliance officer's 2016 annual report noted initial findings, which were expanded in the 2017 annual report.

Main changes expected by the CRE stated in its RCBCI 2015-2016 report	Changes observed in 2018 by the compliance officer
Part 2: "Transmission System Operators"/ Point 1: "RTE"	
In the future submit to the CRE any new list of management jobs or majority of managers at least three weeks before they take effect, except in duly justified circumstances which make such notice impossible.	RTE's organisational structure is such that it ensures compliance with this request: <ul style="list-style-type: none"> - the secretary general, who monitors matters of RTE certification, sits on the careers committee, - the RTE governance organisation memorandum, updated in May 2018, incorporates this point.
End the participation of RTE senior staff in internal events organised by EDF.	There has been no such participation for a long time. The Executive Committee was reminded of this obligation and it is included in the guidelines specified in the point below.
Formalise the guidelines enabling RTE agents to know whether or not they can take part in the various internal events organised by the group and in the meetings organised by the group within a sector or business line. Set up monitoring of the participation of RTE agents in such events or meetings and send an annual report to the CRE.	The guidelines were disseminated in May 2018 to the business line directors and RTE delegates ⁸² . Participation in the meetings is monitored and an annual report will be sent to the CRE. In view of the guidelines, this only covers RTE presentations to companies in the VIU, as RTE is then considered an external party. An online training tool (e-learning) has also been created ⁸³ .
At the next update of the standard templates concerning the processing of agreements before D-1 and managing production and network forecasts, submit some of these standard templates for consultation. Present the results of this consultation to the CRE on a schedule allowing the changes envisaged to be implemented by 1 January 2019. Carry out the work necessary to specify the connection between forecast management agreements and the processing of agreements before D-1 by 1 January 2019.	In its report RCBCI 2017-2018 CRE noted that RTE did not meet the deadlines it had set in the report RCBCI 2015-2016 concerning the finalisation of consultation on standard framework agreements, on the one hand, for the provisional production management and network agreement and, on the other hand, the agreement processing contract before D-1. It asked RTE to finalise the consultation work and update the standard templates before 1 September 2019 and to propose before the end of 2019 a framework and procedures for call for capacities before D-1 for reasons other than the congestion, which should be transparent and open to the maximum of participants.
Notify the CRE of the addenda signed in order to extend the term of agreements already approved within the scope of monitoring certification. Keep the CRE informed with sufficient notice in the event of any delay in renewing agreements.	RTE's internal procedures incorporate this point, covering <i>"any addendum substantially amending an agreement already approved by the CRE"</i> . RTE notified the CRE, by letters of 31 January 2018 and 6 February 2019, that it had not identified any addenda.

⁸² See point II.A.1. "Article L. 111-11 - Events bringing together RTE and other companies in the VIU".

⁸³ See point VIII.C.2. "Roll-out of an online training tool (e-learning)".

Send to the CRE the agreements on site protection and security resources to be signed with EDF for the three transmission substations as soon as possible after signature.	The actions undertaken by RTE were completed in late 2018, except for agreements concerning the operation and maintenance of the protection and surveillance systems for two substations, that are in the process of finalisation. These actions are described in this report ⁸⁴ .
Draw up and implement an action plan aimed at improving, within time limits to be specified, 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.	The actions undertaken by RTE in 2016 continued in 2018. They are described in this report ⁸⁵ .
In the future only submit to the CRE proposals to appoint or renew a compliance officer for a term of at least three years.	RTE's organisational structure is such that it ensures compliance with this request: - this point was recalled during a meeting of the careers committee, - the RTE governance organisation memorandum, updated in May 2018, incorporates this point.
Notify the CRE before 31 January of each year of all the agreements signed during the last year concerning work on RTE's automated information processing systems with companies which also provide services of the same kind on behalf of companies forming part of the VIU.	The internal procedure " <i>RTE procurement subject to approval from or notification to the CRE</i> " was rewritten in 2017 and now contains an article concerning such notification ⁸⁶ . RTE notified the CRE of the 2017 and 2018 eligible agreements as defined in article L. 111-16 in letters dated 31 January 2018 and 18 February 2018 respectively.
Part 3: "Thematic dossiers" / Point 3: "Contractual relations between the system operators RTE and Enedis and their subsidiaries"	
In the next action plan, take into consideration the recommendations set forth following the audit conducted by the CRE in 2014.	The recommendations from this audit are set out in an action plan, the progress on which was presented to the CRE in October 2017.
Ensure compliance with the principle of non-discrimination in the partners for RTE International chosen from the European electricity system (producers, suppliers, demand reduction operators, power exchanges, etc.).	A risk analysis method, including the risk of discrimination, was drawn up and presented to all subsidiaries. It gave rise to annual reports on the risks for each subsidiary.
Send to the CRE annually a list of the commercial and financial agreements concerning the valuation of grid assets signed between Arteria and third parties specifying the services provided and the amounts.	This information was incorporated into the annual reports on RTE development subsidiaries for 2016 and 2017, which were sent to the CRE in the second quarters of 2017 and 2018 respectively.
Ensure a fair price for transfer of assets between RTE and RTE Immo and send to the CRE an annual list of the assets transferred from RTE to RTE Immo and the sales of assets belonging to RTE Immo, specifying in particular the amounts.	After analysing the portfolio of activities, the RTE Immo Governance Committee noted that in the short term there will be no new development operations carried out by the subsidiary. If a new operation is decided on, the information will be sent to the CRE.
Set up a framework agreement system for each of its subsidiaries to submit them to the CRE for approval within the scope of application of article L. 111-17 of the Energy Code.	The first framework agreement for the Arteria subsidiary was approved by the CRE on 13 December 2018. This model may be used as the basis for the other agreements between RTE and its different subsidiaries.

⁸⁴ See point II.F.5. "*Article L. 111-21 – Non-Confusion of Image between RTE and the VIU - Separation of Premises*".

⁸⁵ See point III.B.6. "*Improved consultation with clients*".

⁸⁶ See point II.D.2. "*Article L. 111-16 - IT Service Providers Common to RTE and the VIU*".

C. RCBCI 2017-2018: main changes expected by the CRE and changes observed in 2018

As the 2017-2018 report was published in early 2019, the changes observed in 2018 and shown in the following table are based either on CRE's requests made in 2017 and 2018 or on initiatives by RTE.

The CRE asked RTE to send it an action plan in response to its requests by the end of April 2019.

Main changes expected by the CRE stated in its RCBCI 2017-2018 report	Changes observed in 2018 by the compliance officer
Part 1: "Thematic dossiers" / Point 2> "Billing and sales practices"	
Explicitly provide for the possibility of deviating from the standard payment schedule and the conditions to be fulfilled to activate this clause at the time of the next change to the technical and financial proposal templates and connection agreement templates.	The CRE observed that, while the TFP standard frameworks and connection agreements provide for a standard billing schedule, the possibility of deviating from it in certain cases to stick more closely to the real expenses is only specified in the TFP standard frameworks applicable to producers, consumers and new exempt interconnections, but not in the TFP standard frameworks applicable to DSOs, or in standard framework connection agreements, etc.
Continue to draw up the TURPE billing explanatory document providing clients with legibility and comprehension.	The brochure "TURPE 5 – Network pricing – Understanding the bill" was updated and put online on the RTE client portal in November 2018 ⁸⁷ .
Modify the DSO 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.	<p>The CRE observed that the NAC is not systematically updated in view of the operational difficulties that this could represent but that the new NAC templates applicable to consumer and producer clients include provisions that can be used to remedy this type of situation. In particular, when the general terms and conditions of the NAC are amended and this amendment approved by the CRE, these amended general terms and conditions automatically replace the general terms and conditions of the current agreement.</p> <p>The NAC template applicable to DSOs does not provide for this type of provision, which may lead to unsatisfactory situations.</p>
Improving the level of detail given to network users when drawing up a quote and billing for the accessory services on the quote.	The CRE considers that neither the quotes nor the bills sent to the client include details about the labour, materials and other expenses estimates required for provision of the service in question.
Draw up formalised guidelines for handling complaints.	The CRE stated that it appears that these cases are investigated on a non-discriminatory basis but that no document attests to this.

⁸⁷ http://clients.rte-france.com/lang/fr/clients_consommateurs/services_clients/Comprendre_facture.jsp

This brochure is only available in French. Nevertheless, the compliance officer recommended to RTE that the English page of the portal make it possible to download the November 2018 version of the brochure (TURPE 5) and not the October 2009 version (TURPE 3).

http://clients.rte-france.com/lang/an/clients_consommateurs/services_clients/Comprendre_facture.jsp

Part 3: "Transmission System Operators" / Point 1: "RTE"	
Finalise the implementation of framework agreements between RTE and its subsidiaries.	The first framework agreement for the Arteria subsidiary was approved by the CRE on 13 December 2018. This model may be used as the basis for the other agreements between RTE and its different subsidiaries.
Finalise the consultation work and updating of standard framework agreements for predictive management of production and the network and the framework agreement for processing agreements before D-1 before 1 September 2019.	In its report RCBCI 2017-2018 CRE noted that RTE did not meet the deadlines it had set in the report RCBCI 2015-2016 (finalisation of consultation to make changes effective as at 1 January 2019).
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.	The checks carried out by the compliance officer did in fact show that certain agreements and addenda had not been referred to the CRE. In 2018 RTE began to regularise them.
Open all RTE supply agreements to competition, and in particular sites benefiting from "blue" electricity sale regulated tariffs.	New development expected by the CRE, due to the Council of State 18 March decision on extinguishment of the regulated sales tariffs (TRV) for "large companies".

D. Recommendations from the 2017 annual report and changes observed in 2018

Recommendations from the RTE compliance officer's 2017 annual report	Changes observed in 2018 by the compliance officer
On implementation of CRE's decision on maintaining RTE's certification	
<p>Update the procedure on the circuit for handling CRE cases concerning commercial and financial relations between RTE and the EDF Group to incorporate</p> <ul style="list-style-type: none"> - the new scope of the VIU; - in the process of drawing up agreements: <ul style="list-style-type: none"> o send regular reminders to RTE external contacts and follow up on these reminders; o draw up the referral files anticipating in detail the questions the CRE may ask; o organise discussions or meetings in advance with the CRE services; o pay more attention to regional aspects, particularly in the chapter "Role and Responsibility of the Legal Department". - provisions concerning subcontracting. 	<p>The procedure "<i>RTE purchases subject to approval from or notification to the CRE</i>", which specifies the means of control in the purchase process to ensure compliance with the rules arising from the Energy Code, was updated in this respect on 29 August 2018.</p> <p>Conversely, the "<i>Procedure for monitoring RTE's 2012 certification as independent TSO and circuit for processing CRE cases engaging commercial and financial relations between RTE and EDF SA</i>", which presents the organisational structure introduced by RTE to meet its legal obligations, was not updated.</p> <p>(see point II.E.1. "<i>Articles L. 111-17 and L. 111-18 - General Aspects - Procedure for Approval of Agreements by the CRE</i>")</p>
<p>Launch internal communication and training activities on the independence of RTE and the Code of Conduct, and in particular</p> <ul style="list-style-type: none"> - continue internal communication campaigns to recall the role of the general secretariat on all matters in connection with certification monitoring; - create a brochure about these themes; - send detailed information to all employees to remind them about their obligations concerning holding interests in the VIU. 	<p>These activities were carried out in 2018, except for creating a brochure.</p> <p>(see point VIII.C.1. "<i>Communication surrounding the CRE's decision to maintain RTE's certification</i>")</p>
Rolling out the online training tool (e-learning).	<p>The tool was rolled out in June 2018.</p> <p>(see point VIII.C.2. "<i>Roll-out of an online training tool (e-learning)</i>")</p>

Other recommendations - Independence of RTE	
Reconsider RTE's participation in the regional "EDF group fluidity" committees, even if it means promoting the idea of regional committees at the EGI branch level.	RTE no longer participates in these committees. (see point II.A.1. "Article L. 111-11 - Events bringing together RTE and other companies in the VIU").
Examine the possibilities of setting up a system to notify the secretariat general in advance <ul style="list-style-type: none"> - if services requiring prior approval from the CRE as in article L. 111-17 of the Energy Code are ordered; - in the event of a partnership agreement when one of the partners is a company in the VIU or controlled by the VIU; 	By rolling out the online training tool (e-learning) the awareness of the employees in question can be raised about the provisions to be observed on these two matters and the role of the general secretariat. An information process is currently underway for the cases in question and they are being monitored on a case by case basis. There is no dedicated process for them, as it does not appear necessary at this stage.
Specific case 1: approach CINDEK to clarify the situation (RTE leaving the scope covered by EDF and, where applicable, joining CINDEK in its own right).	Recommendation reiterated in 2019.
Specific case 2: Push the opening of the Ile-de-France energy trades CFA to participants in the energy sector outside the EDF Group.	Recommendation reiterated in 2019.
Specific case 3: Draw conclusions from his observations concerning the obligations applicable to RTE under the Energy Code following the examination of the agreements signed by RTE concerning employment.	An agreement which had not been submitted to the CRE for advance approval was submitted to it for regularisation in November 2018. For other matters, the RTE HRD wished to have recourse to contracting independent from the EDF Group (e.g. the RTE employee home-buying system).
Ensure that its service providers do not present themselves as commissioned by "EDF RTE".	The two main contracts concerned (painting and lopping) will be renewed in 2019. The regional managers will be informed at this time.
Other recommendations - non-discrimination	
In RTE internal audits, rename the generic issue "compliance with the laws and regulations" "compliance with the laws, regulations and RTE Code of Conduct".	The audits conducted in 2018 focused on internal processes or technical subjects, which does not require that these themes are included. (see point II.K.3. "Articles L. 111-34 and L. 111-35 - Risks analysis, audit and internal control")
Limit the inconsistencies between the lists of members found on the space dedicated by RTE to consultation and the invitations to CURTE committee meetings.	Recommendation reiterated in 2019.
Ban RTE employees from sending Cirtéus quotes; Cirtéus should be the sole contact for clients in this phase.	A flowchart shows the teams the procedure to be followed. This procedure is recalled at the regional meetings each year.

Other recommendations – Confidentiality	
Include in the sales department confidentiality reference documents a prohibition on forwarding an email to a client from a smartphone.	This prohibition was incorporated into the last version of this confidentiality benchmark in September 2018.
Examine whether or not it is appropriate to prepare a national leaflet on IS security.	The RTE intranet practical page " <i>Security and environment correct reflexes</i> ", easily accessible, provides links to teaching materials about the security of the IS Security.
Verify the implementation within RTE of the Confidentiality Directive provisions concerning the protection of RTE's intangible assets.	In 2018 RTE created a working group on data protection to redefine the scope of sensitive information, and the means and methods for protecting intangible assets.
Carry out actions to clarify the confidentiality and employee awareness regulations, and pay attention to the updating of distribution lists.	It began work to standardise the communication media. It developed an online training course on confidentiality and its issues, which will be rolled out in 2019.
Other recommendations - Human Resources	
Implement at national and regional level the recommendations resulting from the compliance audit in the Ile-de-France Normandy region concerning new employees at RTE.	Rolling out the online training tool (e-learning) to new arrivals is one of the factors responding to this recommendation. (see point VIII.C.2. " <i>Roll-out of an online training tool (e-learning)</i> ") In the Ile-de-France Normandy region, the new arrival welcome module was reworked in 2018 and, for the sessions to come in 2019, now contains training on the items of the Code of Conduct.
Examine whether it is appropriate to prepare a document summarising the texts applicable to employees (e.g. internal regulations and appendices, in particular the Code of Conduct, "Sapin 2" law [anti-corruption framework] and deontology of procurement; Code of Conduct).	Recommendation reiterated in 2019.
Conduct an internal communication campaign, aimed at replacing the reference to "article 13", understood by management and employees but obsolete, by the reference "article L. 111-74" (or by an acronym to be shared with the members of the Commission).	This recommendation is incorporated into the new recommendation " <i>Facilitate access on the RTE intranet to information about the implementation of article L. 111-74 for both managers and employees, and update the internal memorandums concerning article L. 111-74, if only because the postal address of the Commission secretariat has changed.</i> " (see point V.E. " <i>Employee Movement</i> ").

E. Acronym Glossary

ACDC	Client Contract and Data Hosting Centre (Pôle accueil contrats et données clients)
ADEeF	Association of the Distributors of Electricity in France
ADEME	French Environment and Energy Management Agency
AFGNV	French vehicle Natural Gas Association (Association française du gaz naturel pour véhicules)
API	Application Programming Interface
ASN	Nuclear Safety Authority (Autorité de sûreté nucléaire)
BE	Balancing Entity
BES	Block Exchange Service
BM	Balancing Mechanism
CACM	Network code: Capacity Allocation and Congestion Management
CDC	Caisse des Dépôts et Consignations
CET	Accumulated Leave Bank (Compte épargne temps)
CGDD	General Commission for Sustainable Development (Commissariat général au développement durable)
CINDEX	Centre Inter-entreprises de l'Expatriation
CRE	Energy Regulatory Commission (Commission de régulation de l'énergie)
CSEA	Economic and Audit Supervisory Committee of the RTE Supervisory Board
CSI	Commercially Sensitive Information
CTE	Co-entreprise de Transport d'Electricité (holding company which holds 100% of RTE's capital)
CURTE	Electricity Transmission Grid User Client Committee (Comité des utilisateurs du Réseau de transport d'électricité)
CWE	Central Western Europe
DCC	Network code: Demand Connection Code
DGEC	French Directorate General of Energy and Climate (Direction générale de l'énergie et du climat)
DSO	Distribution System Operator
EDF	Electricité de France
EGI	Electricity and Gas Industries
EIB	European Investment Bank
EMFIP	Electricity Market Fundamental Information Platform
ENTSO-E	European Network of Transmission System Operators for Electricity
EQ	Electricity Quality

ESSOC	Law no. 2018-727 of 10 August 2018 for a State in the Service of Society of Trust
FEE	France énergie éolienne
FNE	France Nature Environnement
FNH	Fondation pour la nature et l'homme
GAC	Grid Access Commission (CURTE)
GAR	Generation Adequacy Report (bilan prévisionnel)
GDPR	Regulation (EU) 2016/679 (General Data Protection Regulation)
GRDF	Gaz Réseau Distribution France
HRD	Human Resources Department
HVDC	High Voltage Direct Current
IAOC	Interconnection Access Operating Commission (CURTE)
IFA2	France-England Interconnector 2 (Interconnexion France-Angleterre 2)
INB	Basic Nuclear Facility (installation nucléaire de base)
INELFE	Electricity Interconnection France-Spain (Interconnexion électrique France-Espagne)
INPI	French National Institute of Intellectual Property (Institut national de la propriété industrielle)
IP	Internet Protocol
IS	Information System
ISO	Independent System Operator ⁸⁸
ITO	Independent Transmission Operator ⁸⁹
JAO	Joint Allocation Office
MAC	Market Access Commission (CURTE)
MESIL	Undergrounding at local initiative (mise en souterrain d'initiative locale)
MYEP	Multi-Year Energy Programme
NAC	Network Access Contract
ODRÉ	"Open Data Réseaux Energies" platform

⁸⁸ Independent System Operator as defined by chapter IV of the Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.

⁸⁹ Independent Transmission Operator as defined by chapter V of the Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.

PEG	Group employee savings plan (plan d'épargne groupe)
PKI	Public Key Infrastructure
PPAT	Persons Professionally Arranging Transactions (on wholesale energy products)
RCBCI	CRE Report on compliance with codes of conduct and independence of electricity and natural gas transmission system operators
RE	Balance Responsible Entity
REMIT	(EU) 1227/2011 Regulation on wholesale Energy Market Integrity and Transparency
RES	Renewable Energy Sources
REX	Return of experience (feedback)
RfG	Network code: Requirements for Generators
RPT	Public Transmission Network (réseau public de transport)
RTD	RTE's Reference Technical Documentation (Documentation Technique de Référence)
RTE	Réseau de transport d'électricité
S3REnR	Regional Plan for Connection to Renewable Energy Network (Schéma régional de raccordement au réseau des énergies renouvelables)
SDB	Supply-Demand Balance
SER	Renewable Energy Syndicate (Syndicat des énergies renouvelables)
SGPC	System and Grid Perspectives Commission (CURTE)
SNBC	National low-carbon strategy (stratégie nationale bas-carbone)
TECV	Law no. 2015-992 on the energy transition for green growth
TERRE	Trans European Replacement Reserves Exchange
TFP	Technical and Financial Proposal (proposition technique et financière)
TIGF	Transport Infrastructures Gaz France (now Teréga)
TSO	Transmission System Operator
TURPE	Electricity grid access tariff
TYNDP	[French / ENTSO-E] Ten Year Network Development Plan
UFE	French Electricity Union (Union française de l'électricité)
VIU	Vertically-Integrated Undertaking (defined in article L. 111-10 of the Energy Code).
XBID	Cross-Border Intraday Market

F. Useful internet links

F.1. Legislative and regulatory texts

i) First European "energy" package

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

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

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

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000750321>

ii) Second European "energy" package

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

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

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/affichTexte.do?cidTexte=JORFTEXT000000787077>

iii) Third European "energy" package

Directive 2009/72/EC of the European Parliament and of the Council 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/EN/TXT/?uri=celex:32009L0072>

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

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023974937>

Energy Code

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000023983208>

iv) Draft European "clean energy" package

Draft legislative package "*Clean energy for all Europeans*"

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

v) Other European legislative texts

Framework-guidelines and network codes

https://acer.europa.eu/en/Electricity/FG_and_network_codes/Pages/default.aspx

Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT)

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

vi) 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/affichTexte.do?cidTexte=JORFTEXT000031044385>

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

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=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/affichTexte.do?cidTexte=JORFTEXT000037307624>

F.2. Regulation

i) CRE

List of decisions:

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>

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

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

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>

ii) Others

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/fr/Pages/default.aspx>

Council of European Energy Regulators

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

National Regulatory Authorities

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

F.3. RTE

i) Code of Conduct and Compliance Officer's Annual report

Original in French	http://clients.rte-france.com/lang/fr/visiteurs/accueil/code_conduite.jsp
Translation into English	http://clients.rte-france.com/lang/an/visiteurs/accueil/code_conduite.jsp

ii) Non-discrimination - consultation

RTE client portal	http://clients.rte-france.com/
RTE services portal	https://www.services-rte.com/
CURTE space - RTE customer consultation website	https://concerte.fr/
Cataliz, RTE services guide	http://www.rte-cataliz.com/fr/
Reference Technical Documentation (RTD)	http://bit.ly/DTR_RTE
Service Commitment Charter	http://bit.ly/RTE_ecoute

iii) Transparency - provision of data

éCO ₂ mix	http://www.rte-france.com/fr/eco2mix/eco2mix/
National Electricity Reports	http://www.rte-france.com/fr/article/bilans-electriques-nationaux
Electricity Report 2017	http://bilan-electrique-2017.rte-france.com/
Monthly Electricity Overviews	http://www.rte-france.com/fr/article/apercus-electriques-mensuels
Annual report on EQ 2017	http://bit.ly/QdE2017
ODRÉ Platform	https://opendata.reseaux-energies.fr/pages/accueil/
Renewable electricity panorama	http://bit.ly/PanoramaEnR

iv) Generation adequacy report and French TYNDP

Generation adequacy report	https://www.rte-france.com/fr/article/bilan-previsionnel
French TYNDP	http://bit.ly/SDDR_RTE
S3REnR	http://bit.ly/S3REnR_RTE

v) RTE shareholders

Co-entreprise de Transport d'Electricité (CTE)	https://ctelectricite.com/
Electricité de France (EDF)	https://www.edf.fr/
Caisse des Dépôts et Consignations (CDC)	https://www.caissedesdepots.fr/
CNP Assurances	http://www.cnp.fr/

vi) RTE subsidiaries and ownership interests

<i>100% subsidiaries</i>	
Airtelis	http://www.airtelis.com/
Arteria	http://www.arteria.fr/
Cirtéus	https://www.cirteus.com/
RTE International	http://www.rte-international.com/
<i>Joined companies</i>	
Electricity Interconnection France-Spain (INELFE)	http://www.inelfe.eu/
France-England Interconnector 2	http://www.ifa2interconnector.com/
<i>Ownership interests</i>	
Coreso	http://www.coreso.eu/
Declaranet	http://www.protys.fr/
EPEX SPOT	https://www.epexspot.com/
Joint Allocation Office (JAO)	http://www.jao.eu/

F.4. ENTSO-E and European TSOs

i) ENTSO-E

ENTSO-E	https://www.entsoe.eu/
TYNDP	http://tyndp.entsoe.eu/
EMFIP	https://transparency.entsoe.eu/
TERRE Project	https://www.entsoe.eu/network_codes/eb/terre/ https://clients.rte-france.com/lang/fr/clients_producteurs/services_clients/terre.jsp https://clients.rte-france.com/lang/an/clients_producteurs/services_clients/terre.jsp

ii) European electricity ITOs other than RTE

Germany	Amprion GmbH	https://www.amprion.net/
Germany	TransnetBW GmbH	https://www.transnetbw.de/
Austria	Austrian Power Grid AG (APG)	http://www.apg.at/
Bulgaria	Electroenergien Sistemen Operator EAD (ESO)	http://www.eso.bg/
Croatia	HOPS d.o.o.	http://www.hops.hr/
Hungary	MAVIR ZRt	http://www.mavir.hu/

F.5. Other links

i) System operators and their groups

ORE Agency	https://www.agenceore.fr/
Association of the Distributors of Electricity in France (ADEeF)	http://www.adeef.fr/
Enedis	https://www.enedis.fr/
Gaz Réseau Distribution France (GRDF)	https://www.grdf.fr/
GRTgaz	http://www.grtgaz.com/
Teréga (ex-TIGF)	https://www.terega.fr/

ii) Participants in CURTE Committees other than system users

ADEME	http://www.ademe.fr/
Nuclear Safety Authority (ASN)	https://www.asn.fr/
Avere-France	http://www.avere-france.org/
Fondation pour la nature et l'homme (FNH)	http://www.fondation-nature-homme.org/
France énergie éolienne (FEE)	http://fee.asso.fr/
France Nature Environnement (FNE)	http://www.fne.asso.fr/
Syndicat des Énergies Renouvelables (SER)	http://www.enr.fr/
Union française de l'électricité (UFE)	http://ufe-electricite.fr/

iii) ODRÉ platform partners other than TSOs

AFGNV	https://www.afgnv.info/
Weathernews France	http://climipact-metnext.com/
Elengy	https://www.elengy.com/
Storengy	https://www.storengy.com/
Dunkerque LNG	https://www.newsletterdunkerquelng.com/

iv) Other participants - non-energy

French National Institute of Intellectual Property (INPI)	https://www.inpi.fr/
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