



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

2022

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REPUBLIQUE FRANÇAISE ADEME

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Philippe Dumarquez
5 April 2023

CONTENTS

Executive Summary.....	4
1 Introduction	7
1.1 Subject and Objectives of the Report.....	7
1.2 Report Structuring and Publication Method	8
2 Background and Key Events in Connection With the Independence of RTE and the Code of Conduct	10
2.1 Independence of RTE.....	10
2.2 Non-discrimination – Construction of the Electricity Market in France	11
2.3 Non-discrimination – Construction of the European Electricity Market	12
2.4 Non-discrimination and Transparency – Energy Transition	13
3 Independence of RTE	14
3.1 Managerial Independence of RTE from the VIU (Article L. 111-11 of the French Energy Code) ..	15
3.2 Powers of the Supervisory Board and RTE Statutes (Articles L. 111-13 and L. 111-14 of the French Energy Code)	17
3.3 Independence of the Statutory Auditors (Article L. 111-15 of the French Energy Code).....	18
3.4 Information Systems (Article L. 111-16 of the French Energy Code)	18
3.5 Commercial and Financial Agreements Signed with the VIU (Articles L. 111-17 and L. 111-18 of the French Energy Code).....	19
3.6 Non-confusion of Image Between RTE and the VIU (Article L.111-21 of the French Energy Code) .	22
3.7 Separation of Premises (Article L. 111-21 of the French Energy Code)	25
3.8 RTE Code of Conduct (Article L. 111-22 of the French Energy Code).....	25
3.9 Mandate of the Members of the RTE Supervisory Board (Articles L. 111-24 to L. 111-28 of the French Energy Code).....	25
3.10 Mandate of RTE Managers (Articles L. 111-24 and L. 111-29 to L. 111-32).....	26
3.11 Remuneration and Holding of Interests in the VIU (Article L. 111-33)	26
3.12 Duties, Activities and Responsibilities of the CO (Articles L. 111-34 to L. 111-38)	28
4 Fair Treatment and Non-discrimination	30
4.1 Fair Treatment in Accessing the Network and the Market	30
4.2 Consultation in CURTE	30
4.3 Client Relations	38
5 Transparency and Openness	46
5.1 Transparency and Information About the Electrical Power System	46
5.2 Data Publication Platforms	48
5.3 Publications	49
5.4 Publication of Figures and Implementation of the European REMIT Regulation	50
6 Confidentiality	53
6.1 General Provisions	53
6.2 Raising Awareness of Confidentiality	54
6.3 Monitoring of "Confidentiality" Incidents	55
6.4 Additional Considerations	56
6.5 Employee Movement	57
7 Monitoring of Execution of Ten Year Network Development Plan for Transmission Grid (TYNDP) (Article L. 321-6 of the French Energy Code)	59
7.1 Situation and Implementation of the TYNDP	59
7.2 RTE 2022 Investment Programme.....	60

7.3	Monitoring TYNDP Execution in 2022	60
7.4	2023 Outlook	62
8	Relations Between RTE and Its Subsidiaries	63
9	Maintaining RTE's Commitments over Time	65
9.1	Internal Organisation for Monitoring RTE's Commitments and CRE Requirements.....	65
9.2	Compliance Audits Conducted in 2022	65
9.3	Training and Information.....	67
10	General Assessment for 2022, Recommendations and Actions 2023	69
10.1	General Assessment	69
10.2	The CO's Recommendations for 2023	70
10.3	Actions of the CO in 2023	71
11	Appendices	72
11.1	RCBCI 2019-2020: Main Changes Expected by the CRE and Changes Observed in 2021	72
11.2	Recommendations from the CO's 2021 Annual Report and Changes Observed in 2022	74
11.3	CRE Requests in Its Decisions or Acknowledgements of Receipt at the Time of Approving the Commercial and Financial Agreements Signed With the VIU.....	79
11.4	Tasks and Responsibilities of the CO	81
11.5	Acronym Glossary.....	82
11.6	Useful Internet Links.....	86

General comments: This report on compliance with the Code of Conduct for the year 2022 is drawn up in accordance with the provisions of article L.111-34 of the French Energy Code. The paragraphs are introduced by background or reference information already presented or the obligations of RTE under the Energy Code, in terms of compliance, *this information is in italics*. References to the Energy Code are also included in the titles of the paragraphs.

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 11.5. Appendix 11.6 also contains useful internet links (more specific links are given in footnotes).

Executive Summary

This document is a report on compliance with the Code of Conduct in 2022, drawn up by the compliance officer in accordance with the provisions of article L.111-34 of the French Energy Code.

RTE, Réseau de transport d'électricité, is the French transmission system operator (TSO). It has a public service mission: to guarantee the electricity supply at all times and with the same service quality on the territory of France through the work of its 9500 employees. RTE manages electricity flows in real time and the balance between production and consumption. RTE maintains and develops the high and very high voltage grid (from 63,000 to 400,000 volts) which has over 100,000 kilometres of overhead lines, over 6,000 kilometres of underground lines, 2,800 substations it operates or operates jointly and 54 cross-border lines. The French network, the most extensive in Europe, is interconnected with all neighbouring countries. As an industrial operator of the energy transition, RTE is optimising and transforming its grid to connect the electricity production installations whatever the future energy choices. Through its expertise and its reports, RTE clarifies the choices of the public authorities.

RTE is owned by the Co-entreprise de transport d'électricité (CTE), itself owned since 31 March 2017 by EDF at 50.1%, Caisse des dépôts et consignations (CDC) at 29.9% and CNP Assurances at 20% (including CNP Retraite).

RTE has been certified by the Commission de Régulation de l'Énergie (CRE)¹ as a TSO acting completely independently from the production and supply activities of its parent companies following the "independent transmission operator" model (ITO), in accordance with the rules defined by the French Energy Code.

In terms of compliance, the CR considers the situation with regard to RTE's practices for 2022 to be very satisfactory, in line with previous years; they have reached maturity in terms of controlling the undertakings made to network users and reflected in the Code of Conduct² (CoC) in matters of non-discrimination, protection of commercially-sensitive information (CSI), transparency towards all players and independence from the VIU.

The compliance audits, observations made and examinations conducted by the CO in 2022 show that these obligations and commitments are still very naturally and deeply pervasive in the company's obligations as TSO, laid down in the French Energy Code, and the culture and behaviour of all employees, particularly management. More specifically, the company's management are very appropriately exercising their management power in an integrated manner in line with these provisions and are guided at all times by the goals inherent to the institutional environment.

Employee compliance with the CoC provisions is good due to the level of knowledge acquired and the degree of implementation on a daily basis.

The CO was able to carry out his duties, especially participation in governance bodies, internal committees, consultation and dialogue bodies with clients and market participants and access to the corresponding documents.

1 The first certification was issued by Commission de Régulation de l'Énergie (CRE) decision on 26 January 2012. The CRE maintained RTE's certification in a decision of 11 January 2018, after EDF sold 49.9% of RTE's capital to Caisse des Dépôts and to CNP Assurances in March 2017, and extended the perimeter of the vertically-integrated undertaking (VIU), today comprising RTE, EDF and the CDC, and electricity production or supply companies controlled by EDF or the CDC.

2 The CoC was updated in 2019 to incorporate the obligations of the European regulation REMIT.

One of the major issues emerging from the CO's observation and monitoring is how to maintain employee knowledge and skills concerning compliance with the French Energy Code at the required level. Tools are identified and activated tools to ensure the commitments of the Code of Conduct are fulfilled over time and consequently that objectives and expectations are met as defined. The aim is clearly to prevent the risk that the attention paid to compliance is eroded and the risk that it is not seen as a priority compared to other highly structuring activities and projects within RTE.

Confidentiality also represents a particularly sensitive point that is central to compliance with the stipulations of the Code of Conduct and, as such, it is essential to pay close attention to events relating to confidentiality - incidents or near incidents - and how they are handled.

This positive assessment is confirmed by the users of the transmission system through satisfaction surveys or CURTE consultation meetings and their direct results, and is based on the CRE reports on compliance with the codes of conduct and independence of network operators (RCBCI). The CO will pay close attention to the conclusions and requests that the CRE makes in the RCBCI 2021-2022 and will endeavour to verify that they are properly reflected within the organisation.

In order to draw up a factual and objective report, the CO conducts an assessment of the actions carried out by RTE following the last CRE RCBCI and those in response to the CO's recommendations in his last report; this assessment is appended to this report.

It should be stressed that in 2022 RTE employees and management continued the work started in 2012 to fulfil the commitments laid down in the CoC and made at the time of certification, in order to consolidate RTE's independence and ensure total non-discrimination against market participants and fair competition on the French and European electricity markets.

In short, it can be concluded that the choice of ITO model was not a hindrance either to applying the European legal framework in France or to preparing for changes in the electricity market or the electrical power system. However, it is essential to maintain all of these commitments over time, while taking into consideration RTE's growth targets, seen in significantly higher activity and the corresponding growing load.

This is why, in view of his observations and inspections at the different levels of the organisation and making use of the feedback, the CO has drawn up recommendations which should lead to progress in making the current operating methods and level of practices concerning the CoC and concrete implementation of the measures sustainable in the long term.

These recommendations cover the points mentioned above; they are intended to ensure RTE's commitments are fulfilled in the long term and concern the following fields:

- Identifying and protecting commercially-sensitive information, making the feedback loop stronger,
- Employees' knowledge and skills, taking advantage of the new e-learning and coordination by managers,
- Coordination and management of the Compliance theme within RTE, making use of all existing national and regional coordination bodies,
- RTE's independence, external communication and non-confusion of image, by finalising changes to the guidelines for the participation of RTE employees in events or meetings organised by the VIU,
- RTE's operational independence and understanding of the process for the CRE to approve commercial and financial agreements with companies controlled by the VIU, continuing the actions undertaken and putting forward concrete measures to optimise the process,
- Information disclosure and transparency actions, capitalising on the good feedback from the CURTE committees and handling the inside information disclosure system.

The CO's analysis as formalised in this report was conducted in view of the singularities of the year 2022, characterised by the end of the health crisis linked to the Covid-19 epidemic and by the particular situation of the energy crisis against the backdrop of the Russian-Ukrainian conflict. In this context, RTE's role as a guide to public decisions, resulting in in-depth analyses and additions to the main results of Energy Futures 2050 and in the preparation of the 2022 / 2023 winter, has given it a special place in the landscape of energy players, confirming its reputation and its independence.

Finally, the CO wishes to highlight the significant transformation and growth of RTE's activities in order to adapt its operating practices to the new context of the energy transition and to develop its network infrastructures in response to the objectives of renewal, connection of clients (including offshore wind farms) and development of interconnectors with other countries. In this context with a high number of demands and activities, it is essential to seize every opportunity to simplify and streamline certain processes where possible, without compromising on their quality or that of the deliverables, in order to optimise resource mobilisation.

1 Introduction

1.1 Subject and Objectives of the Report

RTE, designated as the managing company of the French Public Transmission Network (PTN), must comply with all the rules and regulations applicable to transmission system operators as defined by the French Energy Code. In this context, RTE has had to draw up and implement a programme of commitments containing the measures taken to guarantee that any discriminatory practice is ruled out, and that compliance with this programme is appropriately monitored. This programme of commitments laid down in the RTE CoC approved by the CRE stipulates the specific obligations all employees have to ensure these objectives are met.

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

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

This document is the report drawn up by the RTE CO on the independence of RTE and implementation of the Code of Conduct (CoC) in 2022. It was created based on observations and findings made throughout the year about the company's activities and its relations with its clients. It is also based on monitoring meetings and discussions with RTE managers and employees, the CRE services, clients and the various contacts in other companies in the VIU, one-off or more structured internal audits, especially outside Paris, following up the implementation of the action plans decided by RTE at the time of certification or following internal and external audits, the CRE RCBCI or previous reports by the CO.

In summary, in order to provide factual observations and objective findings so that the CO can give an opinion on the compliance of RTE's practices and make recommendations for 2023 aimed at ensuring that the commitments are fulfilled in the long term, the following sources were used for this report:

- The recommendations issued by the *Commission de Régulation de l'Energie* (CRE) in its 2019-2020 report published on 5 May 2021. It should be noted that the 2021-2022 report is not available at the time of writing, but the discussions that have already taken place with RTE concerning it have provided input for the CO's opinion as given in this report,
- The recommendations made by the CO in its 2021 report published on 31 March 2022,
- The Code of Conduct,
- The systematic or ad hoc checks conducted by the CO throughout the year,
- The external and internal audit reports conducted by the Audit and Risks Department,
- The CO's observation of the company's activities, through its participation in RTE's governance or decision-making committees, committees with clients and discussions with the CRE or internally at RTE,
- Key events and context of the year 2022.

These observations and this information gathered by RTE in 2022 demonstrate the main commitments in the CoC concerning transparency, objectivity, non-discrimination and protection of commercially-sensitive information.

Finally, this report is not intended to record all interactions or recommendations made by the CO to teams throughout the year on any matter in connection with compliance and therefore does not represent a report of all of the CO's activity.

Scope of Compliance

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

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

CRE Certification

The ITO certification³ requires that RTE comply with the French Energy Code provisions of which the purpose is to maintain the independence of the transmission system operator from the vertically-integrated undertaking (VIU) over time. Since the 2012, 2018 and 2020 certification decisions, the CRE has overseen RTE's compliance with its obligations in terms of independence from the VIU, particularly through the RCBCIs. In this way, the CRE reports on the progress made and draws up recommendations and requests for operators. The CO's 2021 report included the CRE's assessment for 2019/2020⁴, which showed a positive opinion and a generally satisfactory situation in terms of independence and compliance with the RTE Code of Conduct. Nevertheless the CRE remains extremely vigilant to ensure that this situation continues and has drawn up recommendations and requests to this end. In 2022, CRE launched investigations into RTE's practices with operators, including RTE, in order to draw up its RCBCI 2021/2022 report to be published in the second quarter of 2023.

The objectives of the CRE specifications are as follows:

- Firstly, to gain an in-depth understanding of the processes and measures implemented to promote RTE's independence and compliance with its CoC,
- Secondly, the following topics will be addressed more specifically:
 - The contractual relationship between RTE and the VIU and the companies controlled by the latter,
 - RTE's communication campaigns on regulated and non-regulated activities,
 - Implementation of a separation between RTE's regulated and non-regulated activities.

RTE provided CRE with information to respond to the points raised, which led to several interactions and further clarifications.

The CO will pay close attention to the CRE's conclusions from its work on the RCBCI 2021/2022 and will translate them into recommendations for RTE, if necessary.

1.2 Report Structuring and Publication Method

The key events of 2022 included the end of the health crisis linked to Covid-19 and an unprecedented energy crisis in both Europe and France against the backdrop of the Russian-Ukrainian conflict. In this particular context, RTE's organisational structure demonstrated its ability to respond to the challenges raised, especially preparing for the future and meeting the 2050 carbon neutrality targets, taking all necessary measures to ensure the electrical power system remained secure throughout the winter period.

³ Confirmed by the CRE decision of 2 July 2020 following restructuring of the CDC's investments.

⁴ An updated progress assessment is attached to this report, cf. chapter 11.1.

Like the previous versions, this report is structured according to the chapters of the CoC, considering that the 2019 version is in force, which incorporates an addition concerning RTE's obligations under the REMIT Regulation⁵. The RTE CoC has been posted online in French and in English.

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

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

Dissemination and Publication of the Report

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

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

It will also be disseminated internally within RTE as required. In order to be transparent and to ensure continuity in publication practices, it will be posted on the RTE website, including a version in English. It is understood that the CO maintains their free expression and reserves the right to inform the CRE of certain points that cannot be made public.

⁵ See Chapter 3.8 "Article L. 111-22 – RTE Code of Conduct".

2 Background and Key Events in Connection With the Independence of RTE and the Code of Conduct

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

As in previous years, some of RTE's key events of 2022 in relation to these obligations are worth highlighting, either because they illustrate RTE's actions and results with respect to its transparency, confidentiality and neutrality obligations, or because they shed light on certain significant aspects of the implementation by the company of its independence obligations, its CoC or the quality of its consultation and its relationship with its clients.

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

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

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

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

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

RTE incorporated the mission statement into the company's articles of association in January 2022. Along the same lines as 2022, in order to express its mission, RTE defined the goals of its CSR policy.

2.1 Independence of RTE

To carry out its network manager duties with complete independence, RTE has financial and human resources through the tariffs for use of the public electricity transmission grids (TURPE) set by the CRE and decisions approving the annual investment programme:

- **January 2022:** CRE decision of 20 January 2022 approving RTE's investment programme for 2022: the authorised budget for 2022, including financing of the works listed in the SDDR, was €1,858m. The CRE is required to make this type of decision each year.
- **February 2022:** RTE published in-depth analyses and additions to the main findings of the "Energy Futures 2050" report.

In October 2021, RTE published the main findings of the Energy Futures 2050 report. This study presents trends in consumption and compares the six electricity mix scenarios that guarantee security of supply while enabling France to achieve carbon neutrality by 2050. On 16 February 2022, RTE published in-depth analyses and additions to the main results of the study.

- **March 2022:** Signature of the public service contract between RTE and the French State.
On 29 March 2022, the Minister for Environmental Transition and the Chairman of the RTE Management Board signed the new public service contract (CSP) between the French State and RTE. The previous contract was signed in 2017, and this new public service contract was drawn up with a view to making it a genuine reference document. The 40 objectives of the contract correspond to the main challenges faced by RTE currently, in particular making the energy transition possible by transforming the electricity transmission network, operating the network and guaranteeing its resilience, and informing the energy choices of the State, local authorities and citizens.

- **December 2022 (and January 2023):** CRE decision no. 2023-01 of 5 January 2023 updating TURPE 6 and amending CRE decision no. 2021-12 of 21 January 2021 deciding on the tariff for use of the public electricity transmission networks (TURPE 6 HTB). RTE had requested this revision so that the CRE could take into consideration the drastic changes to the context that have occurred since the TURPE 6 decision was adopted, namely the surge in electricity prices and the explosion in connection requests. CRE amended its initial decision in order to better protect RTE against the effects of soaring prices on system purchases by modifying the operating rules of the income and expenditure adjustment account (CRCP).

2.2 Non-discrimination – Construction of the Electricity Market in France

With regard to market mechanisms, RTE organised two market access commissions in 2022. The emphasis was placed on continuing to educate market participants and on transparency in terms of planning and expected developments. At the same time, the process for simplifying the market mechanism rules was continued.

- **Demand reduction:**

The 2023 demand reduction call for tenders was the last call for tenders authorised by the European Commission, which had decided not to raise any objections to the notified aid scheme for the period from 1 January 2018 to 31 December 2023, on the grounds that the aid scheme is compatible with the internal market. A new scheme is to be negotiated, applicable from 2024. There was a significant increase in participation in the call for tenders for 2023. For the first year, Lot 1 sites with a subscribed power below 1 MW were able to submit bids with durations of between 1 and 10 years.

- **Balance Responsible (BR) system:**

With the rise in electricity prices, the financial security arrangements for the "BR" scheme were no longer appropriate. In 2022, RTE launched a consultation with market participants to adapt the financial security arrangements for the balance responsible mechanism. The aim was to ensure this process is financially robust in the current context, while guaranteeing requirements proportionate to the activity of balance responsible entities and their exposure to the markets: levels of bank guarantees, use of liquidity deposit, suspension periods, etc. The new version of the BM-BR rules (v10.1) incorporating these procedures came into force on 1 September 2022.

The change management related to changes in the management of the adjustment-gap account took place with market participants in 2022, for application on 1 January 2023, in accordance with what was indicated in the consultation on the BM-BR v10 rules.

The strategy for the gradual introduction of the 15-minute imbalance settlement price (instead of the current 30 minutes) and the associated timetable were also major points in the 2022 consultation. The subject was discussed in the working groups (WG) of the various mechanisms (excluding the RR-RC WG, to be set up in 2023).

- **Balancing:**

1 February 2022: Implementation of storage stage 2, enabling the same storage facility to make the most of its injection and withdrawal on the balancing mechanism.

1 April 2022: End of the operating period under RTE control on the TERRE platform. RTE participates in all offices (24/7).

21 July 2022: CRE decision no. 2022-210 granting exemptions for RTE's connection to the PICASSO and MARI European platforms until July 2024.

- **Reserves and systems services:**

1 September 2022: SSY v7.1 rules come into force, including a major effort to clarify the links between constructive capacity obligations and market availability.

15 November 2022: Implementation of mixed PTN reserve entities (RE) enabling all types of PTN sites (injection, withdrawal, storage) to be aggregated within a single RE.

It should also be noted that the 2023 annual call for tenders for the contracting of rapid and complementary reserves (RR-RC), for 50% of the total volume, was concluded for a sum of €228m.

- **Opening of the new DECOFER railway settlement service**

In 2018, RTE and SNCF Réseau, France's main rail infrastructure manager, embarked on a project to overhaul the rail settlement service, which involves splitting the French rail sector's electrical energy flows between the Rail Infrastructure Managers (IMs) and the various freight and passenger rail operators running on their networks. Historically, this rail settlement activity was carried out by the IMs. RTE can now take precise readings of the energy consumed by each train using on-board remote-reading sensors, and count the consumption of each railway company operating in France. With the rail sector consuming an average of 7 TWh a year, calculating rail electricity consumption is a real challenge, especially as the rail market opens up to competition.

2.3 Non-discrimination – Construction of the European Electricity Market

The key events in 2022 were as follows:

- **European platforms:**

RTE has moved from controlled operation of the TERRE platform to 24/7 operation of the platform. European work has continued on the other two balancing platforms (PICASSO⁶ and MARI⁷), with connection now scheduled for 2023 for PICASSO and 2024 for MARI in part, and an exemption until July 2024 granted by CRE for RTE's connection to these two platforms.

- **CORE Region:**

The daily capacity calculation (D-1) for the Core region went live on 8 June 2022. Initially scheduled for 20 April 2022, commissioning was postponed following a request from RTE. A number of malfunctions and uncertainties remained at the end of the parallel run and could have led to risks to operational security, but also to the capacities offered to the market at daily and intraday maturities, considered too low compared with historical values. RTE had to hold this position in isolation from the rest of the Core region, but this ensured that objective criteria were met before the project was successfully launched after a controlled delay.

- **Partial commissioning of the "Savoie-Piémont" France-Italy interconnector:**

Bipole no. 2 of the Savoie-Piémont interconnector (France-Italy), with a capacity of 600 MW, was commissioned on 6 November 2022. This direct current (DC) link increases the overall capacity at the Franco-Italian border. This new direct current (DC) link is on a border that already has alternating current (AC) interconnector links. Bipole no. 1 of the Savoie-Piémont interconnector meanwhile is scheduled to be commissioned in 2023.

- **Change in the price ceiling on the Spot D-1 market:**

In 2022, the daily coupling platform (D-1) reached its maximum price on 4 April and 17 August. The rules for increasing the price cap when it is reached are governed by the HMMCP (Harmonised Maximum and Minimum Clearing Prices) methodology. This methodology stipulates a €1,000/MWh increase in the price cap as soon as the price reaches 60% of the current price cap. The CRE and RTE approached their European counterparts, as well as the NEMOs (electricity exchanges), to propose changes to the methods for automatically increasing the daily coupling price caps. This action had a dual effect:

- Firstly, it froze the increase in this cap following the event of 17 August. Strict application of the HMMCP methodology would have led to a de facto increase in the price cap, from €4,000/MWh to €5,000/MWh. Thanks to the efforts of TSOs, some regulators and some NEMOs, the price cap was temporarily frozen at €4,000/MWh.
- Secondly, it accelerated discussions between regulators and ACER, on the basis of a proposal from the NEMOs (itself submitted for consultation), with the aim of amending the HMMCP methodology.

⁶ Platform for the International Coordination of the Automatic frequency restoration process and Stable System Operation (activation in under 300 seconds)

⁷ Manually Activated Reserves Initiative (activation in under 15 min).

Discussions between the regulators and ACER are continuing, with a decision due to be taken by the Board of Regulators before the end of the year.

- **Commissioning of Eleclink, the first private interconnector linking France and England:**

On 25 May 2022, the Eleclink private electricity interconnector linking France and the United Kingdom was commissioned. With a capacity of 1,000 MW, Eleclink is the only fully private cross-Channel electricity interconnector that has been granted a 25-year regulatory exemption to operate.

- **Reinforcement of the Franco-Belgian Avelin-Avelgem electricity interconnector:**

RTE and Elia, its Belgian counterpart, decided to reinforce the Avelin-Avelgem interconnector, commissioned in December, to ensure optimum levels of mutual security between the two networks, and to accommodate the arrival of new wind generation, which is developing rapidly in northern Europe, by equipping the line with new, more efficient cables, increasing the maximum technical transit capacity from 3 to 6 GW.

2.4 Non-discrimination and Transparency – Energy Transition

To ensure transparency current or potential users of the transmission system are given the same level of information and current or potential electricity market participants are given the same quality of information concerning the general regulations for organisation and functioning of the internal electricity market. This means that they are equally placed and, on this point, able to compete on an equal footing. It also means that, when drawing up and modifying these regulations and mechanisms, establishing a dialogue and strong relations with the CRE, helps to guarantee that the system operator acts neutrally and impartially towards all market participants.

- **June 2022:** RTE posted on its services portal the RTE service and supply indicators as described in Appendix 2 of the CRE decision of 21 January 2021 concerning TURPE 6 HT. These indicators were presented to the Network Access Commission on 14 June 2022.

- **October 2022:** CRE decision of 20 October 2022 approving the procedure for processing requests for connection of consumer facilities to the public electricity transmission system and modifying the contractual corpus for processing consumer connection requests.

Following a consultation conducted by the Customer Services Department in the spring and CRE's decision on 24 October, a new version of the contractual corpus modifying the processing of consumer connection requests has been applicable since that date. These changes offer RTE and its clients a new opportunity to benefit from a shared infrastructure. It also enables major developers (seaports, etc.) to request a connection offer.

It introduces three major changes:

- A new land ownership condition for acceptance of a TFP (article 8.2 of the general conditions). A TFP is now deemed to be accepted if and only if the following three cumulative conditions are met: signature, payment of down payment, proof of control of the land.
- A new access offering (Access TFP + changes to the consumer network). A lead partner (client or developer) can submit a "grouped" connection requirement to RTE: request for a Access TFP. The Access TFP made it possible to launch the detailed studies and permitting of the access structures, specify the cost of the shared facilities and the deadline for completing the service/access facilities, and to reserve the transmission capacity. After signature, the beneficiaries of an access request must submit their consumer TFP request within 3 months.
- A new shared alternative connection offer: possibility of RTE sharing financing of a facility introduced into the consumer connection procedure. This sharing is limited to the following circumstances:
 - One or more connection projects likely to have an impact on the requester's connection plan,
 - When the extension perimeter defined in each TFP is partly made up of the same facilities.

The contextual aspects and key events described above represent just a sample of the work carried out by RTE in 2022; they are nevertheless indicative of the great importance given to topics related to the CoC and compliance in RTE's daily activity.

3 Independence of RTE

The Energy Code 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 in particular 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 oversight of the commercial and financial agreements between RTE and the VIU or the companies controlled by the VIU, of the services provided by the VIU to RTE and of the services provided by RTE to the VIU¹⁵;
- The powers and obligations of the CO¹⁶.

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

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

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

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

The commitments or additional measures requested of RTE were accompanied by a deadline. At the time of writing, as shown by the previous CO's reports, these commitments have been fulfilled. Some may be permanent; in these conditions they require ongoing and recurrent monitoring to be maintained in the long term.

In particular, RTE is supposed to conduct bimonthly assessments of the process of approval by the CRE of commercial and financial agreements with the companies in the VIU. In 2023, it should be highlighted that the number of referrals to the CRE rose.

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 French Energy Code.

¹² Article L. 111-16 of the French Energy Code.

¹³ Articles L. 111-19 and L. 111-20 of the French Energy Code.

¹⁴ Article L. 111-21 of the French Energy Code.

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

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

Beyond this aspect of volume, an analysis of the files monitored shows that exchanges are conducted satisfactorily, taking advantage of the improvement actions undertaken internally by RTE (see chapter 3.5). At the same time, benefiting from the work and investigations launched for the RCBCI 2021/2022, work should continue on the actions initiated to optimise the process for referral and approval of commercial agreements in addition to those underway on the management of the process.

Moreover and more generally, according to the RTE analysis, in 2022 there were no factors or events leading to question RTE's certification as confirmed by the CRE in 2020 following the creation of a public financial conglomerate bringing together CDC, La Poste, La Banque Postale and CNP Assurances. However, the structure of CNP Assurances' shareholding in CTE (Co-Entreprise de Transport d'Électricité) has changed.

CNP Assurances has launched a supplementary occupational pension fund (FRPS) called "CNP Retraite" through a partial contribution of assets to its wholly-owned subsidiary. CNP Assurances' shares in CTE were transferred to CNP Retraite, representing approximately 0.96% of CTE's total capital. CNP Assurances retained the remaining 19.03% of CTE's capital.

The company, which has the corporate form of a public limited company (*société anonyme*), with capital of 50,039,269 euros fully paid up and held by the CNP Assurances group, is not an employer and relies on the human, technical and financial resources deployed by its parent company CNP Assurances to ensure its smooth operation and fulfil its obligations.

The procedure for notifying CRE is under way.

3. 1 Managerial Independence of RTE from the VIU (Article L. 111-11 of the French Energy Code)

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

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

Neither the CO nor the RTE regional delegates were aware of any irregular or inappropriate action by an RTE manager or employee concerning RTE's independence in 2022. Based on these observations backed by the CO's checks it can be asserted that RTE's independence is fully operational.



Extract Management Report 2022

Events bringing together RTE and other companies in the VIU

The subject of RTE's participation in demonstrations or events organised by the other companies comprising the VIU and internal to these companies was mentioned constantly in the CO's reports and the CRE's RCBCI. In 2018 RTE formalised and disseminated guidelines for the participation of RTE employees in events organised by the VIU, to obtain a reference on participation in the various internal events or meetings organised by the other companies in the VIU.

In 2021 and 2022, two questions were raised on this matter which could lead to changes to these guidelines:

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

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

RTE will also send to the CRE the 2022 annual report of its participation, necessarily as an external party, in internal meetings of companies in the VIU. In 2022 as in past years, other than the exceptions specified above, RTE declined any request to participate in internal EDF or CDC group meetings and in external events (e.g. meetings with local media, participation in a trade fair). The CO's regional audits and feedback from delegates in the annual survey show that RTE is seeking to materially distance its communication from EDF's, especially at trade fairs (placement of stands).

In 2022, no discrepancy was recorded on this aspect of meetings bringing together other companies in the VIU; it should be noted that the point mentioned in 2021 on participation in a coordination meeting for the EDF Group Risks and Internal control network was not repeated in 2022.

The CO recommended that RTE finalise the new version of the guidelines in view of the associated safeguard measures and at the same time widely distribute knowledge about the companies in the VIU internally within RTE (see above).

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

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

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

The RTE statutes were amended in 2022 to incorporate the mission statement. The SB's internal regulations were not amended in 2022.

Details of how the SB is organised: composition, terms of office and duties of members, provisions concerning the Board's minority, organisation of work, tasks of the Board and of the two committees – Economic and Audit Supervisory Committee (Comité de supervision économique et de l'audit - CSEA) and Remuneration Committee – are explained in the corporate governance report drawn up pursuant to paragraph 6 of article L. 225-68 of the French Commercial Code.

Changes to the composition of the SB are described in chapter 3.9 hereinafter. In 2022 the CO took part in all RTE SB meetings and those of its committees (CSEA and Remuneration Committee).

Over the course of 2022, the SB met seven times to examine issues relating to its remit. Two strategic seminars were added to these sessions: on 22 June 2022 on the impact of Energy Futures 2050 on RTE's financing and on 16 November 2022 on the acceptability of the facilities.

The CO can attest that the work did not prevent implementation of article L. 111-13 of the French Energy Code, article 14 of the RTE statutes ("decisions - powers - internal regulations") and article 5 of the internal regulations of the SB ("powers of the Board"). **The SB was able to exercise its economic supervision without debates covering decisions or injunctions in areas within the exclusive remit of the Management Board.**

The report assessing the SB, drawn up in 2022, will be presented and analysed at meetings of the SB in order to establish areas for improvement in its operation. In particular, consideration was given to the possibility of extending the remit of the Remuneration Committee to include corporate social responsibility issues, beyond its initial remit, which is to give an opinion on the setting of all types of remuneration for corporate officers. This development is still under review.

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

- The Management Board's quarterly report presenting general news,
- Between sessions, the Management Board informs the directors in real time of the main events in the company's life: several information emails were sent in 2022 and documents were released to the press,
- Inviting SB members to visit industrial facilities, such as the 400 kV substation at Plessis-Gassot in 2022,
- The Supervisory Board's Economic and Audit Supervisory Committee (CSEA) examines the report on risk management, audit and internal control activities, the associated forecast audit programme, monitoring of action plans following audits, changes made to the mapping of RTE's major risks and action plans to control these risks,
- The CSEA and SB review the budget, updates and medium-term plan,
- Twice a year, the CSEA and SB review RTE's financial statements and the Group's consolidated financial statements, approved annually by the Executive Board.

Due to his systematic participation in the SB and committees (CSEA and Remuneration Committee), the CO oversees the Board's decisions at all times. In 2022 none of these decisions went beyond the powers assigned to the Supervisory Board.

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

The RTE financial statements have been certified by two companies, KPMG and Mazars, since 30 May 2017. At the end of 2022, the decision was taken to activate the possibility of a second term of office for RTE's statutory auditors. The incumbent auditors, KPMG and Mazars, will therefore continue for six additional financial years.

Considering that the principal statutory auditors of EDF are KPMG and Deloitte and that the principal statutory auditors of CDC are Mazars and KPMG, some companies in the VIU controlled by EDF or the CDC are certified by KPMG and Mazars at once.

In September 2021, the CDC contacted the CRE in the context of the procedure linked to renewal of the statutory auditor (CAC) service purchase market in accordance with the rules in force and the limited number of service providers, and notified it that the auditor pair team chosen was the same as for RTE. After discussions and in view of both the status of the auditors and also the safeguarding measures defined and seen by the CRE, it was decided (CRE decision no. 2022-61 of 24 February 2022 to maintain RTE's certification) that the measures taken guarantee the absence of conflict of interest. The situation has therefore been deemed acceptable, and it will be implemented from 2022.

Article 20 of the RTE statutes leads to the following attestations for 2022 concerning compliance with the provisions of article L. 111-15 of the Energy Code in 2019, to be sent by RTE to the CRE:

- The attestation of the firm Mazars SA, dated 15 February 2023: Mazars SA does not certify the financial statements of either EDF or the companies belonging to the VIU controlled by EDF, but specifies that it is the statutory auditor for the Caisse des Dépôts group; Mazars SA indicates that Mazars Strasbourg (a separate legal entity from Mazars SA) is the statutory auditor for certain subsidiaries of the Électricité de Strasbourg group,
- The attestation of the firm KPMG SA, dated 10 March 2023: KPMG SA does not certify the financial statements of the CDC or of the companies belonging to the VIU controlled by the CDC except for the following companies: Saint Charles Solaire, Laudun Énergie, Energiecie, Dalkia Investissement, Terres d'Énergie, EOS Invest Holding and Durance Topco.

According to the information provided, KPMG is also the statutory auditor for the following companies in the energy production and supply sector in which CDC holds interests: Cogénération Biomasse d'Estrées-Mons, Cogénération Biomasse de Novillars and Kogeban, and it certifies the accounts of EDF SA and some of its subsidiaries such as Enedis.

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

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

This article contains two obligations.

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

The RTE information system (IS) is completely independent from the system of the companies in the VIU.

There are two exceptions concerning two employment software programs. These gave rise to agreements that the CRE approved, considering that they fall within the scope of the exception provided for by article L. 111-33 of the French Energy Code:

- Usage rights agreement for the "Job Exchange", signed on 19 November 2014 between RTE and EDF (CRE decision of 3 September 2015¹⁷),
- "MediSIS" agreement for management of medical files (CRE decision of 26 October 2016¹⁸); addendum to extend term to be approved by the CRE (referral 31 May 2022, tacit approval).

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

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

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

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

The two RTE internal procedures on commercial and financial agreements signed with the VIU (see chap 3.5 below) now include a paragraph about this notification.

RTE drew up a 2022 list of eligible agreements as defined in article L. 111-16; this list was discussed with the CRE, and RTE will pay attention to any observations from the CRE.

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

Approval by the CRE of the commercial and financial agreements

The "Procedure for monitoring RTE's 2012 certification as independent TSO and circuit for processing CRE files engaging commercial and financial relations between RTE and EDF SA", which presents the organisational structure introduced by RTE to meet its legal obligations, was updated in March 2020 incorporating maintaining the RTE certification and the changes resulting from the above recommendations. The end of its title was amended at that time: "between RTE and EDF or companies controlled by EDF/RTE and the CDC or companies controlled by the CDC involved in electricity production or supply". Additional updates were made in 2021, mainly to include resumption of the activities of the General Secretariat more specifically by the Legal Department; it was in this context that the Legal Department resumed the activity of monitoring referrals to the CRE pursuant to articles L. 111-17 and L. 111-18 of the French Energy Code. This note was communicated to the company's departments in 2022 and presented to RTE's managers and employees.

In 2022 the CRE approved all the agreements between RTE and the VIU submitted to it. In 2022 the necessary dialogue and discussions with the CRE on these subjects continued satisfactorily: the additional information requested by the CRE was sent with complete transparency to assist the CRE departments in investigating the matters.

In view of the observations made in 2021 regarding the CRE referral and approval process, the improvement and reinforcement actions envisaged were implemented in 2022 to meet RTE's certification obligations.

RTE took a number of steps to ensure that the deadlines were compatible with an individualised investigation by CRE, concerning the following matters:

- Updating internal operating documents and reminding departments particularly affected of the measures for referring commercial and financial agreements to the CRE to obtain shared and updated knowledge of this subject,
- Disseminating and regularly sharing information about the knowledge of the companies making up the VIU or controlled by the VIU, cf. list of companies in the VIU attached, with awareness-raising activities within RTE,
- Reporting to the RTE Executive Committee by the General Secretary and the Chief Compliance Officer,
- Awareness-raising campaigns for the management committees of RTE's various business lines (purchasing, maintenance, finance, audit, engineering) carried out in June 2022,
- Examination of the feasibility of developing the IS to implement control points and facilitate identification of these companies,
- Introduction of a monitoring table shared between the CRE and RTE specific to purchases in order to respond to the CRE's request to be informed prior to the launch of any consultation in which a company controlled by the VIU could have a position,
- Overhaul of e-learning for Company employees.

In 2022, 23 formal referrals were made to the CRE (23 in 2021), of which five led to a CRE decision and 18¹⁹ were tacitly approved²⁰. Moreover, on 31 December, six other cases were informally approved by the CRE, but they have not yet been formally submitted, and 10 other cases were submitted informally.

Among the 23 cases submitted, eight concerned the VIU (EDF SA and its electricity production or supply subsidiaries), 10 concerned companies controlled by the VIU (6 concerned Enedis), two concerned both EDF and Enedis, one concerned RTE-i and two concerned SER.

Among the five decisions specified above, one 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 CRE²¹.

A total of 39 cases were submitted to the CRE in 2022 (23 formal referrals, six validated but not formalised referrals, and 10 cases currently being examined by the CRE), compared with 28 in 2021 (23 formal referrals and five cases currently being examined).

As a comparison, in 2021, 23 formal referrals were made to the CRE, of which five led to a CRE decision (three under article L.111-18) and 19²² were tacitly approved (including seven in early 2022).

Five further cases were being investigated by the CRE on 31 December 2021.

Among the 23 cases submitted in 2021, nine concerned the VIU (EDF SA and its electricity production or supply subsidiaries), 13 concerned companies controlled by the VIU, including 11 concerning Enedis and one concerned both EDF and Enedis.

During the investigation for the RCBCI 2021/2022, the exhaustive list of "historic" contracts between RTE and EDF was shared. These concerned services provided by EDF to RTE, in accordance with the exceptions set out in the French Energy Code and with precise arguments drawn up by RTE; at this time it is expected they will be renewed due to their specific nature. The discussions on the future RCBCI 2021/2022 led to the initiation of a process of reflection and work aimed at proposing improvements to the management of the process and efforts to improve the efficiency of CRE-RTE exchanges.

In addition, as part of the investigations linked to the RCBCI 2021/2022, the CRE wanted a description and explanation of RTE's internal supplier selection process and the decision to put out to tender. In this context, RTE stated that it is subject to the rules set out in the French Public Procurement Code in order to meet its needs in terms of works, supplies and services. RTE is a contracting entity pursuant to the provisions of articles L.1212-1 and L.1212-3 of the French Public Procurement Code. Under this status, contracts awarded by RTE are subject to the competitive tendering rules defined in the same code. For the implementation and monitoring of this process, RTE follows the indications of a detailed guide outlining all steps to be followed for any purchase within RTE.

The issue of contracting with a company controlled by the VIU is fully covered in this guide for invitations to tender, the selection of suppliers and the competitive tendering process. For these circumstances, procurement managers follow precise internal procedures. These procedures and the associated principles are detailed in an internal memorandum and appropriate and regular reminders are sent.

The CO recommended that RTE ensure successful completion of the improvement actions undertaken (specified above and in particular incorporating control points concerning the companies in the VIU into the management information system), as they are intended to ensure the process for referring commercial and financial agreements signed with the VIU to the CRE is correctly understood. At the same time, the CO recommended continuing the work begun with the CRE to put in place concrete measures to optimise this process.

¹⁹ Fourteen tacit approvals in 2022 and four tacit approvals in 2023 for cases submitted in 2022.

²⁰ Article L. 231-1 of the French Code on Relations between the Public and the Authorities.

²¹ Paragraph 3 of article R. 111-7 of the French Energy Code.

²² Nineteen tacit approvals in 2021 including seven in early 2022 for cases submitted in 2021.

Sending the 2022 reports to the CRE

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

The situation regarding the informal submission of reports to the CRE is as follows:

- **The following assessments were submitted to the CRE in late February 2023:**
 - Report on services provided by the three subsidiaries: AIRTELIS, ARTERIA and RTE-i,
 - List of easement agreements signed between RTE and the VIU,Additional information on these assessments is currently being compiled.
- **Further information is expected to be sent before the end of April 23:**
 - Attestation of RTE statutory auditors,
 - Renewal of agreements and potentially new agreements signed in 2021 or to come in 2022 for which a public procurement invitation to tender to be submitted to the CRE is applicable.
- **The final information is expected to be sent before the end of May 23:**
 - List of agreements in order to include on RTE's automated information processing systems and signed with companies which also provide services of the same kind on behalf of companies forming part of the VIU (article L.111-16 of the French Energy Code),
 - Information concerning the number and duration of unscheduled interruptions according to their origin (decision of 18 December 2012 approving the NAC-P),
 - Implementation of the framework agreement between RTE and Enedis for carrying out studies and works in substations (decision of 4 November 2015),
 - Implementation of the framework agreement for maintenance, surveillance, handling and expertise services provided by Enedis-D for RTE (decision of 11 March 2015),
 - Assessment of implementation of the framework agreement for processing agreements before D-1 on production installations excluding photovoltaic and wind production, signed between RTE and EDF (decision of 6 January 2016),
 - Assessment of implementation of the framework agreement for processing agreements before D-1 on production installations excluding photovoltaic and wind production, signed between RTE and EDF (decision of 6 January 2016),
 - Report on the participation of RTE employees in meetings with companies in the VIU.

RTE must therefore supply the CRE with several annual reports (12 in total and one forecast). Reports should be sent in by 31 January, but RTE is dependent on the data received from its partners, which can sometimes take time. A summary of the annual results is provided in an appendix. At this stage, CRE considers the information provided on these reports to be satisfactory.

The CO has provided the following as appendices (constituting performance indicators for monitoring implementation of RTE's certification):

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

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

Following the example of practices in previous years, the CO contacted the accounting and taxation department to obtain the two files representing all the financial movements between RTE and the companies in the VIU, more specifically:

- *Between RTE and EDF and its subsidiaries,*
- *Between RTE and CDC and its subsidiaries.*

It should be noted that the more detailed work carried out concerning the companies in the VIU (see section 3.5) improved the quality and completeness of these two files.

- The first file between RTE and EDF and its subsidiaries contains 3400 lines for 2022 and represents a total purchase amount of €2,472m (compared to the 2021 figures: 1,675 lines for a total purchase amount of €1,360m). These amounts are representative of overall financial flows. Extensive work was therefore carried out for better understanding of the companies in the VIU and led to a more complete and more solid file that is therefore more representative. The links between SIREN codes, SIRET codes and supplier codes have been made and verified for the companies.

Analyses and verifications were conducted on this file, considering the complexity of such an accounting file. The verification and investigation concerned the following:

- Compliance of the transactions with articles L. 111-17 and L. 111-18 of the French Energy Code,
- Transactions which a priori result from provisions not requiring the approval of the CRE (e.g. dividend payment),
- Invoices or credit notes with no purchase order and corresponding to staff costs (e.g. energy benefits) or dividend payments,
- The financial movements linked to system service agreements or in connection with capacity invitations to tender issued by RTE,
- All movements and their justification in terms of consistency between orders, amounts, order descriptions and those of the accounting documents or payment authorisations (for invoices without purchase orders),
- The specific nature of certain descriptions (e.g. RTE supplier),
- A comparison by supplier account between 2021 and 2022 and justification of the changes, particularly in terms of amounts.

These analyses, verifications and additional investigations (sometimes requiring a direct analysis of the invoices inserted in the accounting system with the associated comments in order to justify the movements) raised many questions which were eventually answered. They also showed that no non-compliance with article L. 111-17 of the French Energy Code was identified and the movements recorded were justified.

- For the second file representing the financial movements between RTE and the CDC, the file for 2022 contained 250 lines and represented a total purchase amount of €117m. Once again, the in-depth work carried out by the Accounting and Tax department enabled us to consider better the companies in the VIU, resulting in a more complete and solid file. The analyses and verifications indicated above were carried out on this second file, leading to the conclusion that there was no non-compliance.

This verification based on accounting information therefore appears to be essential; it is currently one of the recurrent verifications initiated by the CO. It will be continued in 2023, examining the feasibility of extending it to a client file representing the sale of services by RTE.

The CO will continue this type of examination in 2023, on the basis of the accounting information for this financial year.

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

RTE Company Name ("RTE Réseau de Transport d'Electricité")

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

According to the feedback from regional delegates and as observed by the CO on a national level throughout the year, no discrepancy on this point was identified in 2022.

Relations with stakeholders

In their feedback to the CO, RTE delegates noted that confusion between RTE and EDF by stakeholders is becoming increasingly rare. This is particularly true for the authorities, RTE clients and most elected representatives of local authorities, who now clearly distinguish between RTE and EDF.

As journalists are also highly aware of the distinction between RTE and EDF, there are few articles showing any confusion. Each time and repeatedly, RTE recalls its role, its duties and its independence, and a special effort is made to make this clear in the consultation phases for development projects. It should also be noted that all RTE press releases contain a text box specifying RTE's role and missions. Finally, it should be stressed that RTE's roles and missions, as well as its independence, were presented and reiterated in communications about Energy Futures and preparing for the winter of 2022 / 2023.

Trademarks identifying RTE as Transmission System Operator

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

The situation for 2022 is also compliant.

Communication and feedback

In 2022 the volume of campaigns and external communication was particularly high for RTE. As a result of the evolution and transformation of the electrical power system brought about by the energy transition, and the crisis period that emerged in the energy sector following the health crisis and against the backdrop of the Russian-Ukrainian conflict, RTE, as operator of the public transmission network, is facing major challenges: in innovating and adapting the industrial infrastructure for its clients and regional players, while at the same time informing the decisions of the public authorities and the choices made by the regions and citizens.

In view of this situation, RTE regularly publishes forward-looking analyses to inform public policy decisions on the development of the electrical power system in the medium and long term, particularly in a context of a pressing need to accelerate the transition to a more energy-efficient and climate-friendly system.

In October 2021 and February 2022, RTE published the results of the Energy Futures 2050 study, which was launched two years earlier to identify possible paths to carbon neutrality and reflect on the electrical power system of the future.

Similarly, RTE is required to communicate externally on a number of occasions, as was the case in 2022 in the context of Energy Futures and preparing for winter 2022/2023, against the backdrop of the energy and electricity crisis.

In 2022 RTE's communication and publication highlights were essentially as follows:

- RTE successfully carried out its first green bond issue on 5 January 2022, raising €850 million at a rate of 0.75% over a 12-year period and giving it access to a new base of bond investors managing "green" labelled funds. This confirmed investors' confidence in RTE's strategic role in the energy transition.
- Under the aegis of the Ministry of the Economy, Finance and Recovery, in early January 2022 the RFAR (Responsible Supplier Relations and Purchasing) label award committee unanimously renewed RTE's label, awarded for the first time in January 2019, for a further three years.
- Pursuant to the commitments made at the time of consultation, on 16 February 2022, RTE published in-depth analyses and additions to the main results of the Energy Futures 2050 study, initially published in October 2021.
- On 16 March 2022, the Ukrainian and Moldavian electricity systems were connected to the continental European grid. This connection, completed in just a few weeks in response to a request from the two countries, was an unprecedented technical and political challenge, and a strong sign of European energy solidarity.

- After several months of work between RTE and the Directorate General for Energy and Climate, the Minister for Environmental Transition and Xavier Piechaczyk signed the new public service contract (CSP) between the State and RTE on 29 March 2022; the previous contract dated from 2017.
- RTE triggered the EcoWatt orange alert on Saturday 2 April 2022 in anticipation of a tense supply-demand balance situation on Monday 4 April. With electricity consumption rising due to below-normal temperatures and 27 nuclear reactors unavailable due to maintenance, individuals, local authorities and businesses were asked to take action to reduce their consumption.
- Forecast study for winter 2022 / 2023 published on 14 September 2022, accompanied by the press release "A risk of increased tension on the electrical power system, but manageable thanks to significant efforts to reduce consumption" in the context of unprecedented uncertainty linked to the energy crisis.
- New website to go online in September www.monecowatt.fr with new services, specific eco-friendly actions by target and a mobile application at the end of the year.
- In October over 90 business leaders met with Bruno Le Maire, the French Minister for the Economy, Public Finance and Industrial Sovereignty, to express their commitment to relaying EcoWatt alerts (to their tens of millions of clients, viewers, subscribers and users). Similar initiatives were also organised by RTE at regional level, bringing the number of companies that have signed an EcoWatt charter to over 300.

A number of communication campaigns and launches also took place: end of digging on tunnel as part of the work to underground the electricity lines between Saint-Denis and Epinay-sur-Seine in April 2022; commissioning of ElecLink, first private interconnector linking France to England in May 2022; first French electricity production from offshore wind farm Saint-Nazaire in June 2022; launch of new electricity line between Lille and Arras, symbol of the transformation of the French electricity grid in July 2022; the Celtic project is now entering its operational phase, with work due to start in 2023; the partial commissioning of the Savoie-Piémont Franco-Italian interconnector in November 2022; and the reinforcement of the Avelin-Avelgem Franco-Belgian interconnector in November 2022.

Finally, following the analyses published concerning winter, by targeting consumption control RTE proposed a new tool for weekly monitoring of electricity consumption, to measure the structural effects associated with the changes observed linked, for example, to the sobriety plan.

All these communications and publications at a time of high media activity for RTE resulted in 3.5 million visits to the website www.rte-france.com, with 10.5 million page views and nearly 250,000 downloads of data or documents. These figures show a significant external investigation into data or documents relating to RTE's activity.

With this in mind, RTE upgraded its website with a new home page, a new explanatory and educational section called the "Energy Wiki" and the integration of EcoWatt signals. The expansion of the EcoWatt system as a genuine "electricity forecast" and warning signal for all market participants had a structuring leverage effect on RTE's reputation, with over 3 million downloads of the application.

Once again, this situation clearly demonstrates RTE's role as a trailblazer, reminding us of its independent status whenever necessary: as a neutral and independent industrial operator of the energy transition, RTE is optimising and transforming its grid to connect the electricity production installations whatever the future energy choices. *"Through its expertise and its reports, RTE leads the choices of the public authorities."*

Communication about Energy Futures 2050 and preparations for the winter of 2022/2023 were excellent ways of educating people and establishing RTE's specific role as a Transmission System Operator (TSO).

No risky situations were detected in these communication high points, in the messages sent by RTE or by other operators such as EDF, Enedis or other participants in the electrical power system. This is what the CO observed, particularly through reading the press review and social media, and what the delegates observed, confirmed by the feedback from the specific survey. The separation between EDF and RTE was put to the test on the EMR and EPR projects, managed by the EDF Group, and where there is no confusion of image, particularly in communication campaigns. Externally, the roles and missions of the operators are well understood and communications are clearly separate. RTE's independence is reiterated during communication operations, particularly when they relate to general issues in the electricity sector (annual electricity report, presentations of the *Energy Futures 2050* study, preparations for the winter season, etc.).

In specific situations where certain stakeholders still clearly confuse EDF and RTE, RTE has responded by reminding them of RTE's independence.

In CDC communication: no statements that could lead to confusion of image were detected, and none has been seen since the CDC was brought into RTE's capital, whether at national or regional level.

On the basis of these observations, the CO considers that the provisions on independence from the VIU and EDF in particular were observed, and that in 2022 there was no situation leading to confusion of image and that no nonconformities by market participants were identified. The 2022 communication efforts on Energy Futures, preparing for winter and other subjects resulted in a significant gain in reputation for RTE, combined with its independence.

3.7 Separation of Premises (Article L. 111-21 of the French Energy Code)

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

3.8 RTE Code of Conduct (Article L. 111-22 of the French Energy Code)

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

Moreover, on 14 April 2019, the CRE tacitly approved²³ an addition, proposed by RTE in December 2018, of information about RTE's obligations under the European Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) and RTE's role as person professionally arranging transactions.

The CoC was not changed in 2022.

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

The composition of the SB and distribution of members are explained in the corporate governance report drawn up pursuant to paragraph 6 of article L. 225-68 of the French Commercial Code.

The term of office of the members of the Board was decided before 31 August 2020, for five years in accordance with the French Energy Code.

In 2022, the following changes were made to the members of the SB:

- For representatives elected by the employees, Laurence Holderle replaced Christian Viola as of 23 July 2022,
- For the Government Commissioner, Nicolas Clausset has now replaced Ghislain Ferran. Nicolas Clausset was appointed by order of the Ministry of Energy Transition on 10 October 2022.

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

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

As at 31 December 2021, the minority of the Board comprised two representatives of the government and three representatives of the shareholders (two representatives of the CDC and one representative of CNP Assurances); this situation did not change in 2022. At the time of RTE's certification and in particular pursuant to the CRE decision of 11 January 2018, appointing members of the minority is associated with shareholder commitments, in particular:

- The CDC undertook to notify the CRE of any appointment of a member of the board of directors of CTE appointed on proposal of the CDC: no change took place in 2022.
- EDF, the CDC and CNP Assurances undertook to authorise the presence of the RTE CO at the meetings of the CTE Board of Directors: the CO thus attended all CTE Board of Directors meetings in 2022.

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

The Management Board is currently composed of five members and is appointed for a term of five years by the SB following approval by the CRE. The Chair of the Management Board Xavier Piechaczyk was appointed by the SB from 1 September 2020 for a term of five years. On the recommendation of the Chair of the Management Board, the other members of the Management Board were appointed by the SB in November 2020, for a term of office to end at the same time as that of the Chair of the Management Board, i.e. 31 August 2025.

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

The list of managers updated in 2022 and notified to the CRE included the members of the Management Board, the deputy managing director of the Client Systems Design and Operation (CCOS) division, and the directors of operations, maintenance, interconnectors and the offshore network, and development-engineering²⁴.

3.11 Remuneration and Holding of Interests in the VIU (Article L. 111-33)

There are two obligations concerning the remuneration of RTE managers and employees and the holding of interests in the VIU, as follows:

- *Remuneration of managers and employees falls within the remit of RTE management: "Directors and employees of a transmission system operator can only be paid according to indicators, in particular performance indicators, for said company." This means that the criteria for paying RTE employees and managers must be independent of the vertically-integrated undertaking, particularly EDF.*
- *Holding interests in the VIU is the personal responsibility of the RTE managers and employees: "Managers and other employees [...] cannot hold interests in the other companies comprising the electricity or gas vertically-integrated undertaking [...], or directly or indirectly receive any financial benefit from said companies."*

²⁴ Paragraph II of article L. 111-30 of the French Energy Code.

With regard to the remuneration of managers and employees, this provision is set out in the RTE statutes and in the internal rules of the SB. It has been implemented for the long term, particularly since the first certification decision of 26 January 2012. The CO attended the RTE SB Remuneration Committee meetings and can therefore be assured that it was applied correctly. No non-compliance was detected in 2022

With regard to the holding of interests in the VIU, measures to protect RTE employees from risk have been implemented. These measures consist of implementing HR provisions when hiring employees to find out the interests they hold in the VIU and managing and creating the group savings scheme (PEG), monitoring this implementation and submitting feedback.

It should be stressed that online training (e-learning) about the CoC²⁵ is provided to all RTE employees, and especially newcomers, in order to inform them. This training course has been updated and a new version has been available since December 2022. It can be taken as a team and can be used over time to update and maintain the skills of each employee.

In 2022, more specifically, the following actions were implemented, following on from 2021:

- All employees who joined the Electricity and Gas Industries (EGI) between June 2011 and July 2021 were informed by letter of the rule against holding EDF shares and of the procedure for selling these shares if they did hold them,
- Insertion of a specific mention in all external recruitment advertisements informing candidates of the obligation not to hold EDF shares as an employee of RTE and insertion of a specific clause in employment offers and contracts,
- Insertion of an equivalent clause in all postings on the EGI job exchange and, prior to each appointment of an EGI candidate to RTE, signature of an agreement not to hold EDF shares between the Director of the future entity and the candidate,
- Updated reference notes,
- Action to raise awareness among careers advisers so that they pass on information to management in the context of mobility committees,
- Development and support of an information system for mobility advisers to help them implement preventive measures on a daily basis.

In addition, the plan to denationalise EDF, which involves delisting, will change how the provisions relating to the holding of interests in the VIU are understood, and they could become obsolete.

Finally, it should be noted that with respect to the supplementary pension, RTE will no longer be covered by the EDF contract (formerly the RSR Arial CNP contract) from April 2023, with a specific contract for RTE with BNP Paribas CARDIF. This pension is not subject to any specific regulatory obligations (with the exception of the French Energy Code) and reflects an additional independence.

Progress on 2022 recruitment from the EDF Group:

In 2022, 102 employees were recruited from within the EGI, including 45 from EDF SA and 36 from Enedis. The other EGI employees came from the following companies: GRTgaz, GRDF, Engie, Régies, etc.

The CO recommended continuing with the HR measures introduced to find out employee shareholdings in the VIU, bearing in mind that the sustainability of this approach depends on the planned delisting of EDF as a result of the nationalisation plan.

²⁵ See Chapter 9.3 "Training and Information".

3.12 Duties, Activities and Responsibilities of the CO (Articles L. 111-34 to L. 111-38)

i) Appointment and independence of the CO

In accordance with the provisions of articles L. 111-34 et seq. of the French Energy Code a CO is appointed by the SB, on recommendation of the Chair of the Management Board, following approval by the CRE. Philippe Dumarquez has been RTE CO since 1 September 2021, he was appointed by decision of the SB of 23 July 2021, on recommendation of the Chair of the Management Board and following CRE approval on 24 June 2021. His duties, activities and responsibilities are described in Appendix 11. 4.

ii) Implementation of the CO position

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

As in previous years, the CO carried out several inspections during 2022, which are detailed in this report and summarised in section 9.2.

In 2022 the CO confirmed that all the independence and Code of Conduct provisions are a reality of the company's life. cf. general assessment chap. 10.

Specifically, the CO has completely fluid access to all the information required, he is free to participate in all governance bodies (e.g. SB and its committees, Management Board, COMEX, decision-making committees) and has free access to all the relevant documents and files. The CO found that his presence or his questions and investigations were well received by the members of the Management Board, the Executive Committee and the other directors, with an attitude of listening, openness and transparency. A suitable response was systematically given.

In addition to his main duties, the CO is often approached by departments which share a question or request advice on how to tackle a specific subject or handle a particular case. In these situations, the CO's clarification is required on any matter concerning RTE's independence and implementation of the CoC.

For the CO this represents a real opportunity to assess the capacity of contacts within RTE to raise the right questions about the themes of the independence of RTE and the CoC, to receive feedback on the appropriateness of the CoC and to submit contextualised information in response, putting the applicable provisions into perspective with respect to the expected purposes of the body of administrative and regulatory rules. The monitoring carried out by the CO is a useful complement to the formal checks he makes and makes the assessment given even more factual and objective.

In 2022, the CO's duties did not require the use of external service providers over and beyond the habitual day-to-day operations.

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

Finally, several times in 2022 the CO shared in advance with the CRE certain questions in connection with RTE's independence. These contacts fell within article L. 111-34, which states that "*He shall immediately inform the Energy Regulatory Commission of any substantial failing [...] of any issue concerning the independence of the transmission system operator*". The matters cited in 2022 were questions raised in the preliminary analysis phase without being connected to a failing observed or an event concerning a potential failing with respect to the commitments.

iii) Risk control

RTE has set up a mechanism for controlling its activities through risk management, incorporated into the different levels of the company, the purpose of which is to provide management with reasonable assurance as to the performance of the activities and implementation of the decisions made to attain the targets set. The risk management mechanism is consistent with the company's mission and goals. Each year, the Audit and Risks Department draws up a list of risks that may be incorporated into the company's list of major risks. Obligations relating to the Energy Code and the Code of Conduct are included in the major risk "Legal non-compliance".

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

The CO contacts the Audit and Risks Department prior to each audit to share certain points that may be investigated on the theme of compliance with the French Energy Code, whether concerning independence or the risk of confusion of image or independence of communication with the companies in the VIU, or non-discrimination, transparency or even confidentiality of sensitive information. This prior work will of course be carried out completely in accordance with the goals of independence of the auditors. As the CO has access to the audit findings and recommendations, he can use this information to support his observations and strengthen the robustness of the assessment of compliance with the provisions of the CoC.

iv) CO sharing experiences with counterparts

In 2022, the CO continued his discussions with his counterparts: GRTgaz, Enedis and GRDF, and to a lesser extent with the European electricity ITOs.

The discussions and sharing of experiences with French counterparts were very fruitful and highly interesting for the sharing and feedback on the mission and role of the CO.

With the other European electricity ITOs, it should be noted that of the 42 electricity TSOs that are members of ENTSO-E, there are currently 6 ITOs other than RTE:

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

In 2023, the CO will continue his discussions with his French counterparts (GRTgaz, Enedis and GRDF) and will seek to develop them with his foreign counterparts (European electricity ITOs), for the latter reactivating the network set up in the past.

4 Fair Treatment and Non-discrimination

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

- *The consultation, space for dialogue and interaction with all the stakeholders for introducing contractual provisions linking RTE to its various client categories (e.g. rules, mechanisms, contracts) and publication of RTE's planning documents as provided for by the law (e.g. Generation Adequacy report, TYNDP, Energy Futures),*
- *Client relations, permanent dialogue with every single client.*

4.1 Fair Treatment in Accessing the Network and the Market

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

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

4.2 Consultation in CURTE

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

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

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

i) General aspects

The CO noted sustained activity of the different working commissions throughout 2022, which generally allowed for the following:

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

The rest of this chapter describes all the topics covered in consultation in 2022.

As in the past, the end of this chapter presents the actions carried out in 2022 to improve access to and dissemination of the information connected to CURTE's work and the results obtained. The presentations given during these meetings are available on the RTE dedicated consultation website: www.concerte.fr.

As the following paragraphs show, by holding these meetings face-to-face or remotely participants could be informed in satisfactory conditions in 2022.

ii) Grid access commission (GAC)

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

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

Along the same lines as previous years, the following subjects were covered in GAC presentations and discussions in 2022:

In March:

- **Voltage:** The reduced availability of the nuclear infrastructure, down around 25% in spring 2022, led to an increased risk of high voltage on the public transmission network. RTE presented the levers that can be activated to deal with this exceptional situation. These levers include an extension of the voluntary activation of REn resources connected to the MV grid, following the positive feedback received in 2021.
- RTE also presented the progress of the work between RTE and Enedis on the contribution of REn to voltage management: a joint roadmap with short- and medium-term ambitions, appropriateness and feasibility studies, and an analysis of the complementarity of HV and MV levers for voltage management.
- **Shared service offering:** Against a backdrop of low-carbon reindustrialisation in France and the development of hydrogen in France (European Commission "fit for 55", French stimulus plans including *France 2030*), RTE is facing a sharp increase in requests from manufacturers for very high power connections to the public transmission network, concentrated in specific industrial zones. In response, RTE has proposed an adapted connection solution, known as an "access offering", which consists of creating a service from which several consumption sites in the same zone are connected to the PTN rather than creating several connections. This connection solution optimises connection costs and timescales, as well as improving the acceptability of the development of PTN facilities.
- **Rationalisation of capacity allocation and response in line with project maturity:** As a result of the various French stimulus plans (*France relance* and *France 2030*) promoting a low-carbon reindustrialisation of the country, RTE is facing a sharp increase in demand for connections. However, as half of the TFPs requested between 2018 and 2020 have been shelved, RTE would like to be approached for TFP requests only when projects are truly mature. To this end, RTE has decided to carry out a consultation process to adapt the connection process to the degree of maturity of projects. Also, in response to requests for high power consumer connections, RTE wishes to conduct a consultation to free up unused connection power.

In June:

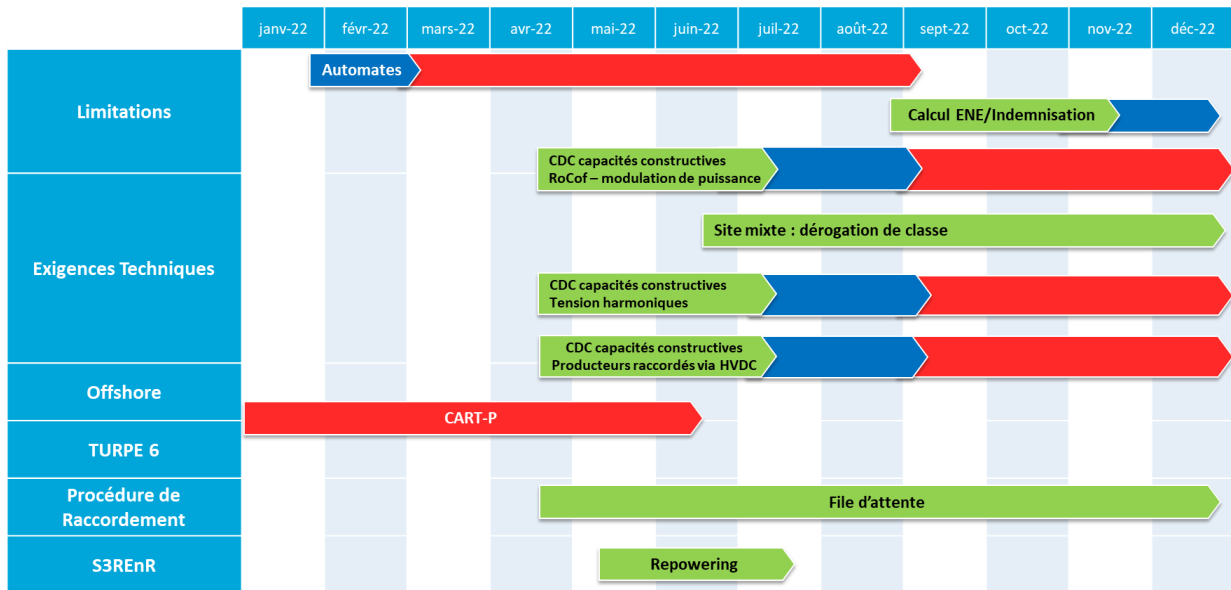
- **Operational integration of REn:** RTE presented an update on the progress of work relating to the integration of REn into the electrical power system, following the implementation of optimal scaling launched in 2019. RTE presented an exhaustive review of the limitations for 2021, progress on the development of automats, with details of the deployment plan for the NAZA automat, and then presented work on compensation for limitations, leading to a consultation on methods for estimating the energy not evacuated.

- **Service quality indicators:** RTE is required to present the service quality indicators concerning connection and access to the network, bearing in mind that eight additional indicators were introduced by CRE at the time of TURPE 6. More specifically, the indicators concern connection, metering, wave continuity and supply continuity, and are available on the services portal.

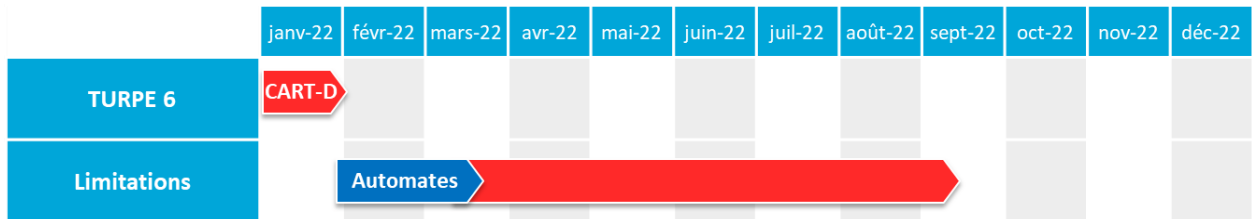
In November:

- **Connection and Access to the Network Issues 2023:** RTE gave a global vision of the challenges of connection and access to the network for 2023 in order to meet the new challenges that await RTE and its clients over the coming years. RTE identified three challenges to which it must respond:
 - o Challenge 1: Facilitate the connection of energy transition participants, supporting the decarbonisation of French industry, adapting the S3REnR to the new connection dynamic, and industrialising the connection of offshore wind farms;
 - o Challenge 2: Respond to the new needs and uses of market participants by putting forward a contractual framework adapted to the new network participants (storage facilities, mixed sites and flexible clients);
 - o Challenge 3: Adapting to the new limitations on the PTN caused by the increasing number of client connections, the operation of the electrical power system at its limits and the emergence of high voltages.
- **NORDIC Project:** In accordance with its telecommunications master plan, RTE is renovating the telecontrol network due to its obsolescence and to comply with cybersecurity requirements. RTE is taking advantage of this opportunity to define the ownership boundaries of the telecontrol network. The consultation on the NORDIC project, launched in February 2023, aims to modify the RTD for future connections and to define the contribution of stakeholders in terms of resources and accepting new telecommunications resources.

Key:



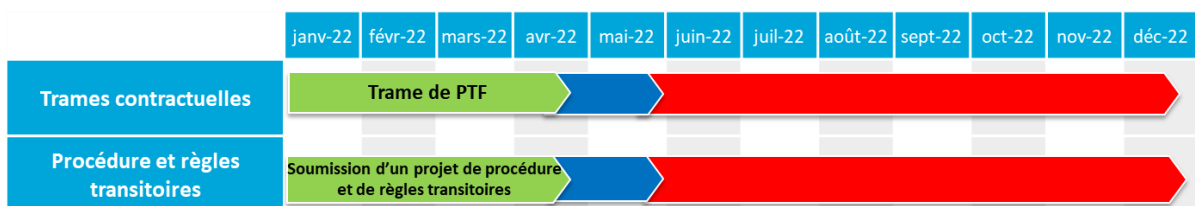
2022 producers consultation: Land and offshore REN



2022 distributors consultation:



2022 consumers consultation:



2022 energy storage facilities consultation:

As in previous years, in 2022 the GAC continued to show sustained activity with around 20 working group meetings.

iii) Market access commission (MAC)

The MAC is responsible for monitoring the following themes:

- Access to the market via the balance responsible mechanism (BR) and block exchange services (BESs),
- Determining and reconciling power flows,
- Access to and participation in the balancing mechanism (BM),
- Access to and participation in the capacity mechanism,
- Production and demand reduction programming,
- Organisation of market, new mechanisms and interaction between existing mechanisms.

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

In 2022, the activity of the MAC, like previous years, was largely organised around transformation of the market mechanisms.

The MAC's most significant projects in 2022 concerned the following subjects:

- **Demand response:** As in 2021, the reliability of demand reduction and the associated oversight were one of the recurring issues in 2022, covered in the discussions held with the participants. In 2022, the main areas of work were preparing the multi-year call for tenders and discussions about the new mechanism. Note the launch of a pilot call for tenders "Demand Reduction Call for Tenders that cannot be dissociated from supply" at the request of the DGEC, which proved unsuccessful. All of this work contributed to transversality and improving the performance of the demand reduction sector.

Balancing: RTE changed the BM-BR rules in order to continue to open up the balancing mechanism to new flexibilities, specifying certain conditions for participation of energy storage sites. RTE also continued the consultation of market participants in order to suggest changes which will once again lead to the *Electricity Balancing* regulation being implemented, in particular moving to an imbalance settlement period of 15 minutes. These major changes expected in the years to come include the terms and conditions for moving to 96 programming gates.

In addition to the work of the plenary committee and the working groups under it, in 2022 the MAC demonstrated sustained activity, with around 40 working group meetings and extremely active workshops. Calls for contributions were issued on the following subjects:

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

iv) Interconnector Access Operating Commission (IAOC)

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

The IAOC 2022 discussions mainly focused on the different European projects underway: schedules, constraints encountered, feedback from the consultation of stakeholders.

The main topics discussed were the following:

- The capacity calculation methodologies and implementation of the minimum threshold of 70% of interconnector capacities for exchanges at borders resulting from the "Electricity" regulation^[3], Progress has been made in implementing the capacity calculation methodologies resulting from the CACM regulation^[4], and the obligations to make 70% of interconnector capacities available for exchanges at borders with:
 - o In the SWE region^[5]: amendment of the day-ahead and intraday capacity calculation methodology in July 2021 (in order to introduce the principles and objectives set by the "Electricity" regulation), implementation of regional surveillance of the 70% in April 2021 (implementation of the obligations concerning the 70% to follow in February 2022), finally the internal then external assessment period for the first intraday calculation expected in the first quarter of 2022,
 - o In the Core region^[6]: amendment of the day-ahead capacity calculation methodology for the region, continued external assessment period with publication of its results and commissioning delayed to June 2022,
 - o In the Italy North region^[7]: implementation of several functionalities provided for by the day-ahead and intraday capacity calculation methodology adapted to the "Électricité" regulation in 2021 and continuation of implementations in 2022 for commissioning in 2023, particularly the export corner (capacity calculation in the sense of exports from Italy) and intraday capacity calculation v.2 (extension of intraday calculation 24-hour blocks).

Additionally, concerning implementation of the capacity calculation methodologies resulting from the FCA regulation^[8]:

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

RTE has also regularly informed the market participants of the status of each capacity calculation region with respect to application of the CEP (Clean Energy Package) regulation, which imposes a threshold of 70% of the physical capacity of the cross-border lines available and to be allocated to cross-border exchanges.

- Countertrading and redispatching methodologies, the division of the associated costs, established within the scope of the CACM and FCA regulations and SOGL^[9] (for regional coordinated security analysis), and the progress of their implementation,
- Revision of the CACM regulation,

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

^[3] European Parliament (EU) Directive 2019/943.

^[4] Commission Regulation (EU) 2015/1222 dated 24 July 2015 establishing a guideline on capacity allocation and congestion management.

^[5] South Western Europe: Spain, France and Portugal.

^[6] Germany, Austria, Belgium, Croatia, France, Hungary, Luxembourg, Netherlands, Poland, Czech Republic, Romania, Slovakia, Slovenia (cf. ACER decision 06/2016 defining the capacity calculation regions).

^[7] Austria, France, Italy and Slovenia.

^[8] Commission Regulation (EU) 2016/1719 dated 26 September 2016 establishing a guideline for future capacity allocation.

^[9] Commission Regulation (EU) 2017/1485 dated 26 September 2016 establishing a guideline for future capacity allocation.

- Moving to the 15-minute block for products exchanged at the borders, which will become reality in 2025 and constitutes a significant expectation of market participants.
Following Brexit, RTE presented the work in progress on the border, including the commissioning of the ElecLink direct current (HVDC) link between France and the UK. Concerning implementation of the Trade and Cooperation Agreement (post-Brexit deal), with the priority being a new capacity allocation mechanism between Great Britain and the continent (currently explicit) and implementation of a day-ahead capacity calculation methodology, it has been temporarily suspended. Work could resume in 2023.
Current developments on intraday and day-ahead single market coupling projects.
- Updates on the progress of work on interconnectors, in particular the two-phase commissioning of the Savoie-Piémont interconnector (France-Italy).

v) System and Grid Prospects Committee (SGPC)

The SGPC began its activities at the prompting of RTE in 2011 with the ambition of being the preferred consultancy body for civil society about the medium- and long-term issues of the electrical power system and development of the grid. All stakeholders (suppliers, producers, electricity and gas distributors, professional organisations, NGOs, think tanks, academics, institutions, etc.) are invited to take part in the debate.

The work carried out jointly by the SGPC covers a wide range of subjects:

- technical and economic analyses of changes in the electricity mix over the next 5, 10, 15, 30 years, etc.
- medium-term security of supply studies (up to 2025)
- thematic analyses of specific issues relating to changes in the electrical power system: electric mobility, hydrogen, etc.
- network development needs over the next 15 years.

All working group and consultation documents are published on the concerte.fr website. Discussions with stakeholders are structured around the plenary body, the SGPC.

It should be noted that in 2022, on 6 February, RTE published additions to the Energy Futures 2050 study (full report and summary of additions made), the main results of which were published on **5 October 2021**. Compared with the version published in October 2021, additional information was added to the report and it includes all the results simulated in phase II of the study.

The two SGPC meetings in 2022 covered the following work:

- Security of supply: analysis of the situation since last winter, framing of the forecast analysis for the winter of 2022-2023 and discussion of possible levers,
- In the next 10-15 year supply-demand generation adequacy report, Post-publication work on Energy Futures 2050.



- **On the first point relating to security of supply:** The energy crisis and geopolitical situation has led to a need for greater analysis of the status of the energy system, and in particular the electricity system, given the rapidly changing context. RTE is fully committed to supporting the development of flexibility levers for consumption. To signal the most tense periods, the EcoWatt signal was developed as a "weather alert for the electrical power system": combined with the monitoring of a monthly update of the diagnosis on winter and the voltage risks (October, November, December, etc.) to take into consideration updated assumptions on changes in the electrical power system parameters and reliable weather forecasts.

Changes to all parameters did not lead to use of the EcoWatt signal during winter 2022. Several favourable factors made it possible to get through this period without having to use EcoWatt signals:

- The temperatures experienced were significantly higher than those of winter 2012-2013, described as a cold winter and used as a reference for estimating the probability of signals,
- Structural electricity consumption (excluding climatic contingencies) fell sharply – beyond the restraint variant,
- The availability of nuclear power plants was in the higher end of the range of anticipated scenarios,
- Cross-border exchanges played an essential role, with smooth exchanges in line with European rules and the situations anticipated in the modelling.

- **On the second point concerning the next generation adequacy report:**

Against a backdrop of major uncertainties, RTE plans to integrate contrasting scenarios for changes to the European mix in the short term and the contribution to security of supply in France.

A number of factors and issues have prompted RTE to update its forecasts for the short to medium term: new factors concerning the gas supply, nuclear infrastructure, the global macroeconomic context, the acceleration of transition objectives (Fitfor55, Repower EU) and the changes in the electricity markets.

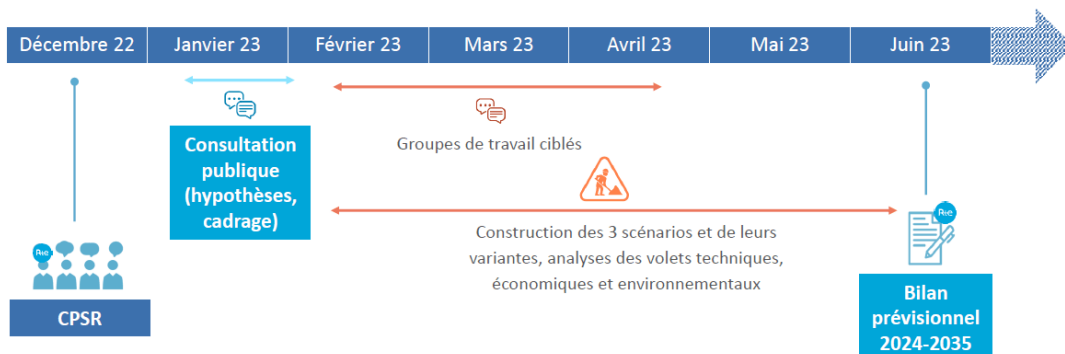
In the medium to long term (2025-2030-2035), a new context is emerging, linked to the next French Strategy for Energy and Climate (SFEC) and reinforcing European decarbonisation targets. The prospects for acceleration (electrification, energy efficiency, REn, hydrogen, etc.) must be incorporated into the future diagnosis of the electrical power system, while considering slower transition variants and sensitivity analyses to verify the robustness of the system.

The next Generation Adequacy Report (GAP), which will cover projections for the electrical power system over the next 10-15 years, i.e. to 2035, will be the subject of broad consultation with all interested stakeholders in 2023, and will take account of the new climate objectives and the new outlook for the electrical power system, as well as the latest news from the energy crisis.

The consultation on the GAP 2023 will continue in 2023 with a public consultation followed by working groups:

Les prochaines étapes :

- 1) Lancement d'une consultation publique au cours du mois de janvier 2023
- 2) Organisation d'ateliers et groupes de travail à partir de février 2023
- 3) Publication du Bilan prévisionnel 2023 prévue pour la fin du printemps 2023 : le rapport intégrera la description technique du fonctionnement du système électrique dans chacun des scénarios (sécurité d'approvisionnement, besoin de flexibilités...), des analyses économiques (coûts, prix...), des analyses environnementales (émissions de CO₂...).



- **On the third point concerning post-publication work on Energy Futures 2050:**

This involves carrying out studies in more difficult macroeconomic contexts ("thwarted globalisation" programme), as *Energy Futures 2050* identifies the need for a new cycle of studies in unfavourable macroeconomic conditions linked to sharply rising geopolitical tensions and leading to major uncertainties about the macroeconomic framework for the coming years.

All work in the SGPC will be continued in 2023 both on the substance of the subjects and the research method in order to further strengthen the work and its utility and ensure transparency for participants on the operation of the electrical power system.

vi) **Continued consultation with clients**

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

RTE has set up a dedicated website about the consultation which provides a consultation calendar, proposes reactions to the consultations (draft texts or calls for contributions on matters) and allows the published

documents to be viewed. The calendar can be used to put attachments online for meetings and the consultation part can be used for reactions in forum mode.

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

The services portal audience has continued to grow:

	2020	2021	2022
Online accounts	11,005	15,005	20,647
Number of monthly sessions (December figure)	100,000	70,000	
Number of monthly users (December figure)	41,000	29,000	

4.3 Client Relations

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

i) Client Satisfaction Survey 2022

Within the scope of the satisfaction surveys conducted every year, from 12 September to 14 October 2022 RTE conducted a new survey among its clients.

In the feedback from the 2021 survey, RTE noted that clients found the survey complex (too many questions, questions not always targeted) and that the very principle of the scoring was not necessarily understood (some clients felt that a score higher than 5, such as 6 for example, reflected their satisfaction because it was higher than average).

For this year's survey, carried out with the help of a new service provider with the aim of obtaining more respondents, the survey was simplified (10 questions, including four common to all segments and six specific to each segment) and the score was replaced by a questionnaire with four possible choices (not satisfied at all, not satisfied, satisfied, very satisfied). The satisfaction rate is calculated by adding together the number of satisfied and very satisfied clients).

Et plus précisément, quel est votre niveau de satisfaction concernant ... ?
Une seule réponse possible par item

	Très satisfait(e)	Plutôt satisfait(e)	Plutôt pas satisfait(e)	Pas du tout satisfait(e)
les processus d'indemnisation des limitations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
les réponses apportées par votre interlocuteur, lorsque vous avez des questions sur les contrats (CART, CPA, Contrat de gestion prévisionnelle, contrat amont J-1)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
la programmation des travaux sur le réseau	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
vos relations avec votre (vos) interlocuteur(s) RTE	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

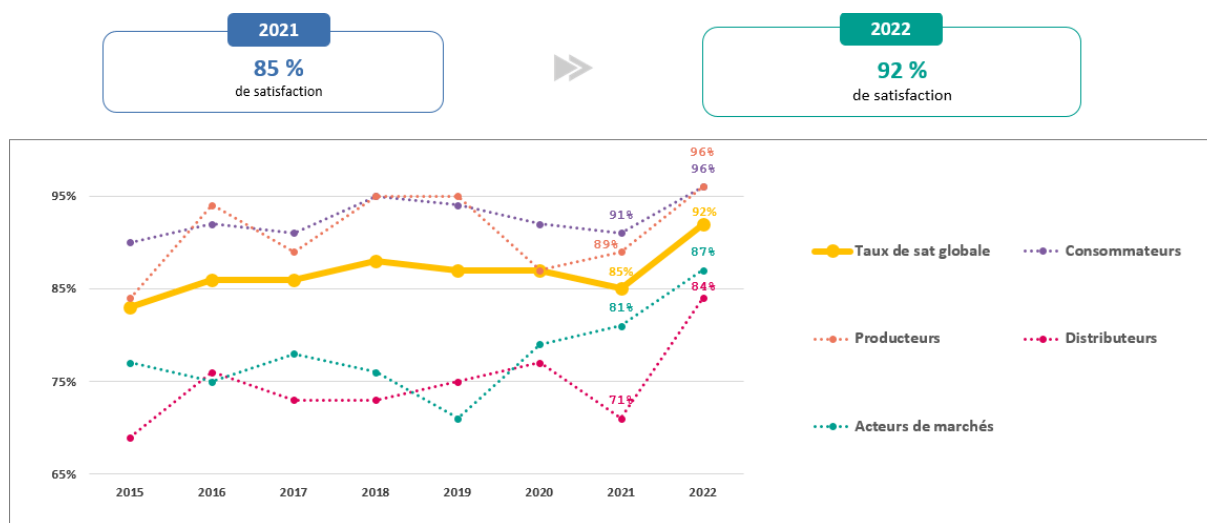
901 client contacts replied, representing 34% of those questioned (this figure rises to almost 50% for CART client contacts alone). There was a marked increase in the number of respondents, which has doubled since last year.

The overall satisfaction rate rose by 7 points in 2022 to 92% (compared with 85% last year and 87% the previous two years). This is the highest rate ever achieved across all client segments. This growth can also be seen in every client segment.

There was a significant increase in market participant satisfaction, with a score of 87%.

The second noteworthy point concerns distributors, whose score had fallen last year to 71% (and more particularly Enedis, which had only achieved 58% satisfaction), but rose again this year to 84% (78% for Enedis).

A high proportion of clients also said they were "very satisfied" (34% of respondents).



Among the people we spoke to who said they were satisfied (92%), their testimonies highlighted the following in particular:

- Relationships: quality of relationships, availability, ability to listen,
- Follow-up and support: consideration of requests, quality of follow-up, adaptation, regular contact,
- Staff skills: responsiveness, competence, professionalism.

Among those who said they were dissatisfied (8%), their testimonies highlighted the following in particular:

- Follow-up and support: lack of coordination between the various parties involved, poor quality of follow-up, failure to take account of needs and limitations,
- Technical quality: poor quality digital tools, network disruption, voltage dips, power cuts,
- Transparency in communication: difficulty in planning work, response times too long.

The satisfaction rates for the various themes were all up. However, two items were still lagging behind across all segments:

- RTE IS access portals: performance, access complexity, availability,
- Work scheduling: planning, deadlines, transparency.

Segment	The positive points	The negative points
Distributors (Enedis and DNO rank 1)	<ul style="list-style-type: none"> ● Overall satisfaction was up (+13pts), including with Enedis (+20pts). ● The main strength of RTE is the relationship with the RTE contact person (93%), who is considered by most to be available. 	<ul style="list-style-type: none"> ● Only two themes exceeded 90% satisfaction, and the level of satisfaction was lower than the average for all other segments. ● Distributors (mainly Enedis) were the most critical about: <ul style="list-style-type: none"> ○ The process for handling injection limitations at the PTN/PDN interface for managing constraints on the HV network (68%; 62% for Enedis). ○ Scheduling of work on the HV network (coordination, lead times, etc.) (70%; 59% for Enedis). ○ Access to the RTE IS (71%, -11pts in 1 year; 64% for Enedis), with numerous bugs reported and complexity of use. ○ Quality of electricity supply (75%; 70% for Enedis).
Consumers (industrial and railways)	<ul style="list-style-type: none"> ● All indicators exceeded the rate of 9 out of 10 satisfied clients, making Consumers the most satisfied of all RTE services. ● RTE's main strengths: <ul style="list-style-type: none"> ○ The relationship with the RTE contact person (97%; +8pts), who was considered responsive and answered questions quickly. ○ Quality of the electricity supply (93%; +7pts) ○ Scheduling of work on the network (93%; +5pts; 89% among rail users). 	<ul style="list-style-type: none"> ● There are very few negative points. ● The testimonies revealed a basic trend in terms of dissatisfaction with how voltage dips are taken into account in the compensation process. More generally, the subject of compensation and contracts comes up regularly.
Producers (Conventional producers, EDF and REn)	<ul style="list-style-type: none"> ● While overall satisfaction with EDF and conventional producers remained stable at a very high level (between 93% and 94%), satisfaction with renewable energies rose sharply, from 84% in 2021 to 98% in 2022 (+14pts), reaching its highest level ever. ● Relations with RTE were THE strong point for producers: <ul style="list-style-type: none"> ○ The relationship with the contact person (99%; +8pts), who is responsive, answers questions quickly and provides the right information. 	<ul style="list-style-type: none"> ● There is still room for improvement if we are to achieve the excellent level of the other producer indicators, despite the progress made: <ul style="list-style-type: none"> ○ Scheduling of work on the network (88% satisfied; +7pts), with a request for more advance notice and greater consideration of producer constraints ○ Compensation processes for limitations (87%, including 79% for REns, who complain that processing times are too long, that processes are cumbersome and that their specific characteristics are not taken into account). ○ Access to RTE's IS (82%; +5pts).
Market participants (ELD rank 2, Traders and balancing services providers)	<ul style="list-style-type: none"> ● Market participants achieve their highest level of overall satisfaction. ● RTE's main strengths: <ul style="list-style-type: none"> ○ The relationship with the contact person, overall (90%; +7pts) and its understanding of the subjects it is asked to address (87%). ○ Consultation bodies (89%). 	<ul style="list-style-type: none"> ● Access to the IS is one of the lowest rated criteria (77%, +20%), the main weakness for service providers (64%, +19pts v. 2021 but -14pts v. 2020). ● Visibility concerning future regulatory changes (75%).

ii) Client complaints

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

More specifically, a client who wishes to make a complaint contacts their customer relations contact. Within a maximum of 10 days, the customer relations 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 them why this time limit is being exceeded. The complaint handling procedure is governed by a set of internal directives, and indicators are used to ensure that the response deadlines are not exceeded.

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

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

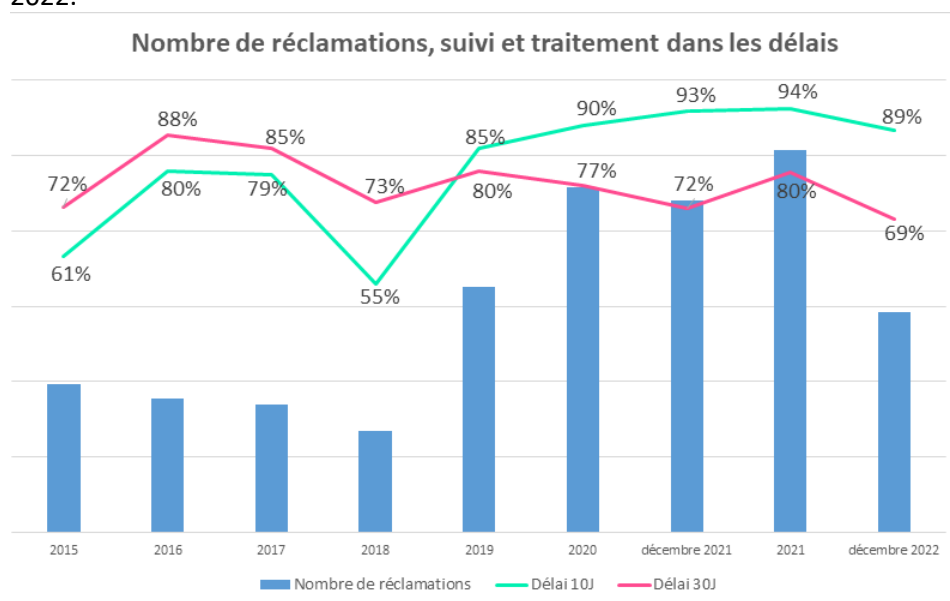
During his regional compliance audits at national and regional level, especially in 2022 in Marseille and Paris, the CO was able to verify that the process had been implemented and allowed the expected goals to be met.

Status of complaints at the end of 2022

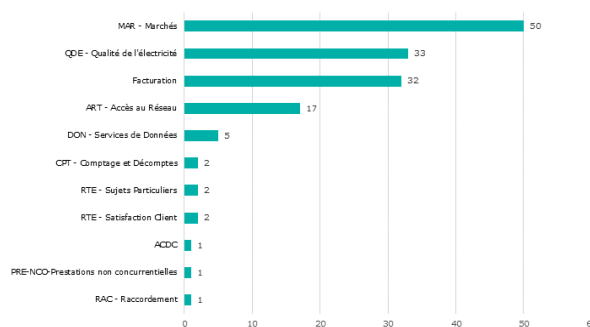
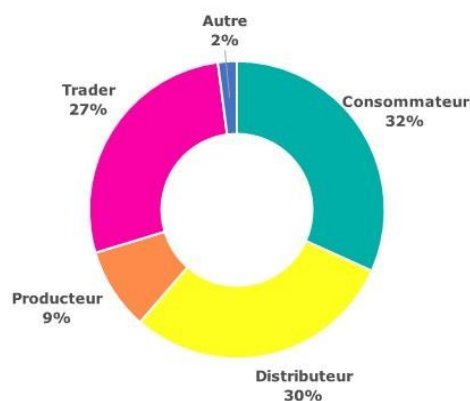
At the beginning of December 2022, the number of complaints recorded by RTE had fallen compared with the same period in 2021, to 146 compared with 223 previously. This drop was seen in three segments: traders, producers and distributors (down 47%, 38% and 34% respectively). Cases concerning the capacity mechanism in particular were less represented (-30 cases), along with cases concerning access to the network (around 15 fewer).

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
82	122	98	89	85	67	163	207	223	146

The rates of compliance with response times (10 days) and handling times (30 days) fell slightly: from 93% of responses within 10 days and 72% within 30 days in December 2021 to 89% and 69% respectively in December 2022.



The share of market participants remained dominant, with almost one third of the complaints recorded in 2022.



While cases relating to the capacity mechanism decreased significantly, they still accounted for almost a third of complaints. Half of them related to the 2021 financial year, but a third related to 2019. They were mainly made by market participants.

The average handling time for a complaint stood at 20 days in 2022.

iii) Services offered

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

To achieve this, RTE wished firstly to comply with the legal obligations²⁶ requiring it to practise its competitive activities through the intermediary of subsidiaries and, secondly, to more closely monitor the Competition Council's recommendation to handle the competitive activities of companies holding a monopoly through subsidiaries.

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

There were some changes in 2022, in particular following the proposed changes in 2021. RTE modified the ancillary services contract relating to the settlement service by adding offshore settlement in order to customise the flows for a purchase obligation or remuneration supplement contract in April 2022. In addition, RTE created a specific ancillary services contract for railway settlement in May 2022.

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

RTE has offered a new range of digital services incorporating the latest web technologies for several years. Between 2017 and 2022, RTE conducted a process of opening new services via its new digital platform (services and data portal).

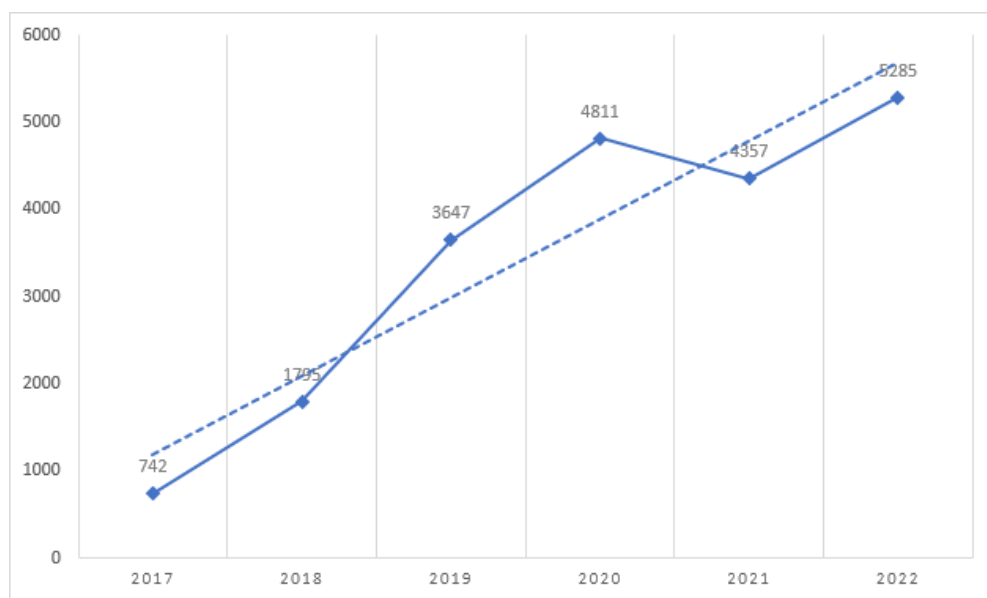
In addition to the functionalities provided, the services portal displays the most frequently consulted market data: day-ahead consumption curve, unavailability of production resources, production by sectors, etc., the

²⁶ Article L. 111-46 of the French Energy Code.

same as the options accessible for IT developers. Not only can clients consult this data open to all, but they can also access their private data and manage the different services offered to them.

The services portal, with functionalities added each year since it was launched, is now very successful with over 20,000 user accounts at the end of 2022 (including 5,000 new accounts in 2022) split over 1119 companies (compared to 920 companies at the end of 2021).

Number of accounts created since the portal opened:



The offering available was significantly boosted throughout 2022, including the following in particular:

- Public services:
 - EcoWatt email notification (Push),
 - Development of the Exchange and Report Programme service,
 - Development of the Transmission network unavailability/NTC Impact service,
 - Development of the Register of capacities certified under the capacity mechanism service,
 - New download file for public data on the discrepancy adjustment account.
- Private services (reserved for clients):
 - Declare and consult REn generation sites,
 - Display Qualimetrics - Latest voltage events data (Qualimetrics),
 - Display Qualimetrics - Cyclical measurements (Qualimetrics),
 - Certificate renewal or deletion form (PKI),
 - Development of Display adjusted consumption and production data service,
 - Development of the Download your feedback on the capacity mechanism service.

v) Service commitments

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

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

In view of the changes to certain activities or their context, several indicators mentioned in 2021 are not included in this report because RTE is currently reviewing them internally to take account of the new situation. These

indicators relate to connections, taking into account the sharp increase in the number of TFPs to be examined and the monitoring of response times, as well as those relating to the provision of access to RTE's IS.

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

For service commitments deemed to be permanent to date, the 2022 review is presented below.

Additionally, as laid down by the Energy Regulatory Commission on 21 January 2021 in the decision on the tariff for use of the public electricity transmission networks (TURPE 6 HTB), RTE posted the RTE service quality and supply indicators as described in Appendix 2 of the decision.

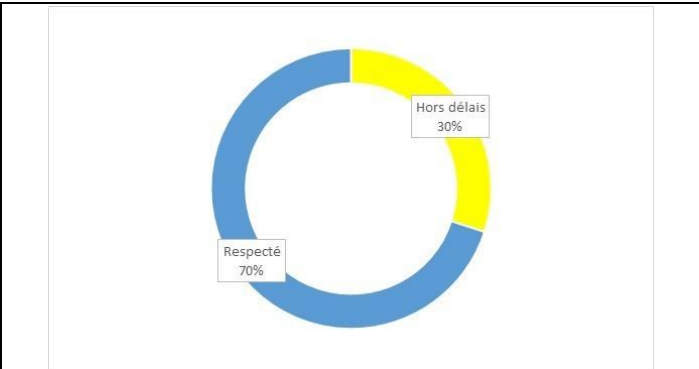
For 2022, these indicators are available on the RTE Services portal at the following address:

[RTE Service Quality - 2022 Indicators - RTE Services Portal \(services-rte.com\)](https://services-rte.com)

Transparency - more proactive and transparent concerning information about projects and in incident situations

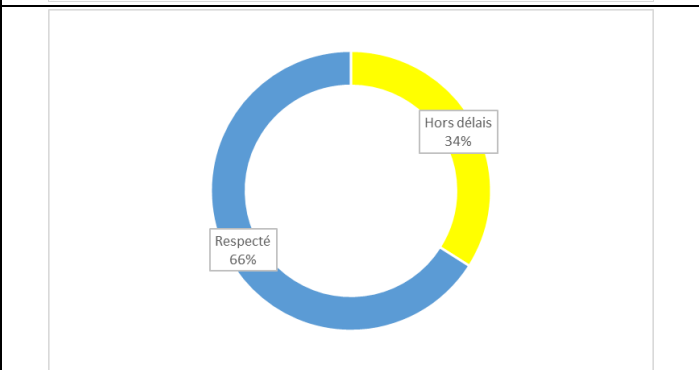
Respond within two weeks to any request for additional information about analysis of the incident, in addition to the factual information provided following a long outage:

Commitment fulfilment fell sharply to 70% in 2022 on 20 cases (compared with 96% in 2021 and 28 cases).



Give notification of exceeding a threshold commitment on outages or voltage dips within two weeks, in addition to the factual information provided following an incident:

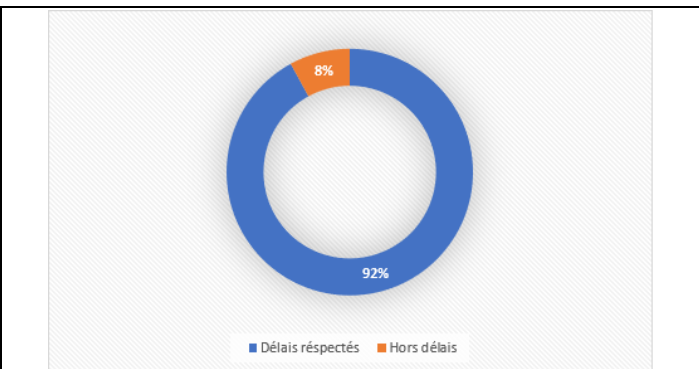
Commitment fulfilment fell sharply to 66% in 2022 on 82 cases (compared with 78% in 2021 and 120 cases).



Advice - more advice so that clients enjoy solutions appropriate to their activity and thus control their costs

Provide an optimisation of change of subscribed power or tariff version within seven working days:

The commitment was fulfilled in 92% of cases (162 out of 176).



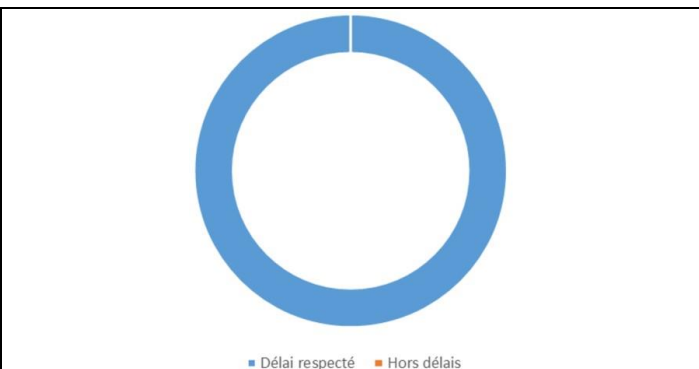
Support clients and participants in territories in understanding market subjects:

The educational efforts concerning the market mechanisms continued in 2022, especially aimed at smaller distributors (ELD) and with respect to the expectations within the scope of the capacity mechanism (events organised bringing together several ELDs in the regions).

Deadlines – so that clients can access their data more easily

Provide a binding proposal concerning a schedule for metering installation within six weeks:

RTE had very few cases for this service commitment (4 in 2022, 5 in 2021, 2 in 2020) and the rate is 100%.



5 Transparency and Openness

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

- The European "Transparency"²⁷ and REMIT²⁸ regulations are gradually leading to increasingly complete information about the European electricity markets being provided.
- The French debate about the energy transition has revealed the need for better information at the level of each French region about the development of the electricity system.
- The consultations conducted concerning the French law for a Digital Republic demonstrated the need to expand access to public data and to guarantee its quality, in a situation where "Open Data" and the digital transformation are being developed.

These trends were reflected in 2017 by various changes to RTE's transparency tools and resources, which continued thereafter and especially in 2022.

5.1 Transparency and Information about the Electrical Power System

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

In 2022, the focus was still on the national level and local areas and regions, 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 the national and local authorities in using and interpreting the data.

i) éco2mix

The mobile application éco2mix, launched in 2011, publishes data about electricity consumption and production throughout France, and has experienced great success: it was consulted 7.5 million times in 2022 – i.e. a increase of over 100% from 2021 – on the RTE institutional site in view of the specific context of 2022 and preparing for winter 2022/2023. The application has provided direct access to over 445 million figures, showing the public's interest in electricity news and energy matters. The application contributes to ensuring all citizens are better informed and more aware about the challenges of the situation and the new energy policies.

The number of users and views of the éco₂ mix smartphone application more than doubled in 2022 compared with 2021.



In 2022, no new functions were developed in the éco₂ mix application, apart from displaying the EcoWatt signal for the current day on the real time consumption curve. RTE is preparing studies for 2023 to revamp the application, including new browsing and new functions.

²⁷ 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.

²⁸ European Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 ("REMIT" Regulation on Energy Market Integrity and Transparency), which aims to ensure the integrity and transparency of wholesale energy markets.

ii) Ecowatt

Developed by RTE and ADEME, the French agency for the environmental transition, this initiative is also supported by the Ministry of the Environmental Transition. EcoWatt, France's "electricity weather forecast", assesses French electricity consumption on a daily basis. At all times, clear signals guide consumers (businesses, local authorities, citizens) to adopt the right actions and ensure a good electricity supply for everyone.

Previously only available online (monecowatt.fr), EcoWatt is now available as a mobile version that can be downloaded free of charge from the Apple store or Play Store.

When we all consume electricity at the same time, particularly during weekday peak hours, the electrical power system may not be able to meet all our needs. The EcoWatt system will inform all French consumers in as close as possible to real time of the days when the supply-demand balance is under most strain. It will thus be able to play the role of an "electricity *Bison futé* (French traffic forecast)", providing real time information to citizens and businesses and encouraging efforts to moderate electricity consumption during the periods that are most useful to the system. The EcoWatt signal can be one of three colours (green/orange/red) depending on the degree of tension in the system and the likelihood of power cuts in the absence of citizen action. When the electrical power system is under strain, RTE issues an "EcoWatt Orange" or "EcoWatt Red" alert to encourage businesses, local authorities and the general public to reduce their electricity consumption. The website displays a map of France, the colour of which may change depending on the alerts mentioned above.

To go further and take steps to limit electricity consumption and reduce the risk of power cuts, EcoWatt suggests simple actions to limit consumption, known as eco-actions: these simple actions have a positive impact on daily electricity consumption, as well as on the environment.

The EcoWatt colour code is easy to understand and is reviewed every day. The service displays three different colours, depending on the voltage level of the electricity system:

- green signal: no alert,
- orange signal: the electrical power system is under strain. Electricity-saving efforts are welcome,
- red signal: the electrical power system is very strained. Electricity-saving efforts are essential to avoid or reduce power cuts.



For example, when it comes to heating, eco-actions consist of reducing the temperature by one or more degrees, depending on what is possible (for information, lowering the heating by 1°C results in savings of 7%, source: ADEME); for household appliances eco-actions consist of shifting the use of appliances to off-peak hours (i.e. outside the following times: 8:00-13:00 and 18:00-20:00); for lighting eco-actions consist of limiting lighting inside buildings or switching off signs in the evening; for digital devices eco-actions include unplugging them, and so on.

In terms of feedback, the success of the EcoWatt application has been confirmed, with over 3 million downloads since its launch at the end of October.

There has been a great deal of communication about this application and the eco-actions to adopt in the event of strain on the electrical power system, and these efforts will be continued. Finally, it should be emphasised that partnerships formalised by charters have been developed with many companies and local authorities in connection with this application and the response to EcoWatt signals.

5.2 Data Publication Platforms

(i) ODRÉ (open data Réseaux Énergie) platform

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

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

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



In late 2022 the platform offered 216 data sets, including 100 to which RTE contributed (compared to six on opening in January 2017) surrounding nine themes: consumption, production, territories and regions, infrastructures, markets, mobility, meteorology, storage and environment.

Some examples among the latest data sets provided by RTE are as follows: future-proofing residual constraints on the PTN over the next 3 to 5 years, weather-corrected daily consumption and discrepancies in electricity consumption in normal weather conditions over one and four weeks in conjunction with the weekly summary published on RTE's institutional website, ecoWatt signal data (from 01/09/2022), the 2022 national register of production and storage facilities (regulatory).

In 2022 the eight partners also continued to work on the educational efforts to be made in 2023 concerning the data made available. A survey conducted with the RARE network (NETWORK OF REGIONAL ENERGY AND ENVIRONMENT AGENCIES) enabled us to find out the needs and expectations of users and to better target the educational support required in 2023 (digital content, regional and national master classes, etc.).

In the first half of 2023 the "*masterclasses*" for the Centre-Val de Loire and Bourgogne-Franche-Comté regions will continue to help stakeholders understand the meaning of energy data and familiarise them with the use of the platform's data.

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

(ii) ENTSO-E transparency platform

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

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



5.3 Publications

i) Electricity reports

RTE draws up and publishes annual, national and regional electricity reports. The national electricity report provides an overall view of the operation of the French electrical power system and, more broadly, of its interactions with the interconnected European electricity system. It gives details of electricity production and consumption, emissions from the electrical power system, exchanges at borders, prices and volumes traded on the various electricity markets, as well as significant changes to the electricity network over the past year.

The electricity report presents the major trends and highlights for the electrical power system over the year, with an in-depth look at the various themes and educational explanations. The link is made with other RTE publications (for example, the generation adequacy report or the winter security of supply analyses) and most of the data in the tables and graphs presented can be downloaded via the ODRÉ platform.

On 16 February, RTE published its national electricity report for 2022, a year characterised by an energy crisis unseen since the oil crises of the 1970s. There is a special website for the 2022 edition of the electricity report:

- **Electricity report 2022 | RTE (rte-france.com):**

This report provides an overview of the changes in the electrical power system over the year and its determining factors, as well as analyses and more frequent data than the annual publication.



ii) **Weekly consumption monitoring**

Following its analyses published on 14 September 2022, RTE called for a high level of vigilance for autumn and winter 2022-2023. In such a context, controlling consumption is an essential lever for improving security of supply in the short term. To this end, RTE publishes a weekly dashboard that tracks changes in electricity consumption and measures the effects of the energy efficiency plan announced by the government on 6 October 2022.

This weekly summary contains indicators for electricity consumption (gross and corrected) and sector indicators. Gross electricity consumption must be adjusted for meteorological effects (based on normal temperatures) and calendar effects (considering weekends, public holidays and leap years) in order to identify the structural reasons influencing national electricity consumption.

5.4 Publication of Figures and Implementation of the European REMIT Regulation

Concerning data transmission and market surveillance, RTE must meet the obligations for the following two regulations: Transparency as a TSO and REMIT as a market participant and organiser.

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

Transparency Regulation

The Transparency Regulation no. 543/2013, foundation of the electrical power system data publication, makes TSOs the main participants of the electrical power system figures. TSOs are required to collect and send to ENTSO-E all the electrical power system operating figures.

These figures are then published on ENTSO-E's Transparency Platform in accordance with regulatory requirements. RTE also chose to post this information on the RTE services portal.

In order to ensure the transmission of this data, both from RTE and from French market participants, since 2011 RTE has operated an information system for implementing the collection and routing to the various target platforms: e-Transparency and the RTE services portal.

REMIT Regulation

The REMIT Regulation no. 1227/2011 complements the Transparency Regulation to ensure the markets operate correctly. It is incorporated into all the provisions applicable to the operation of the markets by including the requirements inherent to the energy markets.

Article 4 requires market participants to proactively disclose inside information (information that has an impact on market price formation) in a timely manner.

Article 8 also requires market participants to report all transactions in wholesale energy products, including orders, to ACER.

Finally, article 15 imposes on any person professionally arranging transactions on wholesale energy products (PPAT) the following obligation:

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

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

In this context, RTE must comply with REMIT's regulatory obligations both as a market participant and as an organiser of market activities.

Data transmission and publication specific to REMIT are covered by the same application chain as put in place for the Transparency Regulation, to which an additional component has been added: collect and publish insider information specifically covered by the REMIT Regulation.

In view of the legal risk for RTE and the associated financial penalties, RTE has introduced a network of references present within each entity of the company and has undertaken work to list all the information potentially subject to these regulations.

Market surveillance is based on the introduction of indicators to monitor specific market behaviour. Against a backdrop of rising energy prices, the company embarked on a process to boost these activities, based on an organisational and technical system to improve the detection of abnormal behaviour by market participants. This project, which began in 2022, is due to be implemented in 2023.

No incidents were reported in 2022 (down from two in 2021).

With regard to the wholesale electricity market in France, RTE took the initiative of developing an IIP (Inside Information Platform) and chose to offer market participants a service for publishing their inside information based on the software elements introduced for its own needs for publishing inside information relating to the network. To date, RTE has obtained ACER validation of the first phase of certification. The second phase of certification of this service is currently being carried out by ACER.

Information system for transmitting and publishing regulatory information

To meet the objectives set out above, and following an assessment carried out in November 2021, two projects were launched concerning the information system tools. The aim of the first, due by the end of 2023, is to have this publication chain certified by ACER as an inside information publication service and to implement all the data transmissions or publications requested by ACER during the period.

The second, due in 2025, aims to thoroughly overhaul this chain so it can handle the increased volumes of data to be published as a result of changes in market operating rules and the needs of market participants for the publication of inside information, linked to an additional service under REMIT.

In view of these factors and the findings observed, the CO recommended continuing and successfully completing the actions undertaken: internal awareness-raising on the protection of inside information in view of the associated issues; certification by ACER of the services portal; identification of the figures to be published with the associated requirements; changes to transmission and publication tools in view of the service and performance level to be defined; definition of the indicators for identifying suspicious behaviour that could be classified as insider trading (article 3) or market manipulation (article 5).

6 Confidentiality

6.1 General Provisions

Each electricity public transmission network operator protects the confidentiality²⁹ of economic, commercial, industrial, financial or technical information which when disclosed could infringe the rules of free and fair competition and non-discrimination. The Energy Regulatory Commission must be informed of the measures taken by the operators to ensure it is kept confidential.

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

In this context, in February 2014 RTE published an internal prescriptive directive³⁰ based on the organisation of RTE built around its business lines responsible for defining and monitoring operational processes.

In accordance with the requirements of the RTE Confidentiality Directive, the commercially-sensitive information confidentiality rules specific to each RTE business line are defined in the business line confidentiality guidelines³¹. These guidelines are drawn up under the authority of the business line managers by a duly designated person responsible for creating, modifying and developing the confidentiality guidelines concerning CSI involved in the business line in question, taking into consideration the annual report.

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

RTE aims to be above reproach in terms of the confidentiality of commercially-sensitive information: compliance with the confidentiality commitment is at the core of RTE's commitment to all participants on the electricity market. RTE has therefore organised itself by appointing the security and assets department to manage this theme within RTE and its managerial responsibility.

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

From this perspective, in the first half of 2021, RTE drew up and disseminated a data protection policy for within RTE, accompanied by a directive on data protection, which should help promote a general vision of all the types of data for which RTE needs to protect confidentiality.

This policy and the associated directive concern all data created and processed as necessary for RTE's activity, but also the data collected (personal data, sector data, client and commercial partner contractual data, European partner data, etc.). These new guidelines are also intended to respond to the challenge of outsourcing digital services, taking into consideration the questions of sovereignty of data and the risk of cyberattacks.

²⁹ Article L.111-72 of the French Energy Code: The electricity public transmission network operator protects the confidentiality of economic, commercial, industrial, financial or technical information which when disclosed could infringe the rules of free and fair competition and non-discrimination. The list of such information is determined by Council of State decree.

³⁰ "RTE Confidentiality Directive", Internal Document of 19 February 2014.

³¹ Each business unit Confidentiality Guidelines contain at least the following points:

- The business line's activities involving commercially-sensitive information (CSI);
- A list of the information associated with these activities, managed as "restricted dissemination" and "confidential" and the corresponding protection mechanisms;
- Personal data;
- The procedure for handling near incidents and incidents in the event of non-compliance with the guidelines and the procedures for feedback and ongoing improvement;

Pursuant to the policy and implementing directive, many presentations were given within the business line and regional managements in order to explain the issues and associated requirements. In 2021, the Asset Security Department provided support to the management committees, and in 2022 the confidentiality correspondents continued to provide support to the teams. Essentially, the messages concerned the issues of data protection and the new risks faced by RTE, the need to correctly assess the confidentiality level (C1, C2, C3 or C4), and the management of ISs not supervised by the DSIT (called Shadow IT). The process of adopting and implementing the new standards continued into 2022 and will continue into 2023 for some departments.

In-depth work is being carried out to update the confidentiality levels for the data and documents of the different business lines. For existing documents, the confidentiality level is reviewed when a change is planned. In the case of IT applications, the confidentiality level of the corresponding data is reviewed when they are upgraded. A compliance review was also conducted of the application services hosted which concern around 50 IT applications in order to ensure that the data processed is correctly protected and safe from outside interference. The progress of this review shows that of the 47 applications analysed, all but two are compliant. Although they have a high level of cybersecurity protection, there are still some risks, and further analyses are underway to identify measures to reduce these risks.

During 2023, an audit will be carried out to identify IT applications and services developed at the initiative of the business units but which are not supervised by the information systems management teams (Shadow IT).

At this stage, RTE's internal organisation for monitoring the measures laid down by these new guidelines and controlling their application to the various types of data for which RTE must protect confidentiality has not been precisely defined. To ensure overall consistency, the CO recommended clarifying, with the support of the Asset Security Department, RTE's data protection organisation and the implementation of the associated measures.

6.2 Raising Awareness of Confidentiality

Confidentiality is a subject of concern for managers: multiple awareness-raising activities took place, whether in managerial committees, or in specific meetings about confidentiality. In addition to individual awareness-raising actions, multiple communications about cybersecurity and data protection were carried out.

The network of correspondents raises employees' awareness of confidentiality within RTE. They are essential for disseminating the rules and best practices concerning confidentiality. Implementation of the new data protection policy and confidentiality rules has led RTE to adapt the duties of these correspondents. The changes mainly concern evaluation of data confidentiality levels, adapting the protection methods to the data confidentiality level or even a review of the applications' conformity with the new policy.

These changes in data protection will also take into account the expected clarifications on internal organisation and data governance as specified above.

The main pillar of confidentiality awareness-raising is the e-training course accessible as self-service on the RTE training platform CONFID: "*Confidentiality in RTE: what are the challenges, risks and behaviours?*". It is now mandatory for any new arrival to RTE. In late 2022 the completion rate was 81%.

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

On documentation management, the internal audits conducted in 2022 did not show deficiencies in terms of managing sensitive documents. In 2020, the introduction of a new documentation management tool called DOKI, implementation of which continued in 2021 and 2022, provided an opportunity to clarify in a specific document the "Rules and Best Practices of Documentation Management".

This point was reinforced with new collaborative tools introduced and increased documentation exchange methods, especially in the cloud – the need for healthy implementation of documentation management was decisively demonstrated. The use of Microsoft 365 is being rolled out in compliance with data protection principles, particularly with regard to the encryption of sensitive data. It is not possible, without additional measures, to store or transmit data whose confidentiality level is RTE Restricted (C3) with the Microsoft 365 suite.

It makes sense to bring together intellectual property protection and confidentiality within the Asset Security Department; this is expected to contribute to improving awareness-raising surrounding these two themes and strengthening them. These closer ties could result in combining educational and awareness-raising materials,

reinforcing the sharing of information on these subjects. The potential intrinsic value of intellectual property gives greater meaning and context to the need to protect RTE's information and data.

6.3 Monitoring of "Confidentiality" Incidents

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

The situation concerning the number of CSI incidents and near incidents in 2022 was as follows:

	2017	2018	2019	2020	2021	2022
Number of incidents	20	30	14	21	8	12
Number of near incidents	5	2	2	3	5	3

Number of incidents and near incidents in recent years

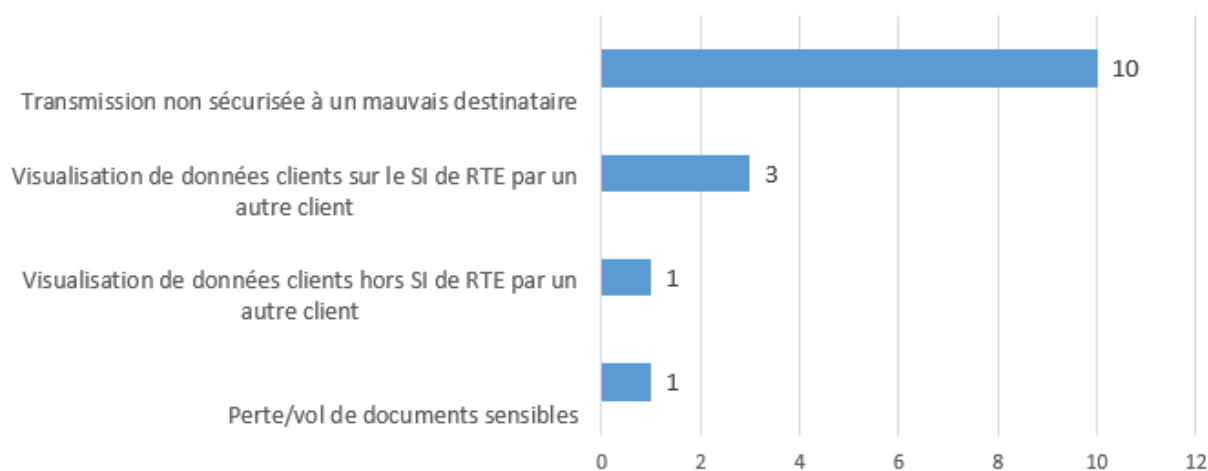
These 15 events are broken down as follows:

- According to business lines

	2017	2018	2019	2020	2021	2022
Development & Engineering	2	-	1	-	-	-
Sales Department	19	26	12	20	12	9
Operations	1	2	2	3		4
Finances	-	-	-	1	-	-
Maintenance	3	2	1	-	1	-
DSIT	-	2	-	-	-	2

Distribution of number of incidents and near incidents by department

- And depending on discrepancy type:



Distribution of number of incidents and near incidents by type

In view of the information provided, this statement shows that the number of incidents registered in 2022 remained relatively low. These events, nine of which were detected by RTE, mainly concerned unprotected forwarding to an inappropriate recipient. These errors were caused by the use of email to send files or data.

The relatively low number of confidentiality events mean that so far statistical processing and identification of generic causes has not been possible. In 2022 they were essentially human errors. To prevent this type of error, a special communication campaign will be launched to encourage the departments concerned to be more vigilant when sending emails. In addition, greater emphasis will be placed on more exhaustive sharing of confidentiality incidents, their handling and the corresponding corrective actions, which could be carried out within the coordination meetings for confidentiality correspondents. Finally, the CO will be systematically involved.

The CO notified the CRE of two incidents concerning viewing by another client of client data on RTE's IS. One concerned the publication of Effective Capacity Level (ECL) values to certification perimeter managers and Certification Entity holders as part of the capacity mechanism. The other concerned the display of connection generation sites declared by other clients. Following the detection of this anomaly by a market participant on 30 June 2022, RTE suspended access to the applications concerned. They were reopened after a patch was put in place. Feedback since implementation of the patches has not revealed any new anomalies.

The CO noted that the number of incidents should be compared with the thousands of CSI processing operations carried out each month by RTE employees and should encourage RTE to continue detecting and processing confidentiality events. The CO recommended that efforts be made to ensure that the system for recording and collecting reportable events is robust, so that it can be shared and fed into the feedback loop and hence the improvement process by implementing corrective and preventive actions.

However it can be noted that no incident has led to a complaint by a client to the CRE or RTE. Moreover, during his regional compliance audits in Marseille and Paris in 2022, the CO noted that generally the RTE Confidentiality Directive is correctly implemented by the regional teams. The control factors are generally present and applied, and the procedure for handling incidents and near incidents is still widely known and correctly implemented in RTE, especially in the sales teams which handle the highest volume of CSI.

The number of IT hardware losses and thefts rose in 2022. Most of the increase was due to the loss of mobile phones. In 2019 RTE decided to make the encryption of laptop disks widespread, a measure implemented in 2020 and continued in 2021, making the impact on confidentiality of information and data was greatly reduced in the event of computer loss or theft. Moreover, recovering hardware in the event of a long absence was included in the RTE internal regulations.

In 2022, cybersecurity and confidentiality players emphasised the risks linked to cybersecurity, mainly by publishing a leaflet on IS security best practices and launching a weekly newsletter.

The CO recommended continuing the 2021 recommendation by means of management actions and business line coordination concerning detection and collection of incidents or near incidents in order to make the feedback loop more useful and improve confidentiality management practices, methods and skills. In this context, the CO recommended that these events, their handling and the corresponding actions be shared between correspondents on an ongoing basis, so as to mobilise these players and provide them with feedback. Similarly, the CO recommended more systematic sharing of best practices between confidentiality correspondents, taking advantage of the future action plan of the Asset Security Department.

6.4 Additional Considerations

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

- Commercially-beneficial information: the RTE CoC specifies "Within the scope of the independence of the transmission system operator within the VIU, in addition to protecting sensitive information as described in chapter 4 hereinafter, RTE must prevent information which may be commercially beneficial about its own activities being disclosed in a discriminatory manner within the VIU, and in particular to the representatives of the shareholders.",
- Information covered by business secrecy: this subject has been internalised by the RTE departments in

question, starting with the procurement department teams.

It should be noted that, as in previous years, the efforts to raise employee awareness about confidentiality did incorporate a presentation of the diversity of confidential data types, despite the fact that these actions were carried out as part of the operational roll-out of the data protection policy and its directive. They were in response to the CO's recommendations to carry out awareness-raising activities in 2022 on promoting a comprehensive overview of all data types except for data classified under national defence secrecy.

In terms of documents, the RTE Confidentiality Directive as is only covers two data types – CSI and IP – must be revised in line with the data protection policy and directive. Roll-out of this policy and directive must be continued, taking into consideration the organisation measures to be defined on data management. In terms of functions, alongside the operational roll-out of the directives, the role and responsibilities of the different participants, especially confidentiality contacts, must be specified within the scope of data governance.

In 2022, RTE also rolled out a tool for describing the data it processes, providing a centralised location for recording the data confidentiality level. Populating this tool forms part of the implementation of the data protection guidelines.

Finally, CSI is also protected by having a robust and well protected the information system, which must prevent the disclosure of sensitive data. RTE pays close attention to this point, and to cyber security, at all times (cf. RTE major risk mapping).

The CO noted that the subjects of IS security and cybersecurity are general approaches at RTE that go beyond the protection of commercially-sensitive information to cover all types of information that must be protected.

RTE is carrying out a digital transformation to support the energy transition, while aiming to maintain a high level of cyber-resilience for its IS in accordance with regulatory provisions. This means an increase in the scope and overall content of the IS. In addition, in light of the increase in threats linked to the external context, the identifying and protecting commercially-sensitive information remains a focal point in terms of RTE's IS, which must be protected and monitored on a regular basis. It is essential to make efforts to protect clients' data: risk of disclosure of commercially-sensitive information linked to IT authorisations or during a software version upgrade or cybersecurity risk.

As a result, RTE has defined a precise and structured action plan with associated resources aimed at enhancing IT security and improving prevention in the field of cybersecurity. The protection of commercially-sensitive information is therefore part of these wider initiatives.

In order to obtain an integrated overview of the Confidentiality theme, the CO recommended continuing the work to incorporate all confidential information into the confidentiality guidelines by consistently adding to this body of rules and asking RTE to specify the organisational structure (role and responsibilities of the various parties concerned) for data management.

6.5 Employee Movement

The Commission established by Article L. 111-74 of the Energy Code³² was created to govern the conditions in which employees who have had access to CSI can transfer to companies in the electricity sector.

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

³² Initially introduced by law no. 2003-8 of 3 January 2003, amending article 13 of law no. 2000-108 of 10 February 2000.

The greatest risk, identified in 2012, remains that certain situations which so require are not submitted to the Commission and it cannot be assured that commercially-sensitive information is not disseminated by former RTE employees who have joined a rival company in the electricity sector. The CO's observations and the questionnaire feedback sent by the CO to the regional delegates³³ shows that the actions to prevent this risk and in response to the CO in the 2021 report were implemented in 2022:

- Updated reference notes on this subject,
- Action to raise awareness among careers advisers so that they pass on information to management in the context of mobility committees, in particular on the need to refer to the Commission for changes in roles exposed to commercially-sensitive information,
- Communication and reminder of the measures in several management committees,
- Follow-up by managers and HR in mobility committees,
- Development and management of an information system for mobility advisers to help them implement operational measures for preventing this risk on a daily basis.

The Mediterranean and Ile-de-France/Normandie regional compliance audits confirmed that these actions had been taken, including for employees who had resigned. The CO will continue to monitor this issue.

The following table summarises the Commission's activity over the last 12 years: In 2022, the Commission proposed a transitional period for two cases among those referred to it.

(cf. table below).

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Cases submitted to Commission Secretariat	29	28	26	22	12	11	6	10	8	3	10	29
Cases leading to referral to the Commission:	10	18	8	7	2	6	2	3	3	2	5	8
- Cases with information considered to be incompatible	7	8	4	1	0	0	0	1	1	0	1	2
- Cases with information considered to be compatible	3	10	4	6	2	5	2	2	2	2	4	6
Decision of the Chair of the RTE Management Board	Still compliant with the Commission's recommendation											

The significant increase in the number of referrals to the Commission Secretariat (29 in 2022) was mainly due to the actions specified above as well as to changes in the Commission Secretariat's referral process, i.e. the systematic submission of files for employees leaving RTE for the electricity sector, accompanied by the documents required by the corresponding procedure, but without taking into account, at this stage, whether or not they are aware of CSI.

This change brought the number of departures to other companies in the electricity and gas industries back into line with trends observed prior to 2015.

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Departures from RTE to other companies in the EGI Branch	116	108	91	71	72	74	76	73	72	78

³³ See Chapter 9.2 "Compliance Audits Conducted in 2021".

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

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

In 2019 RTE prepared a Ten Year Network Development Plan (TYNDP) which takes into consideration the multi-year generation adequacy report (updated 2019 version) and multi-year energy programming, and the regional plans for connection to the renewable energy network.

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

Implementation of the TYNDP is then reflected in the annual investment programmes drawn up by RTE, which are submitted to the CRE for prior approval. RTE draws up an intermediary assessment of this programme and forwards it to the CRE; RTE subsequently draws up a performance report early in the year concerning the past year. Quarterly reviews and a posteriori reports on large projects are also submitted.

In view of all these scheduling and reporting factors, the CRE has several tools to ensure detailed monitoring of the completion of the TYNDP and annual investment programmes.

Compiling a TYNDP with equivalent content to the 2019 version, giving a complete view of the network through the additional incorporation of the two components Renewal and Digitalisation, represents a significant amount of work in terms of information-gathering, inventory, analysis and projection. Given all the stages to be completed in consultation with the participants, it is not feasible to carry out such a process every two years. On the other hand, there are plans to carry out a complete exercise in 2023, which will provide an updated vision of the projects to be carried out. The exercise is scheduled to be published between the end of 2023 and the first quarter of 2024, on a schedule in line with the tariff discussions.

7.1 Situation and Implementation of the TYNDP

After conducting a consultation in the CURTE SGPC in advance based on the discussions organised with the stakeholders for the generation adequacy report, in September 2019 RTE published the draft TYNDP, which was submitted to the CRE, to the minister of the environmental and solidarity-based transition, who responded in November 2019, and the Environmental Authority, which returned its opinion in December 2019³⁴.

In view of the considerable amount of work involved in this edition of the TYNDP, there was no new version in 2020, 2021 or 2022.

The information given in the current TYNDP for the years 2023 and beyond needs to be updated after four years, given the major changes in the context, linked to the energy policy objectives, the structure of the electricity mix, electricity consumption, the Energy Futures 2050 study and the energy crisis in 2022, against the backdrop of the Russian-Ukrainian conflict.

Given this situation and the horizon effect beyond a three-year period, the CO was unable to conduct a study similar to the one carried out in 2021 to produce an analytical assessment of the 2023 vision in the 2019 TYNDP by comparing the commissioning dates of current projects from the update of the annual investment programmes representing the medium-term plan (MTP) and those from the initial TYNDP.

Nevertheless, to date the CO has endeavoured to gather information on the various aspects of the TYNDP in order to assess its implementation and the momentum it has generated (see chapter 7.3), and thus obtain additional clarification to the abovementioned reporting data.

³⁴ http://www.cgedd.developpement-durable.gouv.fr/IMG/pdf/191218_sddrte_delibere_cle796677.pdf

7.2 RTE 2022 Investment Programme

In autumn 2021 RTE presented to the CRE its 2022 investment programme, including the financing of the projects resulting from the TYNDP, and explained the RTE investment strategy. The CRE approved it in a decision of 20 January 2022 for an amount of €1.8bn. This amount which is to be compared to the 2021 amount of €1.6bn is part of a growing tendency to reach an average 2bn euros of investment per year over the next four years, i.e. approximately 1.8 bn/year net of subsidies and S3REnR shares received.

These investments concern the following main areas:

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

7.3 Monitoring TYNDP Execution in 2022

(i) In financial terms

Along the same lines as previous years, the CRE was regularly informed of the changes in project trajectories and budgets as the various files for monitoring investment programmes were submitted during 2022 and the regular reports sent to the CRE about major projects. These analyses were conducted with complete independence from RTE, based only on the criteria resulting from the purposes of developing or strengthening the network and the company's ability to respond to the PTN's clients' needs. It should be noted that each investment programme for year n is accompanied by forecast trajectories for $n+1$, $n+2$ and $n+3$, giving the medium-term plan for network infrastructure development.

When creating the 2023 investment programme and during discussions with the CRE, it was noted that when examining past investment trajectories and those forecast for the period 2021-2025, RTE is more or less in line with the amounts forecast in the TYNDP, except for the adaptation and offshore/interconnector sections, for which the exogenous factors are the most structuring for RTE. In addition, it appears that some projects are running behind schedule³⁵ and RTE has shared with CRE a statistical analysis of the factors causing delays in 2021. Project delays are also explained each year in the reports on the implementation of the investment programmes. RTE has taken steps to remedy this situation, and is committed to having more control over project schedules.

Lastly, it should be noted that actual expenditure in 2022 reached 93% of the allocated budget, up from 91% in 2021 (see above). This confirms investment growth in line with the objectives of the TYNDP, while at the same time noting a fall in forecast expenditure over the period 2021 to 2025 linked to project deployment conditions, factors external to the company and the need to prioritise internal resources. CRE has requested a detailed assessment of the differences between the 2023 programme (see below) and the TYNDP objectives.

³⁵ This point was highlighted in the analysis carried out by the CO in 2021.

(ii) In technical content terms

A comparison of the actual and forecast trajectories with those set out in the TYNDP highlights the following points:

- In terms of content of the actions carried out, the following points should be specified:
 - Adaptation: the increase in REN receiving capacity created on the PTN is linked to the progress of the S3RENs, revisions of which are underway in most regions. Three of them became effective in 2022, meaning that the capacity reserved for REN can be increased, even though it has not yet reached the target value. Additionally, the industrial roll-out of NAZA-type zone automats began in 2022, with two new pieces of equipment commissioned in 2022. This roll-out is part of the strategy to optimise the scaling of the PTN. There was also a very high level of activity in terms of connection requests from clients in all segments: producers, energy storage facilities, distribution operators and consumers (this last niche is linked to decarbonisation, hydrogen and data centres in particular). Lastly, the studies needed to reduce the areas of weakness identified in the TYNDP continued, leading to decisions to open up the network, as described in the annual investment programmes. Taken together, these factors will lead to an increase in the portfolio of projects, even though investment will be spread over several years.
 - Interconnectors: commissioning in 2022 of ElecLink, reinforcement of the Avelin-Avelgem line and the Savoie-Piémont HVDC (partially for the latter) resulted in an increase in technical transit capacity. The "0 package" of interconnectors currently under construction is well on the way to completion. There was also significant development in the design, contracting and consultation stages for other interconnector projects currently under development (Celtic and Bay of Biscay).
 - Offshore Grid: connections to the wind farms resulting from the first AO1 to 3 tenders developed well, following the example of the Saint-Nazaire wind farm in the summer of 2022. Studies and consultations will continue on the wind farms covered by the subsequent AO4 to 8 calls for tender, which represent a major industrial step forward because they are further from the coast and some of them will require the use of HVDC technology. The trajectories for connecting offshore wind farms have increased sharply following the government's offshore wind pact.
 - Renewal: here too, 2022 saw a significant change in direction and an acceleration in pace. Efforts focused primarily on the industrial plans described in the TYNDP (GIS, overhead lines and corrosion and oil-filled cables).
 - Digital Framework: The industrial roll-out of zone automats began in 2023, with three units in service, while the renewal of control units has progressed at a good pace, although the target has not been fully met (523 units out of a target of 550). With regard to telecommunications, in 2022 the roll-out of IP broadband networks serving all substations continued, with 470 substations processed over the year (the aim is to have all substations processed by 2025) and 37 substations now connected to RTE's internal fibre-optic network will be connected with fibre.

To go further in comparing financial trajectories and technical consistency between TYNDP data and updated forecasts, specific, detailed work is required, which will be carried out as part of the next TYNDP exercise in 2023 and will then provide us with a body of updated data. On this point, detailed but provisional information has already been shared with the CRE on the "reworking of the TYNDP" and will be supplemented by information on the "adaptations and connection to the network".

In addition to this information-gathering, an analysis was carried out on the list of projects abandoned during 2022 and an analysis of the cause of these abandonments.

This showed that 72 projects were abandoned in 2022, including 56 network projects, nine real estate projects and 7 IS projects. Of the 56 network projects abandoned, two were recorded in the 2019 TYNDP. Abandoning these projects represents a total wasted cost in 2022 of €8.4m.

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

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

With the exception of these projects, there were no other situations in 2022 where the implementation of an investment planned in the TYNDP was postponed or cancelled, so there was no need for the CO to communicate such a decision.

Additionally, the CO receives all agendas and files from investment committee meetings, he takes part in the committee's meetings as required; this body examines and validates cases before RTE makes decisions about investments, especially when linked to the grid. With respect to the CO verifying the correct performance of the TYNDP³⁶, he will be able to certify for 2022, 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.

7.4 2023 Outlook

The TYNDP, as a planning document for development of the RTE network, needs to be updated. The scope of this document, which is one of RTE's statutory duties, was broadened during the previous financial year to include a detailed description of a future-proofing vision of the long-term development of the network.

The 2019 TYNDP highlighted the network upgrades required for the energy transition and identified levers for limiting investment. The *Energy Futures 2050* study, published at the end of 2021 and completed in spring 2022, includes a "network" section describing the overall needs for network development (transmission and distribution) up to 2050, with different scenarios for achieving carbon neutrality.

The purpose of the next TYNDP is to update the outlook for the electricity transmission network over a 15-20 year timeframe, taking into account changes in the energy and economic context, and it will be the subject of discussion and consultation with the stakeholders at the SGPC. An industrial plan for development of the national grid is now required, in order to move away from fossil fuels and increase the resilience of the French energy system.

Like every year, RTE has submitted the draft investment programme for 2023, as well as the preliminary draft programme for the years 2024-2026. The gross investments planned for 2023 are for €1.8 billion, including a significant increase in projects costing more than €30 million.

Development of offshore networks and interconnectors is to continue in 2023 (Celtic and Bay of Biscay). The following years will see an increase in investment in response to the public authorities' desire to accelerate the development of renewable energies, the decarbonisation of industrial processes and the reindustrialisation of the country. The 2024-2026 preliminary draft is a precursor to the next TYNDP, which will provide a comprehensive overview of the changes and actions required to ensure that RTE plays its full part in achieving these objectives.

The CO is paying close attention to the process of drawing up the TYNDP in 2023, which will produce a new reference list of projects included in the TYNDP and the associated schedule, taking into account changes in the factors driving network development or modernisation: changes in consumption and generation, revision of the S3Rs, decarbonisation, roll-out of interconnectors, client connection requirements, etc.

³⁶ Paragraph 4 of article L. 111-34 of the French Energy Code.

8 Relations Between RTE and Its Subsidiaries

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

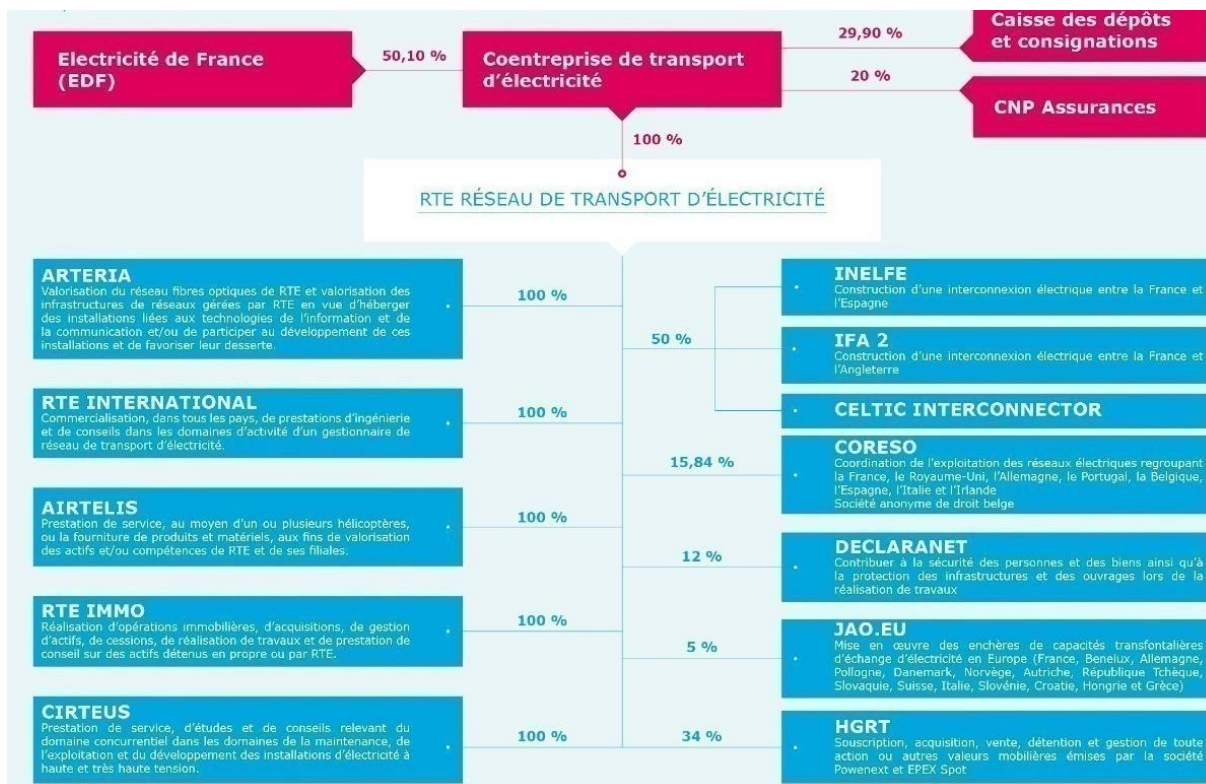
It should be recalled that within the scope of paragraph II of article L. 111-46 of the Energy Code "The networks specified in I may also be subject to development through the intermediary of subsidiaries or holdings. Such development activities must remain accessories to grid management and may not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

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

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

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

Finally, RTE holds interests in companies allowing it to carry out the duties allocated to it by law: Coreso, Declaranet, HGRT, JAO.EU, assessed as at 1 January 2023.



It should be noted that the CO's right to access the information necessary to carry out his duties extends to RTE's information "concerning the subsidiaries included in its scope of consolidation and established in France"³⁷. The scope of consolidation includes the subsidiaries held 100% (fully consolidated), common companies with foreign counterparts (consolidated as joint venture), HGRT and Coreso (consolidated using the equity method). Coreso is however a company governed by Belgian law and established in Brussels.

³⁷ Article L. 111-35 of the French Energy Code.

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

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

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

In a decision of 24 March 2022, the CRE approved the framework agreement between RTE and its subsidiary RTE International.

Finally, discussions were held about the framework agreement with Cirtéus, and the draft framework agreement was sent to the CRE on 17 February 2022. Additional information was shared as part of the investigation for the RCBCI 2021/2022, leading to CRE's approval of this framework agreement.

With the approval of the framework agreement with Cirtéus, all the framework agreements with RTE's subsidiaries have now been approved by the CRE, bringing this phase to a close.

In accordance with the CRE decisions approving these framework agreements³⁸, early in the year RTE sends to the CRE a report on the services provided to RTE by the subsidiary the previous year. The 2022 reports concerning the three subsidiaries Arteria, Airtelis and RTE were sent to the CRE in February 2023. Work is underway to integrate all services, including those provided by subsidiaries for RTE. The CO recommended that, early in the year, RTE provide exhaustive reports for the previous year, covering all the services provided between RTE and its subsidiaries.

Providing services to RTE clients in the competitive field is now covered by the subsidiary Cirtéus. These services are provided by Network Maintenance Group (GMR) employees in the regions. The observations of the chief compliance officer were identical to those made during the previous regional audits in terms of coordination between Cirtéus and RTE. Cirtéus's role and the connection with RTE are well internalised by the teams, especially those of the Maintenance Centre. This point was confirmed by the feedback from the delegates in the CO survey.

Generally, the feedback from RTE regional delegates shows that the sales departments often contribute to raising employees' awareness, particularly new arrivals or within entity management committees. Reminders are given and checks carried out as required by management.

Secondly, as part of the discussions on the RCBCI 2021/2022, discussions and investigations took place concerning the missions, activities and scope of action of the subsidiary RTE-i. The CO will be involved in follow-up of the shared elements in 2023.

In 2023, the CO will continue to examine the relations between RTE and its subsidiaries, especially by monitoring performance of the undertakings laid down in the framework agreements in accordance with the powers entrusted to him³⁹. In addition, the CO recommended that reports be drawn up on the framework agreements covering all services between RTE and its subsidiaries, following the guidelines set out in the CRE's decisions.

³⁸ See Chapter 3.5 "Articles L. 111-17 and L. 111-18 - Commercial and Financial Agreements Signed with the VIU – General Aspects – Procedure for Approval of Agreements by the CRE".

³⁹ Articles L. 111-34 and L. 111-35 of the French Energy Code.

9 Maintaining RTE's Commitments over Time

9.1 Internal Organisation for Monitoring RTE's Commitments and CRE requirement

i) Organisation of RTE at national level

RTE has made the General Secretariat (GS) contact point with the CRE services about all matters concerning certification. The GS creates and updates performance indicators for agreements between RTE and the VIU, monitoring submission to the CRE of the reports resulting from its decisions. RTE's Legal Department, which is part of the GS, manages RTE's certification matters, in particular the agreements between RTE and the VIU relating to the implementation of articles L.11-17 and L.111-18 of the French Energy Code.

This ensures consistency of monitoring of these matters from a legal perspective and helps optimise contact with the CRE and the CO.

ii) Organisation of RTE at regional level

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

The regional delegations report to the "Territorial Coordination and Action" division and the CO, who interacts with the delegates, participates in the meetings of this division.

To draw up this report, and along the same lines as in past years, in late 2022 the CO launched a survey of delegates using a detailed questionnaire to take stock of the past year on the basis of real observations. The aim is to gather factual information on known situations and any discrepancies or difficulties encountered, in order to draw up an objective assessment supported by the experience of the regional entities.

Finally, the CO also continued his cycle of regional compliance audits, with the Mediterranean and IdF/Normandy regions (point 9.2 hereinafter).

9.2 Compliance Audits Conducted in 2022

i) Regional compliance audits

The purpose of these audits is to explore and investigate the various chapters of the Code of Conduct, covering all activities carried out in the region, including those carried out by national entities with a physical presence. Their purpose is to check that the Code of Conduct has been properly adopted and applied by the audited entities, and in particular to assess the quality and performance of the organisational structural and internal control, in the following areas:

- RTE's independence from the vertically-integrated undertaking (VIU) and other participants in the electricity market, within the scope of RTE's certification. For regional audits, this particularly concerns relations with the regional entities of the EDF Group and those of the CDC Group,
- Non-discrimination of clients (connection, network access, metering, billing) by integrating the handling of client complaints,
- Transparency in relations with the regulator, network users and other participants on the electricity market,
- Protecting confidentiality and controlling commercially-sensitive information, identifying the associated protection measures, performance and security of the information system, overseeing employees who leave RTE for the rival electricity sector,
- Training and awareness-raising for RTE employees on all subjects relating to compliance and the CoC,
- Relations with subsidiaries to provide services and labour,
- Commitment by all personnel in the long term and compliance with these instructions on the basis of the organisational structure within RTE and verifying individual performance over time.

These audits are based on a preparatory document drawn up by the CO and provided to the interviewees in advance. This document contains a number of basic questions used to gather the information needed to assess whether the objectives have been achieved, and then to summarise this information.

In March 2022, the CO carried out an audit of compliance with the commitments of the CoC on the abovementioned subjects in the Mediterranean region and in October/November 2022 in the Ile-de-France/Normandy region. For each audit, the CO met around twenty people from the regional delegation, three operational centres (operations, maintenance, development-engineering), the sales department, support functions present in the region (human resources, legal, procurement, property and logistics) and national entities established in the region.

The information arising from these audits is shown below. Overall, the audit does not show any major risk for the themes covered. The recommendations put forward by the chief compliance officer are aimed at improving certain practices in order to maintain the skills required to meet the obligations of the CoC. They have at least partially formed the basis of the main recommendations in this report, which are set out in chapter 10.2.

In terms of independence, especially from the EDF Group and displaying this, the situation appears to be under control. The RTE delegates and entity managers pay close attention to the risks, which can therefore be identified and controlled by the actions stipulated by the delegations.

In terms of non-discrimination, the CO considered that, in view of the practices in the two regions, the factors demonstrating fulfilment of the obligations at regional level were present and applied. Likewise, the RTE Confidentiality Directive is correctly implemented in both regions, and the control factors are generally present and applied.

These two regional audits highlighted a number of areas for improvement, in particular:

- Organising and sharing activities at regional level, making the most of existing meetings and gatherings and adopting appropriate methods to deal with specific and targeted issues relating to knowledge of the VIU, confidentiality and REMIT obligations, creating tools in various forms for managers and giving them levers for appropriation and communication,
- Interaction and sharing with the national level or between regions to harmonise the degree of ownership of managers in the region and create synergy by joining up local initiatives,
- Creating internal control procedures to be implemented in the region's entities and integrated into the regional system to benefit from feedback.

These audits also provide an opportunity to share several best practices to ensure that commitments are fulfilled over the long term, and to address managers' concerns, such as supporting and welcoming new recruits and ensuring that managers oversee how employees adopt the Code of Conduct.

Lastly, as with the other audits, this one represented an opportunity for the compliance officer to share several aspects of compliance by drawing on his observations and information-gathering, and this educational purpose of the audit as a lever for developing the knowledge required by employees and managers.

ii) Additional checks

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

The details of this check are provided in chapter 3.5 "Articles L. 111-17 and L. 111-18 - Commercial and Financial Agreements Signed with the VIU – Examination of the financial flows between RTE and the companies in the VIU".

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

Based on the assessment of the CRE approvals of the commercial and financial agreements between RTE and the VIU or companies controlled by the VIU, the GS responsible for this monitoring updated the situation. This is shown in the table in Appendix 11 to this report.

Other checks and analyses by the CO:

- Compliance audits on a regular basis at meetings of the different committees or when examining specific cases,
- Follow-up with CRE on investigations related to the RCBCI 2021/2022 (publication Q1 2023), relaying the corresponding recommendations/requests,
- Monitoring implementation of the TYNDP 2023 and taking into consideration the results of the TYNDP 2019 (see chap. 7),
- Departures of employees to other companies in the electricity sector (see chap. 6.5),
- Relations between RTE and its subsidiaries (see chap. 8),
- Confidentiality issues with regard to past findings and recommendations (see chap. 6.3),
- Inside information as defined by the European REMIT Regulation published (see chap. 5.4),
- Analysis of press review and social media (see chap. 3.6).

9.3 Training and Information

i) Online Training (e-learning)

The Code of Conduct online training tool, containing two modules CoC 1 (basics of CoC) and CoC 2 ("*going further*"), based on the concept of memory anchoring®, was rolled out in June 2018 and stopped in 2022.

While these modules contributed to providing training and ensuring staff engagement over time concerning compliance with the CoC provisions at the different stages of working life, it was nevertheless decided that the two existing e-learning modules should be rewritten because in terms of form, the pre-existing method of memory anchoring led to multiple user observations that it seemed too complex and did not provide a definitive response to long-term maintenance of knowledge of the subject by RTE employees. The redesign of this distance learning course began in 2021, with the understanding that the new tool would complement more targeted "hands-on" initiatives, particularly for the people most concerned, for example by taking part directly in team meetings.

A new e-learning programme, I-COBO, was developed and rolled out to all employees at the end of December 2022. It replaces CoC1 and CoC2 and complements the awareness-raising initiatives carried out in the entities. This e-learning course includes a cartoon and role-playing games to encourage its use and provide a dynamic lever for appropriation that is both appropriate and didactic. Its design is therefore a departure from existing modules.

It is compulsory for all employees, and the objectives of this new training course are as follows:

- 50% in 2023, with 100% of people arriving by 1 January 2022.
- 100% in 2024, for all employees. This second phase will be more of a refresher course, and will be aimed at employees with CoC knowledge, either after taking CoC 1 or 2 or by any other means.
- From 2025, there are plans for a comprehensive 3-year refresher course for employees with I-COBO.

It is important to note that this new training course can be taken collectively, in teams, which was the intention of the Maintenance Department. To this end, a specific operating procedure has been drawn up and distributed. The CONFID e-learning course on confidentiality "Confidentiality at RTE: what are the issues, what are the risks, what is the behaviour?", generally and spontaneously receives good feedback from the managers interviewed who ensure that their employees take the course as compulsory training. The statistics for the completion of this e-learning course by 31 December 2022 are as follows:

- The rate of completion of this training course by RTE employees is 81%,
- The rate of completion of this training course by RTE employees arriving since January 2021 is 68%.

These rates for the e-learning courses can be considered acceptable, although there is still room for improvement. The content of this training course did not call for any particular comment from the people we met, as it generally meets needs and is linked to cyber security topics.

ii) Providing information to employees

The results of the observations and checks carried out by the CO show that managers attach real importance to informing and familiarising new arrivals, particularly with regard to compliance: managerial support, induction sessions and booklet, training follow-up, induction interviews, etc

Nevertheless, to ensure that knowledge and skills are built up over time, it is appropriate and relevant to seize every opportunity to pass on information on the subject of compliance with the Code of Conduct. In this respect, the distribution of the new CoC e-learning is an opportunity to create a new impetus and encourage people to take the training module.

The question of maintaining skills is raised in a generic way for all employees by, for example, periodically giving "top-ups" following up all or part of the e-learning course, but also by leading the various groups and looking for suitable methods that spark the interest of employees. The CO recommended creating and distributing attractive tools in the form of animation sequences, quizzes, videos, etc. available to managers and which can be used on request. These materials would give managers the opportunity to implement collective "one-off" actions if they felt the need to go into one or more of the CoC chapters in greater depth. Knowledge of the VIU and the use of CSI could be handled as a priority during these actions.

Collective follow-up, which generates interaction between employees, is seen as beneficial because it encourages collective and individual skills development.

In summary, employees' knowledge and skills in the area of compliance are based on the following:

- Taking basic training through the I-COBO e-learning course,
- Induction for new arrivals and managerial support,
- Targeted reminders, linked to their work, on *certain fundamental points or those identified on an ad hoc and concrete basis according to the concerns of the moment*, using existing meetings and regional or national coordination meetings that are organised,

These three themes, combined with the commitment of managers to ensure that they have the basic knowledge, have resulted in a balance considered to be robust. This is also the opinion of the managers we met throughout the year.

In view of all these factors, the CO made the following recommendations to RTE:

- **Continue the training campaign with the new I-COBO e-learning programme, in accordance with the defined procedures,**
- **Continue to raise awareness among managers, particularly those in the Paris central office, of the need for CoC training and for their employees to take I-COBO training. To do this, use HR tools and the statistical monitoring of training carried out by the HRD (this monitoring will include any group sessions, given the monitoring methods adopted). This new awareness-raising could then be extended to other compulsory online training such as CONFID and even SAPIN 2 and GDPR,**
- **Continue to inform employees and, to this end, collectively create suitable, educational or even entertaining tools or media, taking advantage of the various existing sharing and support circles to optimise the use of resources and by calling on the compliance officer.**

10 General Assessment for 2022, Recommendations and Actions 2023

10.1 General Assessment

Compliance by all RTE employees with the CoC and independence from the VIU and the effectiveness of its implementation depend on the actions of managers at the various levels of the organisation.

The compliance audits, observations made and examinations conducted in 2022 by the CO show that the company's obligations as TSO, laid down in the French Energy Code, support a positive assessment as stated by the CRE in its latest RCBCIs. The CO will pay attention to the conclusions and requests that the CRE makes in the RCBCI 2021-2022 and will endeavour to verify that they are properly reflected within the organisation. The actions carried out by RTE following the last CRE RCBCI and those in response to the CO's recommendations in his last report are described in this document and summarised in Appendix 11.

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

One of the major subjects arising from this is maintaining the knowledge and skills of employees concerning compliance with the French Energy Code at the required level by identifying and activating tools to ensure the commitments of the Code of Conduct are fulfilled in the long term and consequently meeting objectives and expectations as established. The aim is clearly to prevent two risks: that the attention paid to compliance is eroded and that it is not seen as a priority compared to other RTE highly structuring activities and projects.

Confidentiality also represents a particularly sensitive point that is central to compliance with the stipulations of the Code of Conduct and, as such, it is essential to pay close attention to events relating to confidentiality: incidents or near incidents and how they are handled. The protection of commercially-sensitive information is fundamental with respect to:

- The need to comply with the provisions of the Energy Code and the CoC,
- The robustness of the information system, with changes to IT applications, cyber security and access management,
- Changes in organisation and working methods as part of the reconfiguration of working units and implementation of the mission statement.

As the CRE highlighted in its latest report (RBCI 2019/2020), even though the situation can be classified as satisfactory overall, it however presented certain points for improvement to ensure compliance with the obligations over time and prevent the risk of practices being eroded. The findings of the RCBCI 2021/2022 will be used as soon as they are available.

Since RTE's certification was issued in 2012, then maintained in 2018 and 2020, extensive progress has been made, especially in terms of independence of RTE resources (IT resources, legal, accounting, premises, etc.) and in terms of satisfaction of users of the public transmission network (monitoring of complaints, transparency actions, or RTE's independence or even non-discrimination concerning client access to the PTN).

At the same time, to take into consideration the legal of regulatory requirements relating to compliance, RTE set up an Ethics and Compliance Department reporting to the GS, responsible for coordinating the different aspects concerning the matter and reporting to the company's management. This department is directly responsible for the three main "compliance" themes: GDPR, Sapin2 and due diligence, which come under "compliance" obligations, and are becoming increasingly important in the running of companies. Increasingly they are based on ethical values that they promote to both their employees and external stakeholders. The goal is to position RTE at the best level among the main companies in the energy sector or major public services in terms of considering ethical and compliance issues.

In view of both these achievements and also the audits, examinations and observations carried out in 2022 following on from 2021, the CO made several recommendations to the RTE departments, in line with the content of the 2021 report. They concern the specific application of the measures for independence from the VIU, non-discrimination and protection of confidentiality.

These recommendations arising from the work in 2022 concern the following areas:

- Controlling and protecting commercially-sensitive information,
- The knowledge and skills of employees,
- Coordination and management of the Compliance theme within RTE,
- RTE's independence, external communication and non-confusion of image,
- RTE's operating autonomy and understanding of the process by which the CRE approves the commercial and financial agreements with companies controlled by the VIU,
- Information publication and transparency actions:

10.2 The CO's Recommendations for 2023

The CO's recommendations for 2022 cover the following points:

- **The protection of commercially-sensitive information (CSI)**
 - Considering the low number of confidentiality events and therefore the relatively modest corresponding processing compared to the large volume of this type of information processed by RTE's teams, the protection of commercially-sensitive information remains a point of attention.
 - The work started must be continued, and more particularly the following:
 - Supporting management and the business line coordination for detecting and collecting incidents or near incidents in order to improve the feedback loop and its sharing and build on the practices, methods and skills concerning confidentiality management,
 - Work to incorporate confidential information into the general data processing guidelines by consistently adding to this body of rules to obtain an integrated overview of the confidentiality theme, specifying the role and responsibilities of the various parties concerned by the data theme.
- **The knowledge and skills of employees concerning compliance with the French Energy Code:**
 - Although no particular shortcomings have been noted in terms of employees' knowledge, a key issue that has emerged from observation and audits is maintaining employees' level of skills on compliance with the French Energy Code at the required level. The following are required:
 - Continue the training campaign with the new I-COBO e-learning programme, in accordance with the defined procedures,
 - Identify levers and concrete tools to ensure the long-term implementation of commitments and thus meet objectives,
 - Using these levers, continue to raise managers' awareness of the need for CoC training and employee monitoring, following the example of actions in other SAPIN 2 or GDPR areas.
- **Coordination and management of the Compliance theme within RTE:**
 - The aim is to harmonise the degree of ownership of managers within a region and between regions, in order to create synergy and unite local initiatives. Functional coordination concerning compliance with the CoC should be developed, making use of existing bodies at national or regional level and, where necessary, the intervention of the Compliance Officer.
 - This recommendation complements the two previous recommendations by aiming to maintain the required level of knowledge, skills and reflexes and by helping to ensure the protection of commercially-sensitive information.
 - The aim is also to strengthen internal control measures in the different departments and regional entities, in a manner commensurate with the risks, and to integrate them into the broader internal control system so as to take advantage of the feedback.
- **Independence of RTE:**
 - The updated guidelines for participation of RTE employees in events organised by the VIU need to be finalised, to meet the goals for participation of certain employees in meetings to discuss best practices in terms of corporate functions with the CDC and participation of RTE executives in meetings or one-off events organised by the presidency of the EDF Group or by the general management of the CDC group.

This recommendation concerns RTE's external communication and non-confusion of image and the events organised by the VIU, involving the necessary internal sharing of knowledge of companies in the VIU or controlled by the VIU, Changes to the guidelines are in strict compliance with the independence of RTE, avoiding any confusion of image between RTE and the VIU in internal or external communication, and giving the RTE chief compliance officer an entitlement to permanent access,

- **RTE's operating autonomy:**

- Continue the improvement actions undertaken in 2021, ensuring their successful completion, especially in connection with changes to the management information system to incorporate the checkpoints concerning the companies in the VIU, intended to ensure that the process for referring commercial and financial agreements to the CRE is fully understood and that RTE take into consideration the schedules and time periods allowing for investigation in optimum conditions,
- Propose to CRE concrete measures to optimise the referral process, together with the necessary information to assess their feasibility,
- Submit the annual reports requested by the CRE in full and, as far as possible, by the deadline of 31 January,
- Again raise managers' and employees' awareness of the scope and content of the VIU, share knowledge of the companies in the VIU and the companies controlled by the VIU internally, based on the reference created by the Procurement Department,

- **Information publication and transparency actions:**

- Capitalise on the good feedback from the CURTE committees and continue this consultation method that is extremely interesting for RTE's clients and stakeholders,
- Continue and successfully complete the actions undertaken: internal awareness-raising on the protection of inside information in view of the associated issues; certification of the services portal by ACER; identification of the figures to be published with the associated requirements; changes to publication tools in view of the service and performance level to be defined; identification of the indicators for detecting suspicious behaviour or abuses of dominant position on the markets.

10.3 Actions of the CO in 2023

In order to observe and oversee RTE's actions concerning independence and compliance with the CoC, the CO proposed that in 2023 the following actions undertaken and/or implemented in 2022 be continued:

- Audits of compliance with the CoC and RTE's independence obligations by the business lines most directly affected, prioritising the Customer Services, Markets and Procurement Departments,
- The regional compliance audits in the North and West regions, based on a preparatory document updated to incorporate the lessons learned from compliance audits in previous years,
- Regular compliance audits at meetings of the different governing bodies and company decision-making committees or when examining specific cases,
- In liaison with the departments in question at RTE, especially the Finance, Purchasing and Risks Division for preparing governing body meetings and more detail on the information which if disclosed may be commercially advantageous for the VIU.

In particular, in 2023 the CO plans to continue the following in-depth analyses and audits concerning the following points:

- The financial flows between RTE and the companies in the VIU, based on the accounting data retrieved for the financial year,
- Monitoring implementation of the TYNDP, based on the assessment of the last TYNDP drawn up as part of the TYNDP 2023,
- Employee transfers to other companies in the electricity sector and EGI branch in particular, in view of the referrals to the secretariat of the Commission as in article L. 111-74,
- Relations between RTE and its subsidiaries, in accordance with the powers entrusted to him,
- Confidentiality issues in terms of actions resulting from implementation of the Data Protection Directive, the definition of responsibilities and organisational changes,
- Actions and practices for publishing inside information as defined by the European REMIT Regulation,
- ...

The CO will also continue his discussions with his French counterparts (GRTgaz, Enedis and GRDF) and foreign counterparts (European electricity ITOs), for the latter reactivating the network set up in the past.

11 Appendices

11.1 RCBCI 2019-2020: Main Changes Expected by the CRE and Changes Observed in 2021

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

Main changes expected by the CRE stated in its RCBCI 2019-2020 report	Changes observed by the CO in 2022
Part 1: "Thematic dossiers" / Point 1: "HR PRACTICES OF NETWORK OPERATORS"	
Set up a mechanism to inform all employees joining RTE, whatever the company of origin, about the transfer of EDF share funds to funds accessible to RTE employees. Introduce a commitment by all employees joining RTE to fulfil their independence obligations by selling or conferring management to a third party the VIU shares they hold.	The HR arrangements were introduced in 2022 (see chapter 3.11), and the CO recommends that they be continued in the long term.
Present the proposals for changes that the company intends to make to achieve the objectives it has set concerning the rate of completion of the CoC1 and CoC2 training modules. Each year, present an assessment of the implementation of these changes and the rate of completion of both modules.	A new I-COBO e-learning programme was rolled out at the end of 2022, with follow-up targets for this compulsory training. This new course makes up for the shortcomings of the previous CoC1 and 2 courses, in particular with the possibility of taking it as a group. Initial feedback has been positive (see chapter 9.3).
Provide to the CRE an annual follow-up of the number of hires from the EDF Group, separating hires by EDF Group company.	In 2022, 102 employees were recruited from within the EGI, including 45 from EDF SA and 35 from Enedis. The other EGI employees came from the following companies: GRTgaz, GRDF, Engie, Régies, etc.
Facilitate access to information on the RTE intranet about implementing article L. 111-74 of the French Energy Code for both managers and employees, and update the internal memoranda concerning this same article.	In response to the CO's recommendations in the 2021 report, the following actions were implemented in 2022: updating of reference notes dealing with this subject, raising awareness among career advisers, communication and reminders of measures in departmental CODIRs, follow-up by managers and HR staff in mobility committees, development and support of an information system for mobility advisers to implement operational measures on a day-to-day basis. Compliance checks confirmed that these actions had been taken (see chapter 6.5).

Main changes expected by the CRE stated in its RCBCI 2019-2020 report	Changes observed by the CO in 2022
Part 1: "Thematic dossiers" / Point 1: "Connection Process"	
Systematically include the appendices "the definitions of the different fuel types" and the "connection type outlines" into the exploratory study.	Action completed, the provisions are now implemented.

Main changes expected by the CRE stated in its RCBCI 2019-2020 report	Changes observed by the CO in 2022
Part 3: "Transmission System Operators"/ Point 1: "RTE"	
Explicitly provide for the possibility of deviating from the standard payment schedule and the conditions to be fulfilled for activating this clause at the time of the next change to the standard templates for technical and financial proposals applicable to DNOs and consumers, and standard templates for connection agreements applicable to producers, consumers and new exempt interconnectors,	Action completed, the provisions are now implemented.
Modify the DNO NAC template in order to stipulate that the general terms and conditions of the new templates published by RTE automatically replace the general terms and conditions of the current agreement.	Action closed. In January 2021 RTE presented to the GAC the consultation schedule for changing the standard agreements for the new pricing period TURPE 6, the consultation took place in 2021 and the new template was notified to the CRE in December 2021.
Finalise the implementation of framework agreements between RTE and its subsidiaries.	The framework agreement with Arteria was approved by the CRE on 13 December 2018 and its template is used as the basis for the other agreements between RTE and its different subsidiaries. The framework agreement with Airtelis was approved by the CRE on 19 December 2019. The framework agreement with RTE International was approved on 24 March 2022. The framework agreement with Cirtéus was approved by the CRE on 23 February 2023 (see chapter 8 " <i>Relations between RTE and its subsidiaries</i> ").
Finalise the consultation and updating of standard framework agreements for processing agreements before D-1 applicable to producers, energy storage facilities and consumers, before 31 December 2021.	Action closed. The new standard framework agreement for processing agreements prior to D-1 was published in the RTD on 28 October 2021, to take effect on 1 March 2022.
Ensure that all agreements governed by articles L. 111-17 and L. 111-18 are submitted to the CRE. Pay special attention to agreements historically signed with the VIU or subsidiaries of the VIU not referred to the CRE.	RTE's implementation of the CRE referral and approval process remains a point of attention that was examined as part of the RCBCI 2021/2022 investigations. The CO recommended that the improvement actions undertaken (specified above) be completed, as they are intended to ensure that the process for referring commercial and financial agreements with the VIU is fully understood within RTE. At the same time, the CO recommended that the work already underway be continued, with the introduction of concrete measures to optimise this process without weakening the quality of control, while at the same time ensuring efficient use of resources, given the extremely challenging environment in which network operators operate (see chapter 3.5). For historical contracts between RTE and EDF, RTE has drawn up an inventory and overview of these contracts as part of the discussions on the RCBCI 2021/2022. They were deemed satisfactory by CRE, which concludes this point.
Continue updates of the explanatory document making TURPE billing more legible and easier for clients to understand, in order to take into consideration the planned changes for TURPE 6.	Continue and update communication about tariffs on the networks and understanding the bill, delivery to clients. Action implemented and completed.

11.2 Recommendations from the CO's 2021 Annual Report and Changes Observed in 2022

Recommendations from the CO's 2021 annual report	Changes observed by the CO in 2022
Confidentiality	
<p>Identifying and protecting commercially-sensitive information considering the low number of confidentiality incidents:</p> <ul style="list-style-type: none"> - Support management and the business line coordination for detecting and collecting incidents or near incidents in order to improve the feedback loop and build on the practices, methods and skills on confidentiality management, - Propose and disseminate the rules for conserving and destroying paper documentation when working remotely, - Incorporate all confidential information into the confidentiality guidelines by consistently adding to this body of rules to obtain an integrated overview of the confidentiality theme and specify the role and responsibilities of the various parties concerned by the data. 	<p>Efforts on this theme continued in 2022: raising awareness of confidentiality; monitoring and handling confidentiality incidents; rolling out the data protection directive; defining the internal data organisation; creating a strategic data plan. However, they must continue in 2023, which is why the CO recommends continuing (i) the action taken by management and the business unit to detect and collect incidents or near incidents in order to make the feedback loop stronger and (ii) the work to integrate all confidential information into the confidentiality guidelines by consistently adding to this body of rules and asking RTE to clearly specify the roles and responsibilities of the various players concerned by the data.</p>
Employee training	
<p>Employee training and compulsory training:</p> <ul style="list-style-type: none"> - Prepare the launch of a new CoC training campaign, taking advantage of the dynamic linked to the launch of the new module 1 (while waiting to continue operating the current module) and define the terms and conditions for substitution of module 2, taking into consideration the changes in the institutional context, - Again raise awareness of all managers about their employees taking training courses on the Code of Conduct, especially for new hires, using HR tools and statistical monitoring of training as conducted by the HRD (this monitoring should incorporate any collective sessions of teams on the ground for module 1). This new awareness-raising could then be extended to other compulsory online training such as on SAPIN 2 and GDPR, In particular, draw Paris central office managers' and employees' attention quickly to the need of CoC training and other compulsory training. 	<p>A new I-COBO e-learning programme was rolled out at the end of 2022, with follow-up targets for this compulsory training. This new course makes up for the shortcomings of the previous CoC1 and 2 courses, in particular with the possibility of taking it as a group. Initial feedback has been positive (see chapter 9.3).</p> <p>Managers are made aware of issues as they arise, and when the LD and the CO take part in departmental management meetings or when the CO conducts audits, these provide an excellent opportunity for discussion and exchange.</p>

Independence of RTE - HR Section	
<p>HR mechanisms and procedures:</p> <ul style="list-style-type: none"> - Implement all HR provisions when hiring employees to find out the interests they hold in the VIU and managing and creating the group savings scheme (PEG) with the appropriate and compliant choice of PEG sub-funds, - Systematically remind new employees of the need to undertake to meet the independence obligations by selling the VIU shares they hold, - Update the documentation and internal memoranda concerning moves to any activity in the electricity sector outside RTE (therefore including outside EGI) and not moves only to the VIU (implementation of article L. 111-74 of the French Energy Code), - Make this documentation available to employees by facilitating their access to the RTE intranet site, rolling out and bringing all of these provisions into the departments and services (managers and employees), - Raise career advisers' and managers' awareness of the content and implementation of article L. 111-74 (so-called "article 13" committee), - Promote internally the process linked to implementation of article L. 111-74 and carefully defining the role of the internal players – HRD, SG, DJ, Departments – both in advance (detecting situations, information, manager support, etc.) and afterwards (examining cases, referral to Commission, etc.). 	<p>The HR arrangements were introduced in 2022 (see chapter 3.11), and the CO recommends that they be continued in the long term.</p> <p>Concerning implementation of article L. 111-74, in response to the CO's recommendations in the 2021 report, the following actions were implemented in 2022: updating of reference notes dealing with this subject; raising awareness among career advisers; communication and reminders of measures in departmental CODIRs; follow-up by managers and HR staff in mobility committees; development and support of an information system for mobility advisers to implement operational measures on a day-to-day basis.</p> <p>The compliance audits confirmed that these actions had been taken (see chapter 6).</p>
Independence of RTE - Institutional and Communication Section	
<p>Independence of RTE:</p> <ul style="list-style-type: none"> - Finalise the updating of guidelines for participation of RTE employees in events organised by the VIU, sharing them with the CRE to respond to the goals for participation of certain employees in meetings to discuss best practices in terms of corporate functions with the CDC and participation of RTE executives in meetings or one-off events organised by the presidency of the EDF Group or by the general management of the CDC group and bringing together the executives of these groups. These changes to the guidelines are in strict compliance with the independence of RTE, avoiding any confusion of image between RTE and the VIU in internal or external communication, and giving the RTE chief compliance officer permanent access entitlement, - Capitalise on the external communication campaigns carried out and take advantage of any opportunity to assert and recall RTE's institutional status as independent French TSO. Educate about this theme during communication campaigns to establish RTE's independence as public transmission network manager, 	<p>This action, which began in 2021, is still under way on the basis of proposals put forward by RTE.</p> <p>Action completed. All communications and publications by RTE in 2022 in a period of high media activity for RTE resulted in 3.5 million visits to the website www.rte-france.com with 10.5 million page views and nearly 250,000 downloads of data or documents. These elements reflect strong external interaction with RTE's activity and the corresponding data or documents. With this in mind, RTE upgraded its website with a new home page, a new explanatory and educational section called the "Energy Wiki" and the integration of EcoWatt signals. The expansion of the EcoWatt system as a genuine "electricity forecast" and warning signal for all market participants had a structuring leverage effect on RTE's reputation, with over 3 million downloads of the application.</p>

<ul style="list-style-type: none"> - Incorporate into the indicators for monitoring the implementation of RTE's certification, the follow-up given to requests made by the CRE in its RCBCI reports and the recommendations by the CO in his annual reports (reiteration of previous recommendations). 	<p>This situation clearly demonstrates RTE's role as a trailblazer, reminding us of its independent status whenever necessary: "<i>As a neutral and independent industrial operator of the energy transition, RTE.....</i>"</p> <p>Communication on Energy Futures 2050 and on preparing for winter 2022/2023 were excellent ways of educating people and establishing RTE's specific role as a transmission system operator (TSO).</p> <p>Action carried out as part of this monitoring table drawn up by the CO.</p>
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RTE's Operating Autonomy

<p>RTE's operating autonomy:</p> <ul style="list-style-type: none"> - Continue the improvement actions undertaken, ensuring their successful completion, as they are intended to ensure that the process for referring commercial and financial agreements to the CRE is fully understood and that RTE takes into consideration the schedules and time periods allowing for investigation in optimum conditions, examining with the CRE whether measures or mechanisms for optimising the regulator's requests are appropriate, - Again raise managers' and employees' awareness of the scope and content of the VIU, share internally the knowledge of the companies in the VIU and the companies controlled by the VIU, create a reference of this knowledge for the Procurement Department in liaison with the General Secretariat, - Incorporate into the performance indicators for monitoring implementation of RTE's certification the annual assessments and other elements, especially recurring, to be supplied to the CRE pursuant to its approval decisions made under articles L. 111-17 and L. 111-18. 	<p>RTE took a number of steps to control the time taken to refer cases to the CRE and to implement the process:</p> <ul style="list-style-type: none"> - Updating internal operating documents and reminder to departments particularly affected of the measures for referring commercial and financial agreements to the CRE to obtain shared and updated knowledge of this subject, - Dissemination and regular sharing of information about the knowledge of the companies making up the VIU or controlled by the VIU, cf. list of companies in the VIU attached, with awareness-raising activities within RTE, - Reporting to the RTE Executive Committee by the General Secretary and the Compliance Officer, - Awareness-raising campaigns for the management committees of RTE's various business lines (purchasing, maintenance, finance, audit, engineering) carried out in June 2022, The slides used during these awareness-raising/formalisation events are attached, - Examination of the feasibility of developing the IS to implement checkpoints and facilitate identification of these companies, - Introduction of a monitoring table shared between the CRE and RTE specific to purchasing files in order to respond to the CRE's request to be informed prior to the launch of any consultation in which a company controlled by the VIU could position itself, - Overhaul of e-learning for Company employees. <p>The CO recommended that the improvement actions undertaken (specified above) be completed, as their goal is to ensure that within RTE the process for referring commercial and financial agreements with the VIU is correctly understood. At the same time, the CO recommended that the work already underway be completed, by adopting concrete measures to optimise this process without weakening the quality of control, while at the same time ensuring efficient use of resources, given the extremely challenging environment in which network operators operate (see chapter 3.5).</p>
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Publication and Transparency	
<p>Information publication and transparency actions:</p> <ul style="list-style-type: none"> - Capitalise on the good feedback from the CURTE committees and continue this consultation method that is extremely attractive to RTE's clients and stakeholders, - In 2022 carry out awareness-raising activities on protecting inside information under the REMIT European regulation and explicitly incorporate this category of information into the RTE confidentiality guidelines, - Obtain certification from ACER for the RTE services portal, as inside information platform (IIP). 	<p>Sustained activity of the different working commissions was observed throughout 2022, which generally allowed for the following:</p> <ul style="list-style-type: none"> - That participants be regularly informed about the cases in progress and changes in the context, - Transparent consultation procedures, paying particular attention to participants' needs. <p>Chapter 4.2 covers the subjects dealt with by the four CURTE committees.</p> <p>RTE has set up a dedicated website about the consultation (www.concerte.fr), which provides a consultation schedule, proposes reactions to the consultations and allows the published documents to be viewed.</p> <p>On the protection of inside information, RTE has introduced a network of references present within each entity of the company and has undertaken work to list all the information potentially subject to the REMIT Regulation.</p> <p>Market surveillance is subject to the introduction of indicators to monitor specific market behaviour.</p> <p>No incidents linked to this surveillance were reported in 2022 (down from two in 2021).</p> <p>In terms of the service for publishing inside information, especially the wholesale electricity market in France, RTE took the initiative of developing an IIP and has chosen to offer market participants a service for publishing their inside information based on the software elements introduced for its own needs for publishing inside information relating to the network. To date, RTE has obtained ACER validation of the first phase of certification. The second phase of certification of this service is currently being carried out by ACER.</p> <p>On this subject, it is necessary to successfully complete the actions begun: internal awareness-raising on the protection of inside information in view of the associated issues; full certification of the services portal by ACER; identification of the figures to be published with the associated requirements; changes to publication tools in view of the service and performance level to be defined; identification of the indicators for abnormal behaviour by market participants.</p>
Monitoring TYNDP performance	
<p>Monitoring TYNDP performance:</p> <ul style="list-style-type: none"> - While awaiting a new TYNDP, examine the possibility of updating the list of projects that are or can be recorded in the TYNDP with the associated schedule in the first half of 2022, in order to have an updated reference against the 2019 TYNDP in view of the evolution of the network development or renewal inductors: changes in consumption and production, revision of S3Rs, roll-out of interconnectors, client connection needs, etc. 	<p>As the current TYNDP dates to 2019, the information given in this report for the years 2023 and beyond needs to be updated after four years, given the major changes in the context, linked to the energy policy objectives, the structure of the electricity mix, electricity consumption, the Energy Futures 2050 study and the energy crisis in 2022, against the backdrop of the Russian-Ukrainian conflict.</p> <p>In view of this situation and of the horizon effect beyond a period of three years, the CO was unable to carry out a detailed analytical study comparing the commissioning of projects between the TYNDP trajectories and the updated actual and forecast trajectories.</p> <p>Nevertheless, to date the CO has endeavoured to gather factual information and criteria on the various aspects of the TYNDP in order to assess its implementation and the momentum it has</p>

	generated (see chapter 7.3), and thus obtain additional clarification to the abovementioned reporting data.
RTE and its subsidiaries	
Relations between RTE and its subsidiaries: - In 2022 finalise the framework agreement with the subsidiary Cirtéus in order to refer the matter to the CRE as soon as possible.	The work on the framework agreement with the Cirtéus subsidiary took place during 2022 and gave rise to discussions between CRE and RTE as part of the RCBCI 2021/2022. The framework agreement with Cirtéus was approved by the CRE on 23 February 2023, which closes this framework agreement approval phase.

11.3 CRE Requests in Its Decisions or Acknowledgements of Receipt at the Time of Approving the Commercial and Financial Agreements Signed With the VIU

CRE requests	Changes observed by the CO in 2022
<p>11.03.2015 Framework agreement for maintenance, surveillance, manoeuvre and expertise services provided by Enedis-D for RTE Send to the CRE before 31 January of each year a report on implementation of the framework agreement.</p>	<p>RTE must send to the CRE the 2022 report on the services provided by Enedis-D before the end of May.</p>
<p>Framework agreements between RTE and EDF EN Services for programming PW and wind production 10.09.2015: agreements prior to D-1 10.09.2015: advance planning Framework agreements between RTE and EDF EN Services for programming production excluding photovoltaic and wind 06.01.2016: agreements prior to D-1 16.06.2016: advance planning Send to the CRE before 31 January of each year a report on implementation of the framework agreements D-1. Finalise the consultation and updating of standard framework agreements before 01.09.2019.</p>	<p>On 26 November 2021 RTE sent to the CRE the 2020 report on implementation of the framework agreement with EDF on processing agreements D-1.</p>
<p>04.11.2015 Framework agreement between RTE and Enedis for carrying out studies and works in substations Send to the CRE before 31 January of each year a report on implementation of the framework agreement.</p>	<p>RTE must send to the CRE the 2022 report on the before the end of May.</p>
<p>06.12.2017 – decision no. 2017-721 Collaboration agreement with EDF and Hydro-Québec (maintenance and sale of the EMTP software) Submit the agreement signed with the chosen distributor to the CRE for approval. Every six months submit an assessment of the commitments to ensuring all producers make a greater contribution to development of the EMTP software functionalities.</p>	<p>Action closed.</p>

CRE requests	Changes observed by the CO in 2022
<p>22.02.2018 – decision no. 2018-040 Energy or capacity guarantee supply between RTE and the EDF Group for offsetting losses Send to the CRE before 31 January of each year a report on energy or capacity guarantee supply agreements signed with the EDF Group. Keep the CRE informed in the event of changes to the consultation rules for one of the call for tenders procedures.</p>	<p>The new decision 2021-50 of 04/03/2021 (following the CRE referral of 5 February 2021) no longer includes annual reporting. The CRE anticipated its elimination from last year. Therefore no report was drawn up in 2022 as had been done in 2021.</p>
<p>12.12.2018 – decision no. 2018-261 Framework agreement between RTE and Arteria Send to the CRE before 31 January of each year a report on all agreements between RTE and Arteria. Submit to the CRE for approval the agreements between RTE and Arteria except for the framework agreement with a value > 5% of the total annual amount of the services billed by RTE to Arteria.</p>	<p>RTE sent to the CRE the 2022 report on the framework agreement in February 2023, and further work is in progress.</p>
<p>21.03.2019 – decision no. 2019-067 Framework document of the "Common Rules for Substations" signed by RTE and Enedis Notify the CRE of the thematic booklets stating the principles of the framework document as and when they are drawn up and updated.</p>	<p>The principles of the framework document were laid down in nine booklets in the "property limits" lot in early 2021. During the year, the work continued and made it possible to send the nine booklets to the CRE on 28/10/2021 (Receipt by the CRE on 04/11/2021).</p>
<p>19.12.2019 – decision no. 2019-298 Framework agreement with Airtelis Send to the CRE before 31 January of each year a report on all agreements between RTE and Airtelis. Submit to the CRE for approval the agreements between RTE and Airtelis except for the framework agreement with a value > 5% of the total annual amount of the services billed by RTE to Arteria.</p>	<p>RTE sent to the CRE the 2022 report on the framework agreement in February 2023, and further work is in progress.</p>
<p>24.02.2022 – decision no. 2022-62 Framework contract for handling agreements upstream of D-1 on production installations and storage facilities, concluded between RTE and EDF on the one hand, and RTE and EDF Renouvelables on the other hand Send CRE a quarterly report on all agreements concluded under the Contracts. This report specifies the number of agreements signed before D-1 between RTE and EDF, and between RTE and EDF Renouvelables, over the previous three months Send to the CRE before 31 January of each year a report on implementation of the Contracts, adding the quarterly reports, in the same format.</p>	<p>RTE must send to the CRE the 2022 report on the before the end of May.</p>
<p>24.03.2022 – decision no. 2022-91 Framework agreement between RTE and its subsidiary RTE International Send to the CRE, before 31 January each year, a summary of all the contracts signed with its subsidiary, including the services provided by RTE International on behalf of RTE and which are not covered by the agreement.</p>	<p>RTE sent to the CRE the 2022 report on the framework agreement in February 2023, and further work is in progress.</p>

11.4 Tasks and Responsibilities of the CO

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

The CO has access to the General Meetings, meetings of the SB, the meetings of specialist committees, meetings of the Management Board and all meetings useful for performance of his duties. He reports on his activity to the SB and can make recommendations to it concerning the Code of Conduct and its implementation.

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

Pursuant to these provisions, the CO is responsible for the following in particular:

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

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

Where applicable, he can request any additional information.

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

11.5 Acronym Glossary

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

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

INRS	Institut national de recherche et de sécurité - French National Research and Security Institute
ISO	Independent System Operator ⁴⁰
ITO	Independent Transmission Operator ⁴¹
JAO	Joint Allocation Office
JORF	Official Gazette of the French Republic
OJEU	Official Journal of the European Union
BM	Balancing Mechanism
BM / BRE	Balancing Mechanism/Balance Responsible Entity mechanism
MESIL	Undergrounding at local initiative
MTES	Ministry/minister of environmental and solidarity-based transition (responsible for energy)
MTE	Ministry/minister of environmental transition (name from July 2020)
BES	Block Exchange Service
NEMO	Nominated Electricity Market Operators
ODRÉ	"Open Data Réseaux Énergies" platform
ORS 2019	Offer for EDF employees in 2019
PACA	Provence-Alpes-Côte d'Azur Region
BCP	Business Continuity Plan
PEE	Company savings scheme
PEG	Group savings scheme
PKI	Public Key Infrastructure
PPAT	Persons Professionally Arranging Transactions
PPE	Programmation pluriannuelle de l'énergie - multi-year energy programme
IPP	Intellectual Property Protection
TFP	Technical and Financial Proposal
PV	Photovoltaic
EQ	Electricity Quality
CO	RTE Compliance Officer
RCBCI	CRE Report on compliance with codes of conduct And independence of electricity and natural gas transmission system operators
RE	Balance Responsible Mechanism
REX	Feedback
REMIT	(EU) 1227/2011 Regulation on wholesale Energy Market Integrity and Transparency
RfG	Network code "Requirements for Generators"
GDPR	(EU) Regulation 2016/679: General Data Protection Regulation

⁴⁰ Independent System Operator as defined by chapter IV of the European Parliament and Council directive 2009/72/EC of 13 July 2009 concerning common rules for the internal electricity market and repealing directive 2003/54/EC.

⁴¹ Independent Transmission Operator as defined by chapter V of the European Parliament and Council directive 2009/72/EC of 13 July 2009 concerning common rules for the internal market in electricity and repealing directive 2003/54/EC.

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

11.6 Useful Internet Links

i) Legislative and regulatory texts

First European "energy" package

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

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

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

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

Second European "energy" package

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

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

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

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

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

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

Third European "energy" package

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

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

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

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

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

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

French Energy Code

https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000023983208/

European "clean energy" package

Legislative package "*Clean energy for all Europeans*"

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

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

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

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

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

Other European legislative texts

Framework guidelines and network codes

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

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

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

Other French legislative texts

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

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

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

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

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

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

ii) Regulation

CRE

List of decisions

https://www.cre.fr/recherche?search_form%5BcontentType%5D=/1/2/16997/120/16998/

Decision of 26 January 2012 on certifying RTE

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

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

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

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

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

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

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

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

RCBCI 2013-2014

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

RCBCI 2015-2016

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

RCBCI 2017-2018

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

European bodies

European Commission – Market legislation

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

Agency for the Cooperation of Energy Regulators

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

Council of European Energy Regulators

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

Others

Environmental Authority

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

National Energy Regulatory Authorities

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

iii) RTE

Code of Conduct and Compliance Officer's Annual report

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

Non-discrimination – consultation

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

Transparency - provision of data

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

Generation adequacy report and TYNDP

Generation adequacy reports	https://www.rte-france.com/analyses-tendances-et-prospectives/ les-bilans-previsionnels
Seasonal analyses	https://www.rte-france.com/analyses-tendances-et-prospectives/ les-analyses-saisonnieres
European analyses	https://www.rte-france.com/analyses-tendances-et-prospectives/ les-analyses-europeennes
TYNDP	https://www.rte-france.com/analyses-tendances-et-prospectives/ le-schema-decennal-de-developpement-du-reseau
S3REnR	https://bit.ly/S3REnR_RTE
Restrictions on the PTN	https://www.contraintes-reseau-s3renr-rte.com/

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	https://www.cnp.fr/

RTE subsidiaries and ownership interests

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

iv) ENTSO-E and European TSOs

ENTSO-E

ENTSO-E	https://www.entsoe.eu/
TYNDP	https://tyndp.entsoe.eu/
Network codes	https://www.entsoe.eu/network_codes/
Transparency platform	https://transparency.entsoe.eu/
TERRE Platform	https://www.entsoe.eu/network_codes/eb/terre/

European electricity ITOs other than RTE

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

v) Other links

System operators and their groups

ORE Agency	https://www.agenceore.fr/
Association des Distributeurs d'Électricité en 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/

Participants in CURTE Committees other than system users

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

ODRÉ platform partners other than TSOs

AFGNV	https://www.afgnv.org/
Weathernews France	http://clim-pact-metnext.com/
Elengy	https://www.elengy.com/fr/
Storengy	https://www.storengy.com/fr/
Dunkerque LNG	https://www.newsletterdunkerquelng.com/

Other participants

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