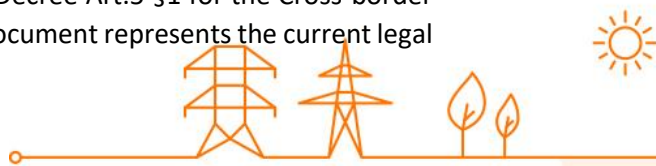


Cross- Border Participation to the Belgian CRM: Documents to be used by Indirect Foreign Capacity to demonstrate compliance with the admission conditions.

This document is written in accordance with article 5 §2 of the draft “Indirect Foreign Capacity” Royal Decree. The admission conditions are listed in the draft “Indirect Foreign Capacity” Royal Decree Art.5 §1 for the Cross-border participation to the Belgian CRM. This document represents the current legal framework as of time of publication.

Publication date: 16/04/2024.



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Introduction

Following the Royal Decree on 'Indirect Foreign Capacity', all Indirect Foreign Capacities willing to participate to the CRM Auction need to follow the dedicated Admission and Pre-Auction process before they can participate to the Prequalification process. During the Admission Process the Foreign CRM candidates will need to complete several templates and commit to provide further documentation during the Prequalification Process. This document represents the practical modalities as described in the draft Royal Decree on 'Indirect Foreign Capacity', Art 5 §2.

The Prequalification Process only takes place after having gone through the Admission Process and following a selection in the Pre-Auction for the relevant Indirect Foreign Capacities. The documents which Indirect Foreign Capacities committed to provide during the Admission Process are to be provided during the Prequalification Process at the latest by June 30th. This document gathers all documents to be provided/completed for the Prequalification of Indirect Foreign Capacities. However, as Indirect Foreign Capacities must declare that they can provide these documents during the Admission Process, it is important that they become aware of them as soon as the Admission Process begins.

An overview of the different documents is provided below with a template of the documents for which one exists. These templates are based on the Functioning Rules published on the Elia website. The most recent version of the Functioning Rules for the Auctions of 2024 will be published on the 15 of May 2024 on the Website of Elia after approval by the CREG. The Version of the Functioning Rules that have been submit to the CREG on the 1st of February is available on Elia website:

English version: https://www.elia.be/-/media/project/elia/elia-site/users-group/ug/wg-adequacy/2024/20240201_crm_functioningrules_en.pdf

French version: https://www.elia.be/-/media/project/elia/elia-site/users-group/ug/wg-adequacy/2024/20240201_crm_functioningrules_fr.pdf

Dutch version: https://www.elia.be/-/media/project/elia/elia-site/users-group/ug/wg-adequacy/2024/20240201_crm_functioningrules_nl.pdf

Information to be provided/filled in on Delivery Point level

(cf. section 5.2.3.1.1 of CRM Functioning Rules)

Information to be provided/filled in	Existing Delivery Point	Additional Delivery Point
Single Line Diagram (no template available)	X	X
CO2 emission attestation & related information	X	X
Information related to production or energy storage permit		X
Grid User Declaration (if applicable)	X	
Non-representative days for Nominal Reference Power determination (no template available)	X	

Table 1 - Summary of the documents to provide for a Delivery point

Indirect Foreign participation to the Belgian CRM

Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

Single Line Diagram

A single line diagram (as defined in articles 366 and 367 of the Federal Grid Code) is a diagram with the specific identification of the exact location of the Delivery Point. It can include more than one Delivery Point.

No dedicated template exists for this requirement.

CO₂ emission attestation & related information

This document contains guidelines for the quantification of the CO₂ emissions for the Prequalification to the Capacity Remuneration Mechanism (CRM) in Belgium, as laid down by the law of 29 April 1999 on the organisation of the electricity market, as amended by the law of 22 April 2019¹. For under article 22(4) of the Regulation (EU) 2019/934 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity², taking part in a Capacity Remuneration Mechanism implies observing the CO₂ emission limits.

Article 7*undecies*, §12, of the Electricity Act states that the Functioning Rules should stipulate, among other things, the CO₂ emission limits in order to ensure compliance with the limits of art 22, §4 a) and b) of the Regulation (EU) No 2019/943 and of the European Commission's Decision SA.104336 (2023/N)³ of 29 September 2023.

These directives are mostly inspired by ACER's Opinion No 22/2019⁴, to which the Capacity Holders are requested to refer.

These guidelines are an integral part of the CRM Functioning Rules.

Prequalification conditions

In accordance with article 22(4) of the Regulation (EU) 2019/934, production capacity that started commercial production on or after 4 July 2019 shall not emit more than 550 g of CO₂ of fossil fuel origin per kWh of electricity in order to be incorporated in a Capacity Remuneration Mechanism.

In addition, the Regulation (EU) 2019/943 prescribes that from 1 July 2025 production capacity that started commercial production before 4 July 2019 shall not emit more than 550 g of CO₂ of fossil fuel origin per kWh of electricity or more than 350 kg CO₂ of fossil fuel origin on average per year per installed kWe in order to be incorporated in a Capacity Remuneration Mechanism.

However, in view of the latest scientific knowledge available on climate change, the objectives of the Paris Agreement and the current European objectives as defined in Regulation (EU) 2021/1119, as well as to facilitate the energy transition towards a sustainable and climate-neutral energy system, the annual emissions limit is being revised downwards in Belgium.

In order to participate in the Y-1 2024 auction under the capacity compensation mechanism in Belgium, the emission limits are set as follows:

1. units of which commercial production started on or after 04/07/2019 shall not emit **more than 550 g CO₂ of fossil fuel origin per kWh of electricity**
2. units of which commercial production started before 04/07/2019 shall not emit **more than 550 g CO₂ of fossil fuel origin per kWh of electricity or more than 350 kg CO₂ of fossil fuel origin on average per year per installed kWe.**

¹ Belgian Official Gazette of 16 May 2019.

² OJ L 158 of 14 June 2019.

³ Decision SA. 104336 - Amendments to the capacity remuneration mechanism in Belgium

⁴ Opinion no 22/2019 of the European Union Agency for the Cooperation of Energy Regulators of 17 December 2019 on the calculation of the values of CO₂ emission limits referred to in the first subparagraph of Article 22(4) of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity (recast).

Indirect Foreign participation to the Belgian CRM

Quantification of specific emissions

The specific emissions are calculated on the basis of the design efficiency of the production unit, namely the net efficiency at nominal capacity (Equation 1).

$$\text{Specific Emissions} = \frac{0,0036 (1 - t_{CO_2}) \sum_f s_f \cdot EF_{f,CO_2}}{\eta_{des}} = \frac{[g CO_2]}{[kWh_e]}$$

Equation 1: methodology for the quantisation of the emissions for CO2 specifically

Variable	Unit	Specifications	Methodology
f	-	Fossil fuel coefficient	Other fossil fuels, cf. ACER's opinion ⁵
t _{CO₂}	%	Fraction of CO ₂ that is transferred or captured in comparison to the total CO ₂ emitted	Article 49 of the Regulation (EU) 2018/2066 ⁶
s _f	%	Fuel fraction f in comparison to the fuel total	ACER's Opinion ⁷
EF _{f,CO₂}	$\frac{kg}{TJ}$	Emission factor for CO ₂	"EU ETS" Methodology ⁸
η _{des}	-	Design efficiency	Net efficiency at nominal capacity

Table 2- Variables of 3 for the quantisation of the emissions for CO2 specifically

Fuel fraction

The fractions of each fuel are determined by Equation 4 of section 7.1 of ACER's Opinion.

The hypotheses concerning the share of each fuel (sf) are to be explained by means of a description of the installations and the use of different fuels. All components of the facility are to be considered, including emergency generators.

Fraction of CO₂ that is captured or transferred.

The determination of the transferred CO₂ factor (tCO₂) must be based on evidence of the existence of or a plan for carbon capture and storage facilities that contain the technical specifications thereof (measures in the case of an existing facility and technical documents in the case of an installation project) pursuant to point 7.4 of ACER's opinion 22/2019.

Emission factor

Emission factors can:

1. originate from ETS documents if it concerns an existing capacity that is subjected to this system, as determined in section 7.2.1 of ACER's Opinion;
2. if the capacity is not subjected to the ETS system, be determined by dividing the certified CO₂ emissions by the fuel consumption that is registered by the TSO and/or the DSO or is certified by a third party, as resumed by equation 5 of the section 7.2.1 of ACER's Opinion;

⁵ Opinion no 22/2019 of the European Union Agency for the Cooperation of Energy Regulators of 17 December 2019 on the calculation of the values of CO₂ emission limits referred to in the first subparagraph of Article 22(4) of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity (recast).

⁶ Regulation (EU) 2018/2066 of the Commission of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012.

⁷ Opinion no 22/2019 of the European Union Agency for the Cooperation of Energy Regulators of 17 December 2019 on the calculation of the values of CO₂ emission limits referred to in the first subparagraph of Article 22(4) of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity (recast).

⁸ Regulation (EU) 2018/2066 of the Commission of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012.

Indirect Foreign participation to the Belgian CRM

Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

3. if the two previous options are not applicable, in particular concerning new capacity, originate from annex 1 of ACER's Opinion, resuming the standard values recommended by the IPCC.

The emission factors of the capacity that does not use fossil fuels and the emission factors linked to the energy storage fed⁹ by the network is considered to be carbon neutral.

This information should be provided by the capacity holder in a declaration of honour when submitting his Prequalification file. In this declaration, the Capacity Holder undertakes to guarantee that the energy storage unit is actually fed directly by the transmission grid and that no OTC contract is in force for the supply period covered by the auction. In this declaration, the Capacity Holder guarantees that the energy storage unit is fed directly by the transmission grid and that no OTC contract is in force for the supply period covered by the auction.

The Directorate-General for Energy of the FPS Economy reserves the possibility to verify the veracity of the declaration at any time.

For energy storage units directly connected to a generation unit, the capacity holder must provide the documents justifying that this unit complies with the emission limits.

The emission factors of the waste-to-energy capacity have to be determined on a case-by-case basis in function of the percentage and the type of biomass.

The emission factors of synthetic fuels will have to be determined on a case-by-case basis in accordance with articles 32 to 35 of the Regulation (EU) 2018/2066. Pursuant to Article 28(5) of Directive (EU) 2018/2001, European methodologies for estimating greenhouse emissions for synthetic fuels shall be adopted by 31 December.

Design efficiency

The design efficiency is determined pursuant to section 7.3 of ACER's Opinion, taking into account the net efficiency at nominal capacity under the ISO standards (15°C, 1 ATM and 60% HR), or is calculated on the basis of the values that are measured at the calibrated meters of the TSO and/or the DSO. In this case, the "heat and mass balance" of the capacity and a lawful document that indicates the net efficiency at nominal capacity should be provided. The correction curves are used in order to obtain the design efficiency at the ISO standards (15°C, 1 ATM and 60% HR)¹⁰.

The design efficiency can also originate from other certified or attested technical documents, such as the results of the most recently executed performance tests.

In the case of new capacity, the design efficiency can originate from parts of the tender that indicate the anticipated performance of the capacity according to the ISO standards.

⁹ Concerning the energy storage units that are directly connected to a generation unit, the capacity provider will have to provide the documents that prove the unit is in conformity with the emission limits.

¹⁰ Concerning the pre-qualification 2021, the existing generation units that do not have a correction curve can exceptionally submit the design efficiency to the reference conditions for the site.

Indirect Foreign participation to the Belgian CRM

Concerning the cogeneration units, the design efficiency can be calculated according to the method determined in annex VII(8) of the Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council¹¹ For it seems logical to take into account the thermal output that originates from the same fuel consumption as the one for electricity and as such contributes to the increase in performance of the cogeneration units in the quantification of CO₂ emissions for the determination of the design efficiency of these units.

It is nevertheless important to recall the ban on cumulative aid¹² during the delivery period, as specified in the Royal Decree on "Eligibility Criteria".

Annual emissions

The annual emissions are calculated according to Equation 3 section 6.2 of the ACER advice:

$$annual\ emissions = \frac{1}{N} \sum_{y=Y-N}^{Y-1} \frac{specific\ emissions_y * electricity\ production_y}{installed\ capacity_y} = \frac{[kg\ CO_2]}{[kW_e]}$$

Equation 2: Methodology for the quantification of the annual CO₂-emissions

Variable	Unity	Specifications
Y	-	Prequalification year of the production capacity
y	-	Delivery Period
N	-	Number of years taken into account for the calculation (three last years if possible)
Specific emissions _y	$\frac{g}{kWh}$	Emissions specifically calculated for the production capacity for the year y
Electricity production _y	GWh	Yearly production of electricity for the year y
Installed capacity _y	MW _e	Nominal capacity of the production unit for the year y

Table 3- Variables of Equation 4 for the quantification of the annual CO₂-emissions

It is advised to take into account the average emissions of the last three years before the prequalification, excluding test periods.

By way of exception and until 1 July 2025, holders of production capacities that do not meet the CO₂ Emission Limits at the pre-qualification stage, can submit as an annex an action plan that includes and explains the measures envisaged to comply with the specific limits by no later than the beginning of the capacity's Delivery Period.

A capacity holder that does not have the necessary prior history to certify his CO₂ emissions within the framework of a major technical transformation of the production unit prior to the delivery period may exceptionally submit a compliance plan with his CO₂ pre-qualification file. This compliance plan must

¹¹ OJ L 59 of 27 February 2019.

¹² The green certificates as meant in article 7, §1, 1st paragraph, 1°, of the law of 29 April 1999; 2° the green certificates as meant in article 28 of the edict concerning the organisation of the electricity market in the Brussels-Capital Region; 3° the green certificates and the combined heat and power certificates as meant in articles 7.1.1 and 7.1.2. of the Flemish decree of 8 May 2009 containing general provisions on energy policy; 4° the green certificates as meant in article 37 of the Walloon decree of 12 April 2001 on the organisation of the regional electricity market; 5° all forms of operating aid of which the foreign capacity granted directly or indirectly by the concerned Member States disposes.

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certify that his capacity will meet the specific CO₂ emission limit no later than the beginning of the delivery year. Compliance with the CO₂ emission limit must be justified *ex post* by the capacity holder (see *ex post check*).

Practical arrangements

The required information must be provided in an Excel table available on the CRM IT Interface of the transmission system operator, ELIA. This information contains:

the values of the parameters necessary for the quantification of the CO₂ emissions;

all documents necessary to prove the communicated values.

The CO₂ emissions will be calculated automatically in the Excel table according to the quantification methods that are described in these guidelines.

Production units below 5 MW will only have to submit a self-declaration that confirms the compliance with the CO₂ Emissions Cap. For these units, the system operator is authorized to carry out random on-the-spot checks by asking for the documents that confirm the communicated values.

As with the above-mentioned generation units of less than 5 MW, generation units that are part of low-voltage generators and whose individual unit power is less than 5 MW may submit a declaration of honour showing their compliance with the CO₂ emission limit. This declaration must be provided when submitting the pre-qualification file on Elia's ICT platform. The Directorate-General of the FPS Economy reserves the possibility of inspecting the units comprising the low-voltage generators in case of any suspicion.

Checks

Ex-ante checks

The information that is provided as part of the pre-qualification will be subject to different checks, called "ex ante":

- a conformity check;
- an accuracy check;

The conformity check is intended to verify if the required information has been provided, whereas the accuracy check will be intended to ascertain that the parameter values match the values that are indicated in the items of evidence and that they are plausible.

These checks shall be performed within 20 working days following the submission of the pre-qualification file.

Ex-post checks

Ex-post checks will also be carried out at the end of each calendar year of the delivery period and should provide evidence of compliance with the emission limits. In the case of validation of annual emissions, the calculation will refer to each calendar year of the delivery period.

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Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

Information related to production or energy storage permit

You will find below the template issued by the FPS Economy regarding the information requested related to the production or energy storage permit.

Declaration

I hereby declare having a production/storage authorisation in application of directive 2009/72/CE of the 13th of July 2009 for a (specify the technology) unit with a maximum power of MWe located in.....

A copy of the production/storage authorisation should be provided with this declaration.

File number: CMU ID (provided by Elia):

Company details + contact:

Date:

1. Description of the project

1.1. General description:

1.2. Timeframe:

1.3. Project location:

2. Technical characteristics of the installation:

	Turbine 1	Turbine 2	Turbine 3
Type of turbine			
Number			
Gross power (kW)			
Net power (kW)			
Gross apparent power (kVA)			
Power factor (cos phi)			
Voltage level (kV)			
Voltage setting (%)			
Current In			
Frequency band during continuous operation (%)			

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Grid User Declaration

In the event the CRM Actor differs from the Grid User, the CRM Actor submits to ELIA a copy of the Grid User as part of his Prequalification File. A single Grid User Declaration can include one or more Delivery Point(s) related to the concerned Grid User.

The Grid User Declaration contains at least the following clauses:

- the present Grid User Declaration only applies for the Delivery Point(s) listed in table A.1.
- the Grid User hereby acknowledges that all given information in this Grid User Declaration is true and accurate.
- the Grid User confirms to ELIA that his commitment to allow the Service – if any – does not breach existing contracts with third parties (with whom the Grid User has a contractual or regulated relationship, such as, but not limited to, the supplier of the Grid User).
- the Grid User hereby acknowledges that the list of Delivery Point(s) in table A.1 will only be used by one CRM Actor at a time (the candidate being the CRM Actor concerned by this Grid User Declaration) during the period of time defined in the previous bullet point.
- the Grid User acknowledges that the present document is valid for each Delivery Point listed in table A.1 until either respective expiry date of the Grid User Declaration or the submission by another party of a new Grid User declaration, for one (or more) of the Delivery Point(s) listed in table A.1, signed and validated by the Grid User. The present Grid User Declaration remains valid until its expiry date for all Delivery Points listed in table A.1 not concerned by the aforementioned new Grid User Declaration.
- the Grid User hereby gives explicit permission to ELIA to inform the CRM Actor of the measurements of the Delivery Point(s) listed in table A.1.
- all Delivery Points listed in table A.1 shall respect the metering requirements set forth in the Functioning Rules.
- for each Delivery Point listed in table A.1 and whenever relevant, the Grid User gives the CRM Actor access to the information related to the production permit in order for the CRM Actor to be able to properly complete the Prequalification File(s) including the Delivery Point(s) listed in table A.1.
- for each Delivery Point already submitted in a Prequalification File, it is the Grid User's responsibility to provide the related Delivery Point's ID (This ID being initially communicated to the Grid User by the CRM Actor who was the first to participate to a Prequalification Process with the Delivery Point) for this Grid User Declaration.
- details of the concerned Delivery Point(s):

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Delivery Point Name	Delivery Point identification (EIC code if applicable)	CRM ID of the Delivery Point	Expected Reference Power (in MW)	Nominal Power (in MW)

Table 5- List of Delivery Points concerned by the Grid User Declaration

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Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

Non-representative days for Nominal Reference Power determination

In case the NRP of the Delivery Point cannot be determined based on injection data only, the Foreign CRM Candidate may provide a list of non-representative days of the past thirteen months, which will then be discarded from the period used to determine the NRP as described in the section 5.4.1 of the Functioning Rules

Non-representative days can only be exceptional holidays, strike days or closing periods that have an impact on the injection/offtake profile of the Delivery Point. This must be justified as such by the Foreign CRM Candidate.

No dedicated template exists for this document.

Information to be provided/filled in on CMU level

Information to be provided/filled in	Existing CMU	Additional CMU
Document for renouncing the operating aid	X	X
Project Execution Plan		X
Permits required under regional regulations for construction and/or the operation (for all delivery Points) - no template available	X	X

Table 6 -Summary of the document to provide for a CMU

Document for renouncing the operating aid

If a Capacity Holder has a right to operating aid during the capacity supply period(s) in question, his pre-qualification file must include a commitment to waive this right ([Conditions afin de participer au mécanisme de rémunération | SPF Economie \(fgov.be\)](#)). The official translated templates of this document can be found here below:

Commitment to waiver operating aid during the concerned capacity period(s) within the framework of the capacity remuneration mechanism.

This commitment is subscribed in accordance with Article 7undecies, § 8, 1st paragraph, 1°, of the Law of 29 April 1999 on the organisation of the electricity market and is intended to appear as an appendix to the capacity contract in accordance with Article 3, § 1, of the Royal Decree of [...] in accordance with article 1, §2 of the Royal Decree of [...] on the establishment of the eligibility criteria set out in Article 7undecies, § 8, 1st paragraph, 1° and 2°, of the Law of 29 April 1999 on the organisation of the electricity market, with regard to the conditions under which capacity holders benefiting or having benefited from support measures are entitled to take part in the prequalification process, and with regard to the minimum threshold, in MW.

This commitment concerns:

1) Identification of the concerned capacity holder and/or the operator of the concerned capacity and identification of the concerned capacity(ies):

This commitment is subscribed by the person(s) authorised to legally bind a legal person with regard to third parties.

In the case where it is participated in an aggregated way in the prequalification process of the capacity remuneration mechanism, this commitment is subscribed by the holder of the concerned capacity as well as by the aggregator.

Details of the capacity holder and/or capacity operator	
The undersigned:	
In his/her capacity as:	
Email:	
Name of the company:	
Complete address:	
undertakes with regard to the capacity(ies) listed below, to waive any entitlement to operating aid measures, as specified under section 2/ of this commitment.	
Details of the concerned capacity	
Form of operation:	

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Registration number in the Crossroads Bank for Enterprises (CBE):	
CRM IT interface ID:	

2) Identification of the operating aid measures that are subjected to this commitment:

This commitment is subscribed to the suspensive condition of the selection of this capacity in the auction and in the conclusion of a capacity contract as referred to in Article 7undecies, § 11, of the Law of 29 April 1999.

This commitment to waiver concerns the following capacity supply period(s):

1/11/20... – 31/10/20.. (please complete).

The waiver as referred to in Section 1/ concerns the following operating aid measures¹⁴:

CMU ID	Type of technology	Address of the operation site	Capacity (kW)	Type of operating aid	Reference of the aid	Body granting the subsidy
	Select an element.			Select an element.		
	Select an element.			Select an element.		
	Select an element.			Select an element.		
	Select an element.			Select an element.		

The undersigned also agrees not to ask for operating aid relating to the concerned capacity supply period(s) if the concerned capacity is selected in the auction and a capacity contract is concluded for the concerned capacity supply period(s).

3) Consequences in case of non-compliance with this commitment and conditions of control

¹⁴ In accordance with Article 1, §2 of the Royal Decree of [...] on the establishment of the eligibility criteria set out in article 7undecies, § 8, al. 1, 1° and 2°, of the Law of 29 April 1999 on the organisation of the electricity market, with regard to the conditions under which capacity holders benefiting or having benefited from support measures are entitled to take part in the prequalification process, and on the minimum threshold, in MW, it should be understood “operating-aid”:

Every aid for which its award is in function of the electricity production of the involved capacity, including:

1° the green certificates as meant in article 7, §1, 1st paragraph, 1°, of the Law of 29 April 1999;

2° the green certificates as meant in article 28 of the edict concerning the organisation of the electricity market in the Brussels-Capital Region;

3° the green certificates and the combined heat and power certificates as meant in articles 7.1.1 and 7.1.2. of the Flemish decree of 8 May 2009 containing general provisions on energy policy;

4° the green certificates as meant in article 37 of the Walloon decree of 12 April 2001 on the organisation of the regional electricity market;

5° all forms of operating aid of which the foreign capacity granted directly or indirectly by the concerned Member States disposes.

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I am aware that non-compliance with this commitment to waiver and the obligation as referred to in Article 7undecies, § 8, 1°, of the Law of 29 April 1999 on the organisation of the electricity market will be controlled and punished in accordance with Article 7undecies, § 14, 2nd paragraph, of the Law of 29 April 1999 on the organisation of the electricity market.

4) Processing of personal data

The processing of personal data requested by means of this form is realised pursuant to a legal basis in accordance with Article 6, 1st paragraph, c) of the Regulation (EU) 2016/679 (GDPR), as this legal basis can be found in Article 7undecies, § 8, 1st paragraph, 1° and 2°, of the Law of 29 April 1999 on the organisation of the electricity market, and also in Article 3, § 1st, of the Royal Decree of [...] on the establishment of the eligibility criteria set out in Article 7undecies, § 8, 1st paragraph, 1° and 2°, of the Law of 29 April 1999 on the organisation of the electricity market, with regard to the conditions under which capacity holders benefiting or having benefited from support measures are entitled to take part in the prequalification process, and on the minimum threshold, in MW.

The retention period of your personal data has been set at ten years after expiry of the capacity supply period for which the concerned capacity holder has been selected.

In the light of the aforementioned provisions, both the system operator ensuring the organisation of the prequalification process within the framework of the capacity remuneration mechanism, in accordance with Article 7undecies, § 8, of the aforementioned Law of the 29 April 1999 and the Federal Public Service Economy, SMEs, Self-employed and Energy (represented by the Chairman of the Board Committee) responsible for the control of the respect of the ban on cumulative operating aid within the framework of the aforementioned prequalification process, in accordance with Article 7undecies, § 14, of the aforementioned Law of 29 April 1999, intervene as data controller.

The Federal Public Service Economy, SMEs, Self-employed and Energy delivers this commitment to waiver to the public authorities or public bodies ensuring the implementation of “operating aid” measures.

You are for example entitled to ask the data controller:

- to have access to your personal data,
- to rectify or erase all or part of your data,
- to limit the processing of your data.

If you have any questions, comments, problems or complaints concerning the collection and use of your personal data, you can contact the Data Protection Officer of the FPS Economy. The Data Protection Officer is the contact person for all questions regarding the processing of your personal data and the exercise of your rights that is conferred by the General Data Protection Regulation.

Via email

dpo@economie.fgov.be

By post

Federal Public Service Economy, SMEs, Self-employed and Energy

Data Protection Officer - Office of the Chair

Rue du Progrès 50

1210 Brussels

By phone

+32 2 277.98.54

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+32 476 58.12.74

Do not forget to send a copy of both sides of your ID card and to specify the exact nature of your request.

Finally, you are entitled to file a complaint to the Data Protection Authority. If you estimate that the FPS Economy did not process your personal data in accordance with the applicable regulations, you are entitled to file a complaint to the Data Protection Authority.

Via email

contact@apd-gba.be

By post

Data Protection Authority

Rue de la Presse 35

1000 Brussels

By phone

+32 2 274 48 00

5) Signature

Done at.....,

Signature:

Project Execution Plan

This section defines what a project execution plan is. This plan is sent during the Prequalification Process by a CRM Candidate who wants to participate to the Service with an Additional or a Virtual CMU. As already stated in section 5.2.3.2 of the [Functioning Rules](#), a project execution plan can be linked to more than one CMU and a CMU can be linked to more than one project execution plan.

The main purpose of the project execution plan is to ensure to ELIA that the Contracted Capacity(ies) become(s) Existing Capacity(ies) before the start of the related Transaction Period(s).

The project execution plan is prepared and adapted by the CRM Candidate himself in function of his project's specificities. The information and format provided here can therefore differ from the list below, given as an example.

Content of the project execution plan

A project execution plan describes how the CRM Candidate plans to get its Contracted Capacity(ies) prequalified as "Existing Capacity(ies)" prior to the start of the concerned Delivery Period(s) it is offered to in the Auction. It identifies, among other things, the potential key issues and critical activities specific to the project and lists the decisions to be taken by the CRM Candidate in subsequent phase(s). Through the project execution plan, the CRM Candidate defines and states the objectives of the project and the means used to ensure its effective realization.

There is no template for such a plan. However, and to facilitate its preparation, ELIA lists below some information the document as provided by the CRM Candidate to ELIA could contain:

- a description of the project;

the **key milestones & dates**

- the **strategy** adopted to achieve each of the identified key milestones in a timely manner
- the list of the potential **key issues (risks)** that could be met during the realization phase of the project and the identification of non-exhaustive "mitigation measures" taken by the CRM Candidate to cover them;
- the list of the **required Infrastructure Works**, DSOs and/or gas infrastructure operator identify as a pre-requisite to the CRM Candidate's project effective realization (the Infrastructure Works identified in that list may be subject to the fallback procedure described in section 8.5 of the Functioning Rules);
- a signed conditional **offer to connect to the gas network infrastructure** (for gas technology, a signed conditional offer from the gas network infrastructure is provided to ELIA by the CRM Candidate as part of the project execution plan);
- the identification of **permits** which are relevant for the project:
 - environmental permit;
 - construction permit (included right of way and permits);
 - governmental approval;
 - etc.

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The validity date of each permit is also to be mentioned and should cover at least the related Delivery Period(s).

- for Virtual CMUs specifically, the details on how the 75 % and 100 % targets will be respected.

Update of such information is to be provided on a regular basis, through the quarterly reports provided by the Capacity Provider to ELIA during the Pre-delivery Period(s) related to the CMU. The project execution plan is also considered as a referential framework. Therefore, any slippage or major change impacting the project execution introduced with the Prequalification File is to be detailed in one of the quarterly report, along with a mitigation plan (according to chapter 5 of the Functioning Rules)

List of key milestones

In the table below, ELIA proposes key milestones that might be relevant for the CRM Candidate's project. There is only one milestone (see asterisk) that the CRM Candidate has the obligation to provide in his project execution plan if it is relevant for the project. Except from this milestone, it is the CRM Candidate's responsibility to provide the milestones which he considers relevant and applicable for his project as well as to detail them as part of the project execution plan.

Key milestones	Description of the key milestones	Key milestone date
#1 Spatial plan	At this stage, the CRM Candidate indicates at which date he plans to receive the modification of the sector plan (if required for implementation of its project)	.../.../...
#2 Workforce and capacity planning	A workforce and capacity planning is a process of determining and planning the workforce to ensure that the Capacity Provider has the right mix and numbers of staff, with the right skills and knowledge, to meet demand, now and in the future. The key milestone indicates when this planning is scheduled to be written in its final form.	.../.../...
#3 Signature of the EPC contract	An EPC contract is a contract by which the supplier becomes responsible for the overall design of a project, including design, procurement from subcontractors, transportation of the various components, hiring of workers, coordination of assembly and on-site installation with the various parties involved (suppliers, service providers and contractors).	.../.../...
#4 Permitting Milestone*	This key milestone, defined in section 3.1 of the Functioning Rules , is reached when all necessary permits for the construction of the project have been delivered in the last administrative instance, be definitive, enforceable and cannot be disputed any more before the State Council or the Council for permitting contestations (Raad voor vergunningsbetwistingen).	.../.../...
#5	The date for this key milestone represents the moment at which the two following milestones are achieved :	.../.../...

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Start of construction works	<ul style="list-style-type: none"> - whether an engineering, procurement and construction (EPC) contract (or any contract or suite of contracts having the same effect) is in full force and effect in respect of each new or refurbished production/consumption unit providing the Contracted Capacity(ies); - whether work specific to on-site construction of each actual new or refurbished production/consumption unit providing the Contracted Capacity(ies) has commenced which, for the avoidance of doubt, does not include design work, minor civil works or works to prepare the site for construction work. <p>In the case of the construction of a CCGT, for example, it is the start of the piling activities.</p>	
#6 Final purchase order for the main equipment	<p>The key milestone is reached when the last main equipment has been ordered through a purchase order (PO) and the delivery date is known by the CRM Candidate. The last main equipment is:</p> <p>in respect of a new or refurbished production/consumption unit, the primary mechanism to generate electricity (whether this is via a turbine, any mechanical or electrical device or installation of any other technology, e.g. photo voltaic);</p>	.../.../...
#7 Mechanical completion	<p>The key milestone is achieved:</p> <ul style="list-style-type: none"> - when the primary mechanism to generate electricity (whether this is via a turbine, any mechanical or electrical device or installation of any other technology, e.g. photo voltaic) is installed on-site. <p>In the case of the construction of a CCGT, for example, it can be considered as the first firing.</p>	.../.../...
#8 Commissioning tests	<p>The key milestone is achieved when the required offline and online commissioning tests are finalized and successful. The online commissioning tests required by ELIA for the commissioning of a production/consumption unit are not linked to the CRM and therefore not specified here. For further information on this subject, the Capacity Provider is invited to contact his Key Account Manager within ELIA.</p>	.../.../...
#9 Final completion	<p>The key milestone is achieved when:</p> <ul style="list-style-type: none"> - the project has achieved all the technical and performance requirements set out in the construction contract; - the contractor has transferred to the owner of the project title to all materials and equipment used in the construction of the project; - all the Additional Capacities contracted and related to that project are compliant with the metering requirements (as per annexes 18.1.1 of the Functioning Rules); <p>the Capacity Provider is able to complete his file(s) by changing his Contracted Capacity(ies) considered as Additional Capacity(ies) to Existing Capacity(ies)</p>	.../.../...

Table 7 - Overview of the key milestones

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Template for the project execution plan

The following template is mandatory for all Additional – New Build CMUs and Virtual CMUs. For all other CMUs, the template is optional but recommended.

The template lists the elements that need to be included in the project execution plan at the very minimum. The Capacity Provider has the freedom to add any other information that he deems relevant.

[•] (Name of Capacity Provider)

Quarterly report – [•] (Project Name)

[•] (Submission Date)

[•] (Contact details of Capacity Provider)

Identification number: [•] (CRM Actor ID)

Table of Content

Key Milestone Overview

Key Risk Analysis

Permit Overview

Key Milestone Overview

Milestone Name	Original Milestone Date	Current Milestone Date	Status	Comment
Spatial plan	[•] (Date in DD/MM/YY)	[•] (Date in DD/MM/YY)	[•] (Select one of the following options) [Achieved] OR [On Track] OR [Causing delay] OR [Causing residual delay]	[•] (Any additional information regarding the milestones)
Workforce and capacity planning				
Signature of the EPC contract				
Permitting Milestone				
Start of construction works				
Final purchase order for the main equipment				

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Mechanical Completion				
Commissioning tests				
Final completion				

(The Capacity Provider can add or remove milestones when necessary. In the case of quarterly reports, the elements listed in section 18.2.3 of the [Functioning Rules](#) need to be included)

Key Risk Analysis

Risk Name	Description	Likelihood	Impact	Mitigation plan
[•] (Risk name)	[•] (Short description of risk)	[•] (Select one of the following options) [Low] <i>OR</i> [Medium] <i>OR</i> [High]	[•] (Select one of the following options) [Low] <i>OR</i> [Medium] <i>OR</i> [High]	[•] (Brief explanation on how the Capacity Provider will react if risk occurs)

(The Capacity Provider can add more rows depending on the amount of perceived risks)

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Permit Overview

Permit	Status	Impact on Transaction Period	Mitigation Plan
[•] (Type of permit) [•] (File number)	(Select one of the following options) [Held] <i>OR</i> [Not Held]	[•] (if relevant: describe how lack of permit would impact the Transaction Period)	[•] (if relevant: describe how the Capacity Provider aims to resolve a lack of permit)

(The Capacity Provider can add more rows depending on the amount of required permits. In the case of quarterly reports, the Capacity Provider also includes the permits once they are obtained.)

Signature

Function:

Date:

Permits required under regional regulations for construction and/or the operation (for all delivery Points)

Disclaimer: Permit verification is different for foreign Capacities than for Belgian capacities. An Indirect Foreign Capacity Market Unit should submit a Permit verification report during the Prequalification phase in accordance with its contractual obligation to participate in the Belgian CRM. This Permit verification report contains the permits required for the participation to the Belgian CRM and a document from a publicly certified and sworn expert confirming that all licenses/permits required for the construction and operation of the project have been obtained. A template of the verification that needs to be done by the publicly certified and sworn expert is available in the next sections.

In accordance with Section 5.2.3.2.2 of the Functioning Rules in order to meet the permit requirements to be able to participate to the Primary or Secondary (as the Buyer of an Obligation) Market, the Foreign CRM Candidate provides proof to ELIA that it has been awarded, in the last administrative instance, all relevant permits that are required under regional regulations for the construction and/or the operation of the Capacit(y)(ies) included in the Foreign CMU in question.

If the targeted permits were already submitted during the previous Admission Process linked to the last Auction that took place and were not subject to any change (including on their validity), the CRM Candidate can indicate this via the CRM IT Interface and does not need to resubmit these permits. If the Foreign CRM Candidate has not indicated this via the CRM IT Interface, he must follow the regular path described above.

Permit verification processes – template

Permit verification checklist for Foreign Capacity Provider located in the Netherlands

Key permit checklist for Capacity Market Units (CMU)*

The checklist aims at answering the question whether the relevant licenses/permits for the participation in the Belgian CRM are definitive, enforceable and cannot be legally challenged anymore.

*In this checklist key permits are included that are required in the Netherlands for the construction and operational phase of "Capacity Market Units" (which include all types of electrical units with a capacity above 1 MW) as meant in the Capacity Remuneration System, as well as connection installations necessary for connecting the capacity to TenneT. Please note that this permit inventory is not meant as an exhaustive list of all potentially required permits. So, should subordinate permits be required based on sectoral/local regulations which are for instance outside of the scope of the list below, please add them too. Civil law requirements are outside of the scope of this review (for instance in relation to connection / transport capacity, a private law agreement with the involved network operator may be required).

[Description CMU (operator / involved party, application / use, capacity, measurements)]

Permit	Required?	Issued? Description of permitted activities	Permit holder	Competent authority	Irrevocable? Documents to provide (to be provided at least before 30 September)	Validity	Other remarks + Where to find the information
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#1	Permit technical building activity (omgevingsvergunning technische bouwactiviteit)	Yes, based on Article 2.25/2.26 Quality Environment Decree (Besluit kwaliteit leefomgeving) No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of candidate capacity holder ("CCH") on expected date of issuance]	[...]	Normally municipality of [...]* * Please know that the competent authority may vary, for instance in case of coordination, projects with a national interest or in case of activities which are applied for together (due to so called "magnet activities" which result in one authority being competent for all involved activities.	Explanation potential procedures Permits under the regular preparatory procedure (reguliere voorbereidingsprocedure) will be subject to an objection procedure (bezwaarprocedure) with the same competent authority that issued the permit, after which appeal (beroep) can be initiated with the district court (rechtbank), and higher appeal (hoger beroep) can after being lodged with the Administrative Law Department of the Council of State. Higher appeal is the ultimate/final appeals procedure. The final decision of permits prepared under the extended preparatory procedure (uitgebreide voorbereidingsprocedure) will be subject to an appeal procedure, after which higher appeal can be lodged with the Administrative Law Division. <u>Option 1:</u> Yes, as objection (bezwaar, first administrative procedure with the competent authority) or appeals	Unlimited. Limited, namely [...]	[...]
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						<p><i>period (beroep, with the district court) has expired without any objections/appeals.</i></p> <p><i>To be demonstrated by the CCH by providing:</i></p> <ul style="list-style-type: none"> <i>(i) the permit application + decision; and</i> <i>(ii) a statement by the competent authority that no objections/appeals were filed.</i> <p><i>Option 2: Yes, as objections and/or (higher) appeals were initiated, but permit decision was maintained.</i></p> <p><i>To be demonstrated by the CCH by providing:</i></p> <ul style="list-style-type: none"> <i>(i) the permit application + decision; and</i> <i>(ii) the (court) decision by which the objections/(higher</i> 		
--	--	--	--	--	--	--	--	--

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						<p>) appeals were dismissed and – if and to the extent applicable – a statement by the competent authority or district court that no objections/higher appeals were filed to that (court) decision.</p> <p><i>Option 3: No definitive/irrevocable permit, as the objections/appeals period has not yet expired, or due to pending objections/(higher) appeals procedure [in which case CCH is to be requested on update/timing of such procedure].</i></p>		
#2	Permit environmental plan activity (omgevingsplanactiviteit), inner plan or outer plan (binnenplans / buitenplans), e.g. for construction (bouw / aanleg), environment (milieu), use (gebruik),	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]	[...]	Normally municipality of [...], please also refer to # 1, column "Competent authority"	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]

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#3	Permit environmentally harmful activity Environmental Activities Decree (omgevingsvergunning milieubelastende activiteit Besluit activiteiten leefomgeving, Bal)	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]	[...]	Normally municipality of [...], please also refer to # 1, column "Competent authority" Based on the Bal, in principle the Municipality acts as competent authority for environmentally harmful activities, however exceptions apply, for instance in relation to "complex companies" (e.g. IPPC installations) when the Province acts as competent authority or for specific activities (Article 2.6-2.8 Bal) Ministers may be competent.	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]
#4	Permit nature activity flora & fauna (omgevingsvergunning natuuractiviteit flora & fauna), e.g. in relation to nitrogen emissions / protected nature areas / protected species	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]	[...]	Normally municipality of [...] or	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]

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					Province of [...] (if a flora and fauna activity or a Natura 2000 activity is a stand-alone activity, the Province will usually be the competent authority).			
					Please also refer to # 1, column "Competent authority"			

OPTIONAL (CONSIDERING REVIEW IN PRINCIPLE LIMITED TO KEY PERMITS)

#5	Permit water activity (omgevingsvergunning wateractiviteit), e.g. for (groundwater) extraction, discharge activities	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]	[...]	Normally daily management of the Water Board (waterschap) of [...], please also refer to # 1, column "Competent authority".	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]
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OPTIONAL (TEMPLATE FOR ADDITIONAL KEY PERMITS*, IF APPLICABLE)

* E.g. based on local circumstances/regulations (it may for instance be possible that the General Local Regulation (Algemene Plaatselijke Verordening) contains a key permit requirement).

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	[Name of permit]	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]	[...]	[...]	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]
<i>Only applicable to nuclear CMU</i>								
#6	Permits (establishment / operation) Nuclear Energy Act (oprichtingsvergunning / vergunning in bedrijf nemen Kernenergiewet)	Yes, based on [...] No.	Yes, on [...]. [Description of permitted activities] No, [if permit is required, information of CCH on expected date of issuance]		Authority of Nuclear Safety and Radiation Protection (Autoriteit Nucleaire Veiligheid en Stralingsbescherming)	Please refer to #1 (column Irrevocable?)	Unlimited. Limited, namely [...]	[...]

Attachments (copy of permits, notifications, display, publication, statements of public authorities, appeal ruling, ...):

-...

-...

Indirect Foreign participation to the Belgian CRM

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Permit verification checklist for Foreign Capacity Provider located in Germany.

Key permit checklist for Capacity Market Units (CMU)

The checklist aims at answering the question whether the relevant licenses/permits for the participation in the Belgian CRM are definitive, enforceable and cannot be legally challenged anymore.

no	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
1	Is a permit required for the construction or operation of the Plant?	Yes, according to § (...) No, because (...)	-	-	-	-	-	-	-	-
<i>If a permit is required, continue with no. 2:</i>										
2	Building permit (<i>Baugenehmigung</i>) for the construction of the Plant in accordance with the building regulations of the	Yes, according to § (...) No, because (...)	Yes, on (...) for the following activities: (...)	Individual notification (...) Publicly announced on (...)	(...)	Generally, the municipality (<i>Gemeinde</i>) or the district (<i>Landkreis</i>), but this can also be	(...)	Does the relevant federal state law provide for an objection procedure? 1. Irrevocable, since objection or action for annulment period (<i>Widerspruch/Anfechtung</i>)	Unlimited (...) Limited, namely (...)	(...)

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no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
	respective federal state		No, but <i>(reason why the permit has not yet been granted and the expected date of issuance)</i>			different in individual cases (e.g. depending on federal state law) (...)		<p><i>ngsklage</i>) has expired without any legal remedies. However, it is uncertain whether a third party will lodge an appeal within one year of becoming aware of the permit.</p> <p>To be demonstrated by the bidder by providing:</p> <ul style="list-style-type: none"> the permit application and authority decision <p>and</p> <ul style="list-style-type: none"> a statement by the competent authority that no legal remedies were lodged. <p>2. Irrevocable, since legal remedies were lodged, but the permit decision was maintained, and no further remedies have been filed within the one-month period in the court proceeding. However, it is uncertain</p>		

Indirect Foreign participation to the Belgian CRM

no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
								<p>whether another third party will lodge an appeal within one year of becoming aware of the permit.</p> <p>To be demonstrated by the bidder by providing:</p> <ul style="list-style-type: none"> the permit application and authority decision <p>and</p> <ul style="list-style-type: none"> the (competent authority and) court decision by which the remedy was lodged and – if and to the extent applicable - a statement by (the competent authority or) the court that no remedies were lodged to that (authority/court) decision. <p>3. No definitive/irrevocable permit, since the period for legal remedies has</p>		

Indirect Foreign participation to the Belgian CRM

no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
								not yet expired, or due to pending legal remedy procedure, e.g. an objection was lodged against the permit and the permit was upheld, but the deadline for an action against the objection notice has not yet expired (<i>The bidder should be requested to keep Elia up to date on the current status of the procedure.</i>)		
3	Permit in accordance with the Federal Immission Control Act (<i>BImSchG-Genehmigung</i>)	Yes, according to § (...) No, because (...)	Yes, on (...) for the following activities: (...) No, but (<i>reason why the permit has not</i>	Individual notification (...) Publicly announced on (...)	(...)	Generally, the district government (<i>Bezirksregierung</i>) or equivalent (...)	(...)	(Please see line 2 column 9):	Unlimited (...) Limited, namely (...)	(...)

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no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
			<i>yet been granted and the expected date of issuance)</i>							
4	Water law permit according to the Water Resources Act (<i>Wasserrechtliche Erlaubnis</i>)	Yes, according to § (...) No, because (...)	Yes, on (...) for the following activities: (...) No, but (<i>reason why the permit has not yet been granted and</i>	Individual notification (...) Publicly announced on (...)	(...)	Generally, the district government or equivalent (...)	(...)	(Please see line 2 column 9):	Unlimited (...) Limited, namely (...)	(...)

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no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
			<i>the expected date of issuance</i>							
5	Nature conservation permit according to the Nature Conservation Act of the respective federal state (<i>Naturschutzrechtliche Genehmigung</i>)	Yes, according to § (...) No, because (...)		Individual notification (...) Publicly announced on (...)		Generally, the district government or equivalent, but this can also be different in individual cases and may be dependent on federal state law) (...)	(...)	(Please see line 2 column 9):		
6	Mining permit according to the Federal Mining Act (<i>Bergbauberechtigung</i>)	Yes, according to § (...)	Yes, on (...) for the following	Individual notification (...)	(...)	Generally, certain mining authorities of the	(...)	(Please see line 2 column 9):	Unlimited (...) Limited, namely (...)	(...)

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no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
		No, because (...)	activities: (...) No, but <i>(reason why the permit has not yet been granted and the expected date of issuance)</i>	Publicly announced on (...)		respective federal state (...)				
7	Other permits, e.g. according to federal state law	Yes, according to § (...) No, because (...)	Yes, on (...) for the following activities: (...)	Individual notification (...) Publicly announced on (...)	(...)	(...)	(...)	(Please see line 2 column 9):	Unlimited (...) Limited, namely (...)	(...)

Indirect Foreign participation to the Belgian CRM

no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
			No, but (reason why the permit has not yet been granted and the expected date of issuance)							
<i>Only applicable to nuclear plants:</i>										
8	Permit according to the Nuclear Energy Act (<i>Atomrechtliche Genehmigung</i>)	Yes, according to § (...) No, because (...)	Yes, on (...) for the following activities: (...) No, but (reason why)	Individual notification (...) Publicly announced on (...)	(...)	Generally, the highest state authorities: the state government, the Prime Minister and the state ministries, but this can	(...)	(Please see line 2 column 9):	Unlimited (...) Limited, namely (...)	(...)

Indirect Foreign participation to the Belgian CRM

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no .	Permit	Required ?	Issued ?	Announced ?	Permit holder	Competent authority	Does the permit contain any restrictions for operation?	Irrevocable? (Documents to be provided at the latest until 30 September 2024)	Validity	Other remarks + Where to find the information in the permits
			<i>the permit has not yet been granted and the expected date of issuance)</i>			also be different in individual cases (...)				
9. Market master data register (<i>Marktstammdatenregister</i>) - no formal permit but register of capacity units										

Attachments (copy of permits, notifications, display, publication, statements of public authorities, appeal ruling,...):

-...

-...

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Financial Securities template

PRACTICAL DETAILS

Please find below a **Word version** of the model bank guarantee or affiliate guarantee based on the Functioning Rules (version 01/02/2024).

Please send the **original version of the guarantee** to:

To the attention of: Nicolas Koelman (Key Account Manager Adequacy)

Elia Transmission Belgium

Boulevard de l'Empereur 20

1000 Brussels

Belgium

Expiry date

In accordance with the Functioning Rules, the financial guarantees submitted must cover the entire validity period.

The end of the validity period for the Y-1 auction for the capacity supply period starting November 1, 2025, is:

- For an existing CMU: **21/10/2026**
- For an additional CMU: **16/11/2026**
- For a virtual CMU: **16/11/2026**

ANNEX E.1: STANDARD BANK GUARANTEE FORM ASSOCIATED WITH THE FUNCTIONING RULES [•]

Bank guarantee at first request issued by [•] in favour of: [•] (**ELIA Transmission Belgium NV/SA**), hereafter called the Beneficiary, in the context of the Capacity Remuneration Mechanism introduced by article *7undecies* of the Belgian Act of 29 April 1999 on the organization of the electricity market (hereafter called the Electricity Act).

Our payment guarantee references: [•] (**to be filled in by the financial institution**) (to be mentioned in all correspondence).

(Select one of the three paragraphs below: the first paragraph applies to Primary and/or Secondary Market Transactions in general, the second paragraph solely to (a) Transaction(s) on the Primary Market, the third paragraph solely to a transaction on the Secondary Market).

[Our client [•] (**name of the CRM Actor**) informs us that it has submitted/will submit (a) Prequalification File(s) to ELIA Transmission Belgium NV/SA for the CMU(s) with identification number(s) [•] (**identification number(s) of the Capacity Market Unit(s)**) in relation to the Functioning Rules¹⁵ referred to in article *7undecies* of the Electricity Act, with which it intends to participate to the Primary Market and/or the Secondary Market.]

OR: [Our client [•] (**name of the CRM Actor**) informs us that on [•] (**date of foreseen submission of Prequalification File**) it has submitted/will submit (a) Prequalification File(s) to ELIA Transmission Belgium NV/SA for the CMU(s) with identification number(s) [•] (**identification number(s) of the Capacity Market Unit(s)**) in relation to the Functioning Rules referred to in article *7undecies* of the Electricity Act, for which it intends to submit (a) Bid(s) in the upcoming Auction(s) later this year.]

OR: [Our client [•] (**name of the CRM Actor**) informs us that it will notify to ELIA Transmission Belgium NV/SA a Secondary Market transaction for the CMU with identification number [•] (**identification number of the Capacity Market Unit**) in relation to the Functioning Rules referred to in article *7undecies* of the Electricity Act.]

The terms of the Functioning Rules provide for the issue of an irrevocable bank guarantee payable at first demand for the amount of [•] (**Euro and amount in figures and words**) in order to secure the requested and punctual fulfilment by our client of its obligations in respect of the pre-delivery control processes (including the signature of a Capacity Contract) with respect to the CMU [or, as the case may be, (a) future CMU(s) of our client to which the obligations of a Virtual CMU are transferred] (**to be added for a Virtual CMU**).

Accordingly we, [•] (**to be filled in by the financial institution**), hereby irrevocably and unconditionally undertake to pay, in one or more payments, the amount of which corresponds to the penalty applied to the non-fulfilment of a pre-delivery obligation (including the non-signature of a Capacity Contract), up to a maximum amount of [•] (**Euro and amount in figures and words**) upon a simple request on the Beneficiary's part and being unable to dispute the grounds for such payment.

This guarantee shall enter into force as of today.

¹⁵ Terms in this template starting with a capital letter, if not already defined in this template, are defined terms under the Functioning Rules.

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This guarantee can only be invoked by the Beneficiary as of the date of the publication of the Auction results (validated by CREG) confirming the selection of (part of) the CMU in the Auction, or the date of the notification by the Beneficiary to our client of the validation of a transaction for (part of) its CMU in the Secondary Market, whichever date applies first. **(Note to CRM actors:** In the event of a single financial guarantee for both Primary and/or Secondary Market Transactions, the guarantee will be invocable as soon as either the Auction results are validated by the CREG or a transaction in the Secondary Market is validated.) We are aware that the pre-delivery obligations of our client are monitored in an undivided way on the level of a CMU and that our obligation under this guarantee is proportionately limited to the part that the capacity covered by this guarantee takes in that CMU, as the case may be.

To be valid, any invoking of this guarantee respects the following modalities:

must reach us by [•] (expiry date of the guarantee) and

be accompanied by the publication of the Auction results (validated by CREG) confirming the selection of its CMU in the auction and/or the notification(s) by the Beneficiary to our client of the validation of (a) transaction(s) in the Secondary Market; and

be accompanied by the Beneficiary's written statement to the effect that our client has not fulfilled its pre-delivery obligations under the Functioning Rules, as further specified, as the case may be, in a Capacity Contract with respect to the CMU, [or, as the case may be, (a) future Capacity Market Unit(s) of our client to which the obligations of a Virtual CMU are transferred] **(to be added for a Virtual CMU)** and has not made the payment(s) concerned on the due date; and

be accompanied by a copy of the credit note (or invoice) related to the unpaid due penalties and a copy of the Beneficiary's letter of default.

If the guarantee is not invoked in accordance with the conditions stated above or unless an extension is granted as approved by us, this guarantee automatically becomes null and void on the first calendar day after [•] **(expiry date of the guarantee)**.

This guarantee is governed by and interpreted in accordance with Belgian law and only the Belgian tribunals and courts shall be competent to resolve any disputes with regard to this guarantee.

Signature

Function:

Date:

Indirect Foreign participation to the Belgian CRM

ANNEX E.2: STANDARD AFFILIATE GUARANTEE FORM ASSOCIATED WITH THE FUNCTIONING RULES [•]

Guarantee at first request issued by [•] in favour of: [•] (**ELIA Transmission Belgium NV/SA**), hereafter called the Beneficiary, in the context of the Capacity Remuneration Mechanism introduced by article 7undecies of the Belgian Act of 29 April 1999 on the organization of the electricity market (hereafter called the Electricity Act).

Our payment guarantee references: [•] (**to be filled in by the guarantor**) (to be mentioned in all correspondence).

(Select one of the three paragraphs below: the first paragraph applies to Primary and/or Secondary Market Transactions in general, the second paragraph solely to (a) Transaction(s) on the Primary Market, the third paragraph solely to a transaction on the Secondary Market).

[Our client [•] (**name of the CRM Actor**) informs us that it has submitted/will submit a Prequalification File to ELIA Transmission Belgium NV/SA for the CMU(s) with identification number(s) [•] (**identification number(s) of the Capacity Market Unit(s)**) in relation to the Functioning Rules¹⁶ referred to in article 7undecies of the Electricity Act, with which it intends to participate to the Primary Market and/or the Secondary Market.]

OR: [Our affiliate [•] (**name of the CRM Actor**) informs us that on [•] (**date of foreseen submission of Prequalification File**)) it has submitted/will submit a Prequalification File to ELIA Transmission Belgium NV/SA for the CMU(s) with identification number(s) [•] (**identification number(s) of the Capacity Market Unit(s)**) in relation to the Functioning Rules referred to in article 7undecies of the Electricity Act, for which it intends to submit (a) Bid(s) in the upcoming Auction(s) later this year.]

OR: [Our affiliate [•] (**name of the CRM Actor**) informs us that it will notify to ELIA Transmission Belgium NV/SA a Secondary Market transaction for the CMU with identification number [•] (**identification number of the Capacity Market Unit**) in relation to the Functioning Rules referred to in article 7 undecies of the Electricity Act.]

The terms of the Functioning Rules provide, as an alternative to an irrevocable bank guarantee payable at first demand, for the issue of an irrevocable affiliate guarantee payable at first demand for the amount of [•] (**Euro and amount in figures and letters**) in order to secure the requested and punctual fulfilment by our affiliate of its obligations in respect of the pre-delivery control processes (including the signature of a Capacity Contract) with respect to the CMU [or, as the case may be, (a) future Capacity Market Unit(s) of our affiliate to which the obligations of a Virtual CMU are transferred] (**to be added for a Virtual CMU**).

Accordingly we, [•] (**to be filled in by the guarantor**), hereby irrevocably and unconditionally undertake to pay, in one or more payments, the amount of which corresponds to the penalty applied to the non-fulfilment of a pre-delivery obligation (including the non-signature of a Capacity Contract), up to a maximum amount of [•] (Euro and amount in both figures, and words) upon a written request on Beneficiary's part and being unable to dispute the grounds for such payment. A legal opinion

¹⁶ Terms in this template starting with a capital letter, if not already defined in this template, are defined terms under the Functioning Rules.

provided by an internationally recognized law firm should confirm that the guarantee is legal, valid, binding and enforceable under the applicable law.

This guarantee shall enter into force as of today.

This guarantee can only be invoked by the Beneficiary as of the date of the publication of the Auction results (validated by CREG) confirming the selection of (part of) its CMUs in the Auction, or the date of the notification by the Beneficiary to our subsidiary of the validation of a transaction for (part of) its CMU in the Secondary Market, whichever date applies first. **(Note to CRM actors:** In the event of a single financial guarantee for both Primary and/or Secondary Market Transactions, the guarantee will be invocable as soon as either the Auction results are validated by the CREG or a transaction in the Secondary Market is validated.) We are aware that the pre-delivery obligations of our subsidiary are monitored in an undivided way on the level of a CMU and that our obligation under this guarantee is proportionately limited to the part that the capacity covered by this guarantee takes in that CMU, as the case may be.

To be valid, any invoking of this guarantee respects the following modalities:

must reach us by [•] (expiry date of the guarantee); and

be accompanied by the publication of the Auction results (validated by CREG) confirming the selection of its CMU in the Auction and/or the notification(s) by the Beneficiary to our subsidiary of the validation of (a) transaction(s) in the Secondary Market; and

be accompanied by the Beneficiary's written statement to the effect that our subsidiary has not fulfilled its pre-delivery obligations under the Functioning Rules, as further specified, as the case may be, in a Capacity Contract with respect to a CMU [or, as the case may be, future Capacity Market Unit(s) of our subsidiary to which the obligations of the Virtual CMU are transferred] **(to be added for a Virtual CMU)** and has not made the payment(s) concerned on the due date; and

be accompanied by a copy of the credit note (or invoice) related to the unpaid due penalties and a copy of the Beneficiary's letter of default.

If the guarantee is not invoked in accordance with the conditions stated above or unless an extension is granted as approved by us, this guarantee automatically becomes null and void on the first calendar day after [•] **(expiry date of the guarantee)**.

This guarantee is governed by and interpreted in accordance with Belgian law and only the Belgian tribunals and courts shall be competent to resolve any disputes with regard to this guarantee.

Signature

Function:

Date:

Indirect Foreign participation to the Belgian CRM

Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

ANNEX E.3: STANDARD BANK GUARANTEE AMENDMENT FORM ASSOCIATED WITH THE FUNCTIONING RULES [•]

Reference number

[reference number of the original bank guarantee]

Topic

Bank guarantee – amendment

The signee, **[•] (issuer of the bank guarantee)** confirms that he has changed the bank guarantee with number **[•] (reference number of the original bank guarantee)** with regard to **[•] (name of the CRM Actor)** for CMU(s) with identification number(s) **[•] (identification number(s) of the Capacity Market Unit(s))** as follows.

(Select as appropriate)

[The amount of the bank guarantee has changed from EUR **[•] (initial amount of the bank guarantee)** to EUR **[•] (increased amount of the bank guarantee)**. The total commitment of the signee under this guarantee has therefore been brought and now amounts to EUR **[•] (increased amount of the bank guarantee)**.]

AND/OR:

[The expiry date from the bank guarantee is changed from **[•] (initial expiry date from the bank guarantee)** to **[•] (new expiry date of the bank guarantee)**. The commitment of the signee under this guarantee has thus been extended and now runs until **[•] (new expiry date of the bank guarantee)**.]

AND/OR:

[The CMU(s) with identification number(s) for which the bank guarantee is to be considered is changed from **[•] (initial identification number(s) of the Capacity Market Unit(s))** to **[•] (new identification number(s) of the Capacity Market Unit(s))**.]

This amendment shall enter into force as of the date of the signature of the amendment.

This amendment can only be invoked by the Beneficiary as of the date of the publication of the Auction results (validated by CREG) confirming the selection of (part of) the CMU(s) referred above in the Auction, or the date of the notification by the Beneficiary to our subsidiary of the validation of a transaction for (part of) the CMU(s) referred above in the Secondary Market, whichever date applies first. **(Note to CRM actors:** In the event of a single financial guarantee for both Primary and/or Secondary Market Transactions, the guarantee will be invocable as soon as either the Auction results are validated by the CREG or a transaction in the Secondary Market is validated.)

All other conditions of the original affiliate guarantee remain unchanged and apply mutatis mutandis.

Signature:

Function:

Date:

Indirect Foreign participation to the Belgian CRM

ANNEX E.4: STANDARD AFFILIATE GUARANTEE AMENDMENT FORM ASSOCIATED WITH THE FUNCTIONING RULES [•]

Reference number

[reference number of the original affiliate guarantee]

Topic

Affiliate guarantee – amendment

The signee, **[•] (issuer of the affiliate guarantee)** confirms that he has changed the affiliate guarantee with number **[•] (reference number of the original affiliate guarantee)** with regard to **[•] (name of the CRM Actor)** for CMU(s) with identification number(s) **[•] (identification number(s) of the Capacity Market Unit(s))** as follows.

(Select as appropriate)

[The amount of the affiliate guarantee has changed from EUR **[•] (initial amount of the affiliate guarantee)** to EUR **[•] (increased amount of the affiliate guarantee)**. The total commitment of the signee under this guarantee has therefore been brought and now amounts to EUR **[•] (increased amount of the affiliate guarantee)**.]

AND/OR:

[The expiry date from the affiliate guarantee is changed from **[•] (initial expiry date from the affiliate guarantee)** to **[•] (new expiry date of the affiliate guarantee)**. The commitment of the signee under this guarantee has thus been extended and now runs until **[•] (new expiry date of the affiliate guarantee)**.]

AND/OR:

[The CMU(s) with identification number(s) for which the affiliate guarantee is to be considered is changed from **[•] (initial identification number(s) of the Capacity Market Unit(s))** to **[•] (new identification number(s) of the Capacity Market Unit(s))**.]

This amendment shall enter into force as of the date of the signature of the amendment.

This amendment can only be invoked by the Beneficiary as of the date of the publication of the Auction results (validated by CREG) confirming the selection of (part of) the CMU(s) referred above in the Auction, or the date of the notification by the Beneficiary to our subsidiary of the validation of a transaction for (part of) the CMU(s) referred above in the Secondary Market, whichever date applies first. **(Note to CRM actors:** In the event of a single financial guarantee for both Primary and/or Secondary Market Transactions, the guarantee will be invocable as soon as either the Auction results are validated by the CREG or a transaction in the Secondary Market is validated.)

All other conditions of the original affiliate guarantee remain unchanged and apply mutatis mutandis.

Signature:

Function:

Date:

Indirect Foreign participation to the Belgian CRM

Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree

Indirect Foreign participation to the Belgian CRM

Documents to be used by Indirect Foreign Capacity in Accordance with the 'Indirect Foreign Capacity' Royal Decree