

FAQ CRM – Frequently asked questions on the CRM

The objective is to propose answers to the frequently asked questions Elia received on the CRM key milestones. Elia refers for the answers comprehension to the Elia proposal to the CREG version of the Functioning Rules published on March 1st 2023 on its website (https://www.elia.be/-/media/project/elia/elia-site/users-group/ug/wg-adequacy/2023/20230301_crm_lct_functioning_rules_en.pdf).

Disclaimer: This FAQ is a facilitation tool to the Belgian Capacity Remuneration Mechanism. It is a tool to help facilitate understanding of the CRM and associated documents. Any parties wishing to obtain a complete understanding of the law and its implementing decrees, the proposed rules of operation and the proposed capacity contract should refer to these documents, which are the only references to be relied upon for the application of the Belgian CRM.

1 FAQ on the participation assessment

Q1
How are evolving the derating factors in time?
A1
Derating factors settings are associated to an Auction and are decided by the Energy Minister. Once they are known, they apply to the upcoming related Auction and are fixed for the Transactions resulting of that Auction. The future potential of the capacity of the CRM Prequalified Candidate to acquire obligations is calculated on the update of the derating factors for the new Auctions or Secondary Market transactions.
Q2
Is the threshold of 1MW for the mandatory participation after application of the derating factors?
A2
Yes, the 1MW threshold applicable to the eligible capacities is to be considered after application of the associated derating factor.
Q3
Are my capacities above the threshold of 1MW (after application of the associated derating factor) considered as eligible capacities if their variable subsidies (operational aid) are stopping prior November 2027?
A3
Capacities benefiting from or entitled to receive operating aid in the 2027-2028 capacity delivery period shall not be required to submit a pre-qualification file. However, capacities which benefit from or are entitled to receive operating aid in the period of capacity delivery 2027-2028 may submit a prequalification file with a waiver commitment. However, capacities which will no longer benefit from and will not be entitled to operating aid in the 2027-2028 capacity delivery period shall be required to submit a prequalification file. Several capacities in the Flemish Region qualify for an extension of their operating aid within the framework of a

substantial change. There is therefore a right to operating aid, but this is conditional. In the context of the demand curve, these are considered ineligible capacities under the CRM.

If these capacities already know today that they will no longer use Flemish operating aid in the period of capacity delivery 2027-2028, they have to submit a prequalification file with a commitment to renounce.

If these capacities are not yet clear about a possible prolongation of the Flemish operating aid or participation in the CRM, they do not have to submit a prequalification file.

If these capacities already know today that they will close by the 2027-2028 capacity delivery period (officially published), they can submit a Fast Track prequalification file with the Opt-Out Out option.

Several exemptions and the treatment of special cases are specified in the legal circulaire of June 4th , 2021 (for example, for emergency generators): [FR version](#) – [NL version](#)

Q4

If I don't have an installed submeter on the related capacity, am I under a mandatory participation to the Prequalification Process with my eligible production unit?

A4

Yes, the absence of a submeter dedicated to a production unit could not imply the removal of a mandatory participation to the prequalification process if applicable.

Q5

My CDS has not signed yet the Annex 6 (previously Annex 14), what are the consequences for a CDS User?

A5

The CDS User is recognized in the CRM Functioning Rules as the Capacity Holder only if the CDSO signed the Annex 6 of the connection contract.

Q6

In the framework of a Grid User Declaration, does the legal obligation of the capacity holder (Grid Users or CDS Users) transferred to the mandated counterparty?

A6

No, the legal obligation of prequalification of a capacity holder remains on the Grid Users or the CDS User even if the Grid User Declaration is signed with another counterparty. Once the mandated counterparty do prequalify properly, it is its responsibility to inform the Grid User or CDS User of the Capacity.

Q7

Are each turbine of a windmills park considered individually for the prequalification mandatory participation?

A7

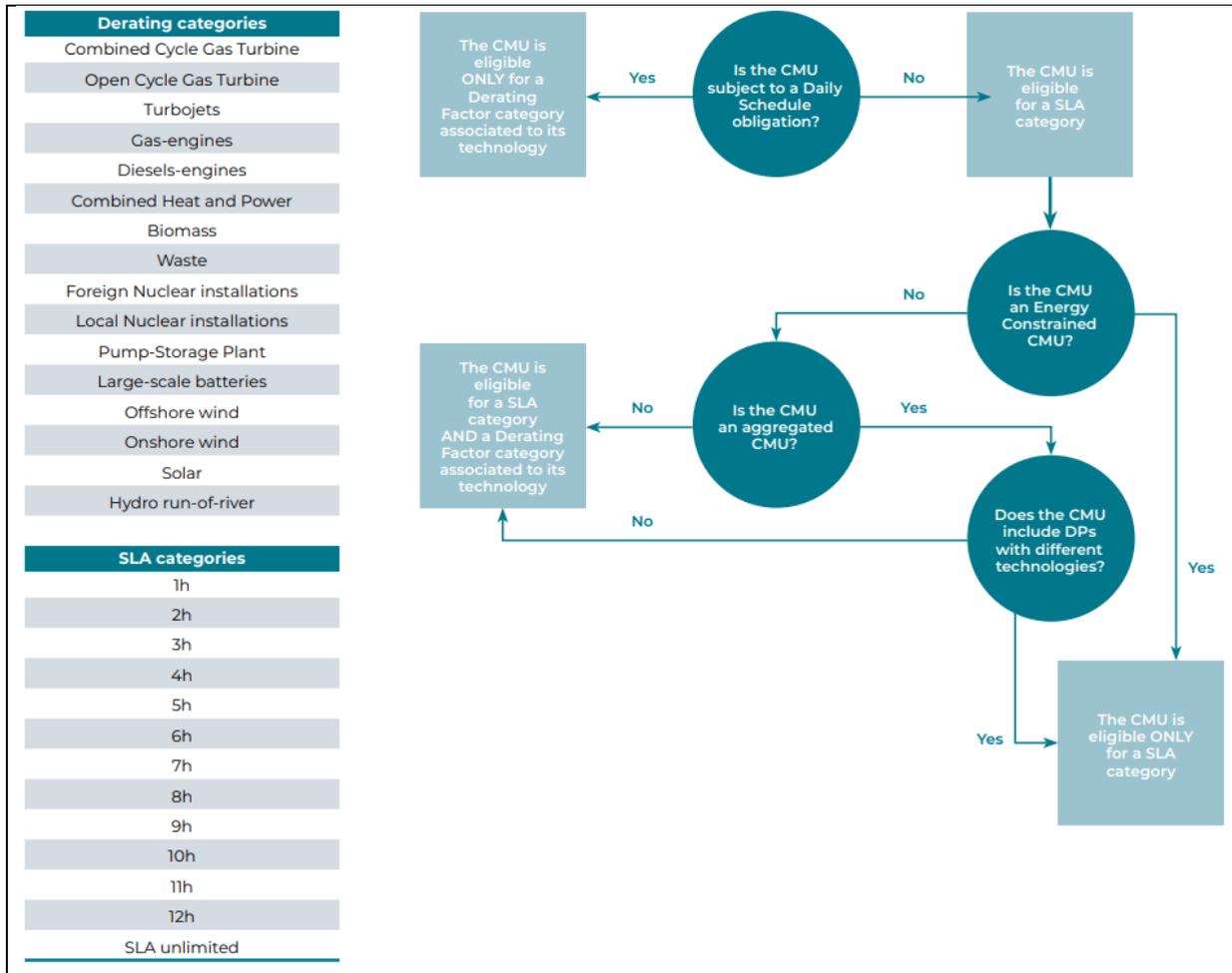
No, the obligation is to be considered by park of the capacity type on the customer premise. So that 10 onshore windmills are considered as one in the assumption of the mandatory prequalification.

However, it is necessary to deal with more complex cases where there are still subsidised and non-subsidised units.

Several exemptions and the treatment of special cases are specified in the legal circulaire of June 4th , 2021 (for example, for emergency generators): [FR version](#) – [NL version](#)

Therefore an email for these particular cases to be clarified can be sent to energy-crm-cumul@economie.fgov.be.

Q8
Can I cumulate energy market revenues (spot revenues, mFRR, aFRR revenues, ...) with the CRM remuneration?
A8
Yes. The CRM is a financial support for the missing money. It comes on top of the energy market revenues but couldn't be cumulated with other functioning aid (variable subsidies, e.g. GC, WKK/CHP certificates) for the delivery period. Therefore, a conditional abandon of the subsidies is to be declared in the prequalification (in the standard process). It will be conditioned to the successful selection in the Auction so that no functioning aid is lost due to the CRM in case of non selection in the CRM Auction. Please note, that the CRM is to be considered as with reliability options, the Payback Obligation applies, implying that in the Delivery Period, the Energy Market revenues above the Strike Price have to be reimbursed for the Contracted Capacities.
Q9
May I abandon my other variable subsidies conditionally to a success in the Auction?
A9
Yes. The CRM is a financial support for the missing money. It comes on top of the energy market revenues but couldn't be cumulated with other functioning aid (variable subsidies, e.g. GC, WKK/CHP certificates) for the delivery period. Therefore, a conditional abandon of the subsidies could be declared in the prequalification. It will be conditioned to the successful selection in the Auction. The CRM support may be cumulated with other types of investment subsidies that are not considered as functioning aid (as described in the proposal Royal Decree on cumul).
Q10
Is the CRM only in supporting the direction of available capacities to provide electrical energy or to decrease consumption?
A10
Yes, the CRM is supporting the availability of the capacities to propose a production or consumption decrease availability. An increase of the consumption is then not considered in the framework of the CRM and has no added value for the CRM objective.
Q11
Which Derating Factor is applicable to my capacity/delivery point in the framework of the Prequalification process?
A11
The CRM Candidate follows the decision tree and deducts in the below table of the Derating Factors category which one is applicable and inserts such information in the Prequalification File.



Q12

What does the capacity with 'Daily schedule' stand for?

A12

A capacity is considered with Daily Schedule obligation if it has an individual MW schedule obligation, which is today considered for TSO connected production units with an installed capacity above 25MW, or technically linked to a capacity with Individual MW Schedule obligation. All others are considered as without Daily Schedule Obligation.

Q13

If I don't want to participate in the CRM Auction and I'm not under a mandatory participation in the prequalification process, are there any administrative steps?

A13

No, the Capacity Holder of a non-eligible capacity has no obligation to act in the prequalification process. Nevertheless, he may create a set of capacities complying with the CRM participation requirement to prequalify but has no obligation to do so.

2 FAQ on the Prequalification Process

Q1
Is an additional CMU sufficient to cover the prequalification obligation of the Law for the eligible capacities?
A1
Elia refers to Authorities to validate the specific cases reasoning. Therefore an email for these particular cases to be clarified can be sent to energy-crm-cumul@economie.fgov.be
Q2
How do I prequalify my capacity in a Fast track prequalification process without submeter and related EAN as it is a mandatory field?
A2
If no submeter is applicable to the eligible capacity performing a Fast Track Prequalification process, then the CRM Candidate is allowed to enter the EAN of the Access Point to which the capacity is connected. If this case occurs for multiple capacities behind the same access point, the same EAN of the access point is used and the last digit of the EAN is replaced by A (the 1st), B (the 2nd), C (the third), ...
Q3
May I aggregate in a CMU my recognized Delivery points of my Steam Turbine and of my Gas Turbine if one of those has an installed capacity above 25MW?
A3
No, aggregation is not possible in that case. If the turbines (or other production capacities) are recognized in the Individual MW Schedule obligation as above 25MW and TSO connected (named with daily schedule), those delivery points participate in individual CMU (each).
Q4
In case of intention to participate in the Auction, does the absence of the right metering requirement imply an additional delivery point in the Prequalification Process?
A4
Yes, The absence of the metering requirements (Annex A1 of the Functioning Rules) of a capacity is implying that the delivery points shall be considered as an Additional Delivery point in the Standard prequalification process.
Q5
Are there no possible Opt-Out OUT for the existing capacities in Y-4?
A5
It is possible to select an Opt-Out in the Y-4 for predefined reason to be selected for either the full or entire volume of the capacity. The selection of an Opt-Out OUT category is limited in Y-4 to the cases listed in the Functioning Rules section 5.4.2.2.1., all other reasons related to existing capacities are leading to an Opt-Out IN category and imply a consideration in the reduction volume for the Auction.
Q6
What is the aim of the financial security of 10000€/MW for the existing CMUs and 11000, 15000 or 20000€/MW for the additional or specific CMUs?

A6
As the Auction is based on a gate for the offers, all bids will compete in the Auction algorithm at the same moment, meaning the selection of the awarded bids will discard some other offers. The discarded bids imply a release of the associated/part of the Financial Security. Nevertheless, as the selection implies an automatic Capacity Contract for the awarded CRM Prequalified Candidates, it avoids gaming. On top, the service obligations in the Pre-delivery Period are to be covered by a sufficient incentive to deliver. As no payments are foreseen in the Pre-delivery period to the Capacity Providers, the Financial Security purpose is then to be seen as collateral in case of non-payment of the potential penalties. As reminder, the Financial Security of the Additional CMU is partially released in the Pre-Delivery period with the achievement of key milestones, with a value set at 10000€/MW once becoming Existing CMUs.
Q7
What is the ultimate deadline for the Prequalification Process of the upcoming Auction?
A7
The ultimate deadline is the 15th of June 2023 for the Prequalifications files submission. Please note that the Prequalification Files submission could only occur in case of validated Application Form by Elia of the CRM Candidate, a mandatory step that may take up to 5WD on its own, this is to be considered to respect the 15/06 deadline. No extension is foreseen (except in case of IT fallback procedure). Therefore Elia invites the CRM actors to introduce them properly as soon as possible in order to facilitate the process.
Q8
How can I decrease my participation in the CRM Auction if I assume my potential Eligible Volume in MW after application of the derating factor remains too high in comparison with my capability to deliver the service on the (pre-)delivery period?
A8
By default in a standard prequalification file, the Opt-Out is settled at zero MW for the CMU, this could be modified by the CRM Candidate. The Opt-Out permits to decrease the Eligible Volume partially or entirely. The Opt-Out is to be declared on the Nominal Reference and this before application of the derating factor. It is not possible to increase the Eligible Volume through the Opt-Out, its only purpose is to decrease the potential Eligible Volume for the upcoming Auction.
Q9
May I already enter a Prequalification file for 2023?
A9
Yes, after the Prequalification file validated in 2023, the results remain valid in time at the condition the rules are not evolving in time. In case, those evolve, then the CRM Candidate will be requested to confirm or update.
Q10
Do I have to submit a prequalification file each year?
A10
On the principle, for each organized Auction by the Minister, it is possible that the Capacity Holder has to or could submit a prequalification file. Of course, Elia facilitates the re-use and the confirmations of the previous parameters already filled-in in the Prequalification Process with enhancements capabilities.
Q11
How do I submit my declaration for commitments and waivers as mentioned in section 5.2.3.2.1. in my pre-

qualification file?
A11
The CRM Candidate submits its new Commitments and Waivers declaration as required in the Functioning Rules in the CRM interface. This allows the submission of such a declaration for each CMU concerned. In line with other requirements in the Functioning Rules, the identification of the CMU(s) concerned by this declaration is the responsibility of the CRM Candidate and is not automatically checked in the interface.
Q12
How do I submit my declaration for energy transition commitments as mentioned in section 5.2.3.2.1. in my pre-qualification file?
A12
The CRM candidate submits his new declaration for energy transition commitments as required in the Functioning Rules in the CRM interface. This allows the submission of such a declaration for each CMU concerned. In line with the other requirements in the Functioning Rules, ELIA will manually check - during the analysis of the pre-qualification file - that each additional CMU for which an investment file is requested from the CREG; fuelled by fossil fuel and of the "production unit" type does indeed submit such a declaration.
Q13
How can I understand the concept of Associated Delivery Points as mentioned in several chapters of the Functioning Rules following the CREG decision?
A13
ELIA notes that this is a cross-cutting process, with a significant influence on the pre-qualification procedures and the auction, among others. With regard to the prequalification procedure, ELIA sets the following operational modalities: <ul style="list-style-type: none"> - Each associated delivery point must be identified by the CRM applicant when preparing its pre-qualification file. To do so, it is possible to select a dedicated check box in the CRM interface; - The prequalification of the corresponding aggregated CMU is done as for a classical CMU, via the CRM interface. As such, the selectable Derating Factor (only one derating factor is selectable for a CMU) in the CRM interface for the CMU corresponds to the CMU Derating Factor without consideration of the associated delivery points; - The consideration of the associated delivery points and the determination of the corresponding residual eligible volume is in the CRM interface. During this process, ELIA collects from the CRM applicant who has notified the presence of associated delivery points to ELIA (via the check box mentioned above) the second reduction factor of the CMU (including the associated delivery points), and is thus able to determine the second eligible volume of this CMU, and the corresponding residual eligible volume. - These additional parameters are added to the notification of the results of the prequalification process for the relevant aggregated CMU, so that the communication organised via the CRM interface includes and formalises all relevant elements.
Q14
Where may I find the latest template of the Financial Security to be filled in?
A14
Clean and approved templates for the bank guarantee (in Annex E1) and the affiliate guarantee (in Annex E2) of the NL/FR/EN are within the proposed functioning rules version 01/03/2023.

Q15
Do I need to provide an original version to Elia?
A15
Indeed, on top of the Prequalification Files in which you are required to provide the Financial Securities, those original documents have to be sent by courier to: <i>Attn: Nicolas Koelman (Key Account Manager Adequacy)</i> <i>Elia Transmission Belgium</i> <i>Keizerslaan 20</i> <i>1000 Brussels</i> <i>Belgium</i>
Q16
In case of cash payment / cash deposit of the Financial Security, on which account should it be provided?
A16
In case of a cash payment, please find the account details below: <ul style="list-style-type: none"> • Account Holder: Elia Transmission Belgium SA • IBAN: BE 39 0018 6737 8019 • BIC/SWIFT: GEBABEBB • Bank: BNP PARIBAS FORTIS
Q17
Which expiry date for the financial security related to the Y-4 Auction is to be submitted?
A17
In line with the Functioning Rules, the submitted Financial Securities should cover the full Validity Period. The end of the Validity Period for the Y-4 Auction for the Delivery Period that starts on 1st November 2027 is: <ul style="list-style-type: none"> • For an Existing CMU: 24/10/2028 • For an Additional CMU: 15/11/2028 • For a Virtual CMU: 15/11/2028
Q18
Based on which version of the Capacity Contract, did I submit my Prequalification Files (prior 15/06/2023)?
A18
The proposal for capacity contract is indeed not yet approved between Elia and CREG, and the current working version is the public consultation one (https://www.elia.be/-/media/project/elia/elia-site/public-consultations/2023/20230206_capacitycontract_crm_en.pdf). It should be noted that the Functioning rules do not require CRM Candidate to "acknowledge" the capacity contract, but to undertake to comply with the provisions of the contract and to sign it if he is selected during the auction. With regard to these commitments, nothing prevents the CRM Candidate from subscribing to it as of now, even if he does not yet know the final content of the contract; in the worst case, if the contract finally approved is unacceptable to him, he will always have the possibility to notify an opt-out and not submit any offer in the auction.
Q19
Could you detail the process related to Construction Permitting Obligation to offer in the Auction and the related timings?
A19

As stated in the proposed Functioning Rules of 2023 (01/03/2023) (§94), each CRM Actor participating to the Standard Prequalification process with the aim to potentially participate to the auction has the obligation to submit their construction permits to Elia via the CRM IT Interface for each of the DP included in the submitted CMUs. The deadline of submission of the Permits is 30/09/2023 6am which corresponds to the bid submission date deadline.

Considering this deadline we strongly advise you to send your permits in advance.

- **If the relevant permits are transmitted to Elia before 15/08/2023**, you can be assured to receive an answer concerning the compliance of your submitted permits with the Functioning Rules requirements before 15/09. This will allow you to resubmit new permitting documents in case the ones initially transmitted don't comply with the Functioning Rules requirements.
- **If the relevant permits are transmitted to Elia after 15/08/2023** we will not be able to guarantee the processing time and will not be able to offer you the possibility of a second submission round in case the transmitted documents don't comply with the Functioning Rules requirements. In that case you would not be allowed to participate to the auction and your already submitted bids would be rejected.

Q20

Could you please detail the process related to the obligation to provide the document/proof of application for the production or energy storage permit ('Production Permit') and the corresponding deadlines?

A20

As stated in the proposed Functioning Rules (version 01/03/2023) (§82), each CRM Actor participating in the Standard Prequalification process for the purpose of potentially participating in the auction and for which an energy production or storage authorisation obligation (procedure with the FPS Economy) applies is obliged to submit this document or proof of application for this document to the FPS Economy via the CRM IT Interface for each of the relevant Delivery Points included in the CMUs submitted.

For an Auction of the same year, the deadline for submitting a request to the FPS Economy may not exceed 10 working days after the publication of the Ministerial Decree of the auction in question requesting Elia to organize it. In this case, for the year 2023, this deadline is 17/04/2023 (31/03/2023 + 10 working days).

More information on this subject can be found on : [Vergunning voor de bouw en exploitatie van installaties voor elektriciteitsproductie en van energieopslagfaciliteiten | FOD Economie \(fgov.be\)](#)

Or by contacting the following email address: production@economie.fgov.be

Q21

For a Delivery Point considered as Additional, could you please detail the principle of the Permitting Milestone achievement and the possibility to demonstrate it? Knowing that the same reasoning applies in the pre-delivery period to demonstrate an evolution of the delivery point towards an existing status.

A21

As a general principle, according to its definition, a key milestone is reached when all necessary licenses/permits for the construction of the project have been obtained, delivered in the last administrative instance, be definitive, enforceable and cannot be disputed anymore before the State Council or the Council for permitting contestations. This reality is to be established by the capacity provider and cannot be assumed or accepted on the mere basis of the capacity providers' declaration, especially when the application of penalties depends on this milestone not having been reached at the moment of control (ps: in defining the level of the penalty, due account

will also be taken of the reasonable efforts to reach the permitting milestone)

This can lead to the following situations:

- The permit has been subject to an annulment/suspension appeal that has been filed with the State Council ('RVST') or (for the Flemish region) with the Council for permit disputes ('RVVB'). In that case both the suspension and annulment request or requests against the permit must have been dismissed by the RVST/RVVB in order for the capacity provider to prove he has reached the permitting milestone
- The permit has been granted by the relevant regional authorities (after an administrative appeal), in which case an annulment/suspension appeal can still be filed with the RVST/RVVB. In that case the deadline for filing the suspension and annulment request or requests must have been expired, in order for the capacity provider to prove he has reached the permitting milestone. But that still leaves the capacity provider with the task to obtain the confirmation of whether one or more annulment/suspension procedures have not been filed, which supposes 1° the 60 days (in Flanders: 45 days) deadline for filing these procedures have expired and 2° a few weeks after that deadline have expired, which are necessary for the capacity provider to ascertain no such procedure have been filed.
 - o The deadline under 1° starts at the beginning of the display of the permit (or, in the Walloon region, at the end of the display) or at the notification to the persons or public bodies designated in the relevant regional legislation. In this case the capacity provider must prove the expiry of the deadline,
 - by providing a bailiff proof of the presence of the display during the imposed display period (so bailiff proof confirms the display both in the beginning and at the end of that display period) (please note that in the Walloon Region the display is done by the municipality, so the capacity provider can ask for an official report on that display, instead of the bailiff proof) or
 - by providing a confirmation of the notification of the permit by the regional authority that granted the permit.
 - o As to point 2°, if the legal deadlines (60/45 days) are just expired, nothing is sure yet. Therefore, the capacity provider can provide an attestation by the RVST/RVVB or by the authority that granted the permit, that no annulment/suspension requests have been filed. This can only be asked a few days/weeks after the expiry of the deadline for filing the annulment/suspension request(s).
- The permit has been granted in first instance, in which case an administrative appeal can still be filed with the higher (regional) authorities. In that case the deadline for filing the appeal(s) must have been expired, in order for the capacity provider to prove he has reached the permitting milestone. But that still leaves the capacity provider with the task to obtain the confirmation of whether one or more appeals have not been filed, which supposes 1° the applicable deadline (different deadlines apply in function of the region and permit, please also consult the relevant decision) for filing these appeal procedures have expired and 2° a few weeks after that deadline have expired, which are necessary for the capacity provider to ascertain no such procedure have been filed.
 - o The deadline under 1° starts at the beginning of the display of the permit (or, in the Walloon region, at the end of the display) or at the notification to the persons or public bodies

designated in the relevant regional legislation. In this case the capacity provider must prove the expiry of the deadline,

- by providing a bailiff proof of the presence of the display during the imposed display period (so bailiff proof confirms the display both in the beginning and at the end of that display period) (please note that in the Walloon Region the display is done by the municipality, so the capacity provider can ask for an official report on that display, instead of the bailiff proof) or
 - by providing a confirmation of the notification of the permit by the authority that granted the permit.
- As to point 2°, if the legal deadlines are just expired, nothing is sure yet. Therefore, the capacity provider can provide an attestation by the relevant regional authority (in charge of the appeal procedure) or by the authority that granted the permit, that no appeal have been filed. This can only be asked a few days/weeks after the expiry of the deadline for filing the annulment/suspension request(s).
- Only in the absence of such attestation, after max 3 or 4 weeks after the deadline it should be clear whether such request has been filed with the RVST/RVVB or not and the capacity provider is in a position to make such a declare on the honor to Elia. In the Flemish region, there is also the 'omgevingsloket' that allows the capacity provider to actively follow the further developments of the permit, it is however not sure that the RVVB also compiles the info in the omgevingsloket. Also here a few weeks is therefore to be taken into account.
 - Like 'un train peut en cacher un autre', it is not excluded one or more other appeal procedures, cq. annulment/suspension requests have been filed and are still pending next to the proceeding the capacity provider is aware of and is reporting on to us.

3 FAQ on the Auction

Q1
Are the volume of Fast Track prequalification processes considered in the CRM?
A1
Yes, the Fast Track prequalification process is developed for the Capacity Holders of the eligible volume having a mandatory participation in the Prequalification Process for a production capacity but having no willingness to offer a bid in the Auction, and therefore are performing a full Opt-Out. Through the Opt-Out notification, it is assessed if the Opt-Out is IN (contributing to adequacy) or OUT (not contributing to adequacy). In the CRM Auction, dummy bids are inserted for the capacities of the Fast Track Prequalification process having an Opt-Out IN. In all cases, the dummy bids never imply any Capacity Contract for the capacities following a Fast Track prequalification process.
Q2
Does the Auction occurs each year for Y-4 and each year for Y-1 as of 2024?
A2
The upcoming Auctions are organized based the instruction of the Minister of Energy on a yearly basis. Once requested, Elia prepares the upcoming Auction and the associated prequalification process.
Q3

How are the different Opt-out declarations handled and to which status are they leading for the auction (Opt-out IN / OUT)?

A3

As the consequences reserved for opt-out declarations (§175 et seq. of the Functioning Rules) have raised some questions, Elia wishes to communicate transparent information to the market on this subject by means of the table below:

Category opt-out	Opt-out volume	related CMU	Classification of opt-out volume for Y-4 auction
"Other" - signed connection contract but with indication of not ready in time for start of delivery period	/	/	OUT
Definitive closure or definitive structural reduction of capacity notification in accordance with article 4bis of the Electricity Act	/	/	OUT
Volume indicated as not contributing to adequacy, being associated to the non-firm capacity as part of a connection with flexible access , referred to in article 170 of the Federal Grid Code	/	/	OUT
Volume included as decommissioning condition in 'conditional' EDS related to another CMU	/	/	IN if no bid related to the CMU with the conditional EDS is selected. OUT otherwise.
"Other"	full	new built, i.e. a CMU for which a renunciation of rights document has been provided during the PQ file submission	OUT
		Other	IN
	partial	new built, i.e. a CMU for which a renunciation of rights document has been provided during the PQ file submission	IN if at least one bid related to the CMU has been selected in the auction. OUT otherwise.
		Other	IN

*Note that § 175 is a general rule we appeal to:

175. The purpose of the classification of Opt-out Volumes is to determine whether these volumes will contribute to adequacy during the Delivery Period to which the Opt-out Notification relates. Opt-out Volumes that are considered to contribute to adequacy are classified as 'IN', while Opt-out Volumes that are not considered to contribute to adequacy are classified as 'OUT'.

4 FAQ on the Capacity Contract

Q1

Are there any negociable clause?

A1

No, the Capacity Contract of the CRM is a regulated contract, approved by CREG. No clause could be modified. The Transactions are well updated in the Annexes in case of Contractual modifications or Secondary Market transactions impacts.

Q2

What is the impact on my potential contractual obligations of the Derating Factors evolution in time?

A2
Derating factors settings are associated to an Auction and are decided by the Energy Minister, therefore those are also associated as a feature of the Transactions of the Capacity Contract resulting from awarded bids in the Auction. Once they are known, they apply to the upcoming related Auction and are fixed for the Transactions resulting of that Auction. The future potential of the capacity of the CRM Prequalified Candidate to acquire obligations is calculated on the update of the derating factors for the new Auctions or Secondary Market transactions.
Q3
What is the nature of the assessment by Elia of the 'all reasonable efforts' obligation for the CRM actors ?
A3
The assessment by Elia will be a marginal assessment, meaning that Elia is not assessing the efforts as if it had to do or had done the effort itself, as this is not the case. 'All reasonable efforts' means at least that no deadlines are missed, efforts are being made to revert to the authorities when their deadlines are passed, action is taken to answer questions from neighbours, lobbyists, public authorities, an appeal is filed in due time against a refusal to grant the permit, ...

5 FAQ on the Pre-delivery Period

Q1
In the Functioning Rules, it is specified a possibility to organize a pre-delivery test (or prequalification process test). What should be defined as duration to validate the parameters during the test? For the Energy Constrained CMUs, is this test related to the SLA chosen number of hours, could it last that amount of chosen hours?
A1
<p>Within the framework of the prequalification, in paragraph 139 of the functioning rules:</p> <ul style="list-style-type: none"> - For injection only delivery points, the lowest QH measurement for injection (negative value) over the day test duration or; - For the non-injection only delivery points, the highest positive difference between a baseline established in accordance with the principles of HighestXoY (paragraph 134) and the observed quarter-hourly value or the Unsheddable Margin indicated by the CRM Candidate over the day test duration
Q2
Are long maintenances of the existing assets possible in the pre-delivery period?
A2
<p>It is of course possible to perform maintenances on the existing capacities during the pre-delivery period. Nevertheless, as the concept is to monitor the capabilities of the capacities to deliver the Service as of November 2028, the pre-delivery obligations at specific moments called Pre-delivery controls in the Section 8.3.1., the Capacity Provider shall consider those controls in its maintenance planning in order to avoid Pre-delivery control penalties resulting from a Missing Capacity.</p>
Q3
As an Additional CMU and New Built², what are the penalties under the functioning rules for not obtaining (a) permit(s) at the moment of control $t_{control 1}$?
A3
<p>As a result of questions raised by the market regarding the procurement of permits, Elia wishes to share with the market the following information:</p> <p>429. <i>In case of positive Missing Volume determined on an Additional CMU at the moment of control $t_{control 1}$, ELIA applies the following financial penalty:</i></p> $Financial\ penalty\ (in\ EUR) = \frac{1}{2} \times \beta \left(\frac{\text{€}}{MW} \right) \times Missing\ Volume\ (MW)$ <p>This means that Beta is being divided by 2 on t1. Beta is determined according to §431.</p> <p>The amount that has to be paid on t1 in case they provided all reasonable efforts is therefore 5000€/MW * missing volume</p> <p>Moreover, §433 says:</p> <p>433. <i>The financial penalty of an Additional CMU at the moment of control $t_{control 1}$ can be applied by</i></p>

ELIA for a maximum of three consecutive times on the same Total Contracted Capacity of the CMU. The possibilities for contract termination in this context are detailed in the Capacity Contract.

It is then further explained in the capacity contract proposal section 12.6 that the capacity holder can terminate. It states:

"In case of application of the financial penalty at the time of control tcontrol1 for an Additional CMU, the CAPACITY PROVIDER has a deadline of thirty (30) Working Days to notify ELIA of its decision to terminate the Contract by registered letter or e-mail with acknowledgment of receipt. Such termination is only effective as from full payment of the financial penalty by the CAPACITY PROVIDER. Upon the third application of the financial penalty, ELIA is also authorised to notify to the CAPACITY PROVIDER its decision to terminate the Contract by registered letter or e-mail with acknowledgment of receipt."

In other words for the new builds: the penalty of 5000* (if all reasonable efforts have been made) the missing volume is applied a maximum of 3 times, if the capacity holder does not terminate in the meantime. If he determines on August 31. 2025 that he still does not have the permit, he can

- Pay 1x 5000€/MW * missing volume and be 'released' from the contract.

Failing to terminate the contract and continue trying to obtain the permit: if, after an additional year, he still does not have a permit, a further penalty of 5000€/MW* (if all reasonable efforts have been made) the missing volume will apply.

6 FAQ on the Delivery Period

Q1
What is happening for the CMU without Daily Schedule if the Reference Price is above the Strike Price and the Declared Market Price? What is happening if the Reference Price is below the Declared Market Price and above the Strike Price?
A1
If the Reference Price is above Strike Price and the Declared Market Price, and is an AMT hour, the Volume Required is the associated volume to the partial Declared Day Ahead Price (DDAPp) and ELIA uses the Required Volume for Availability Monitoring during AMT Hours where a Payback Obligation occurs. The Payback Obligation is calculated in that case on the positive difference between the Reference Price and the Declared Market Price, if this one is higher than the strike price. In the other scenario, if the Reference Price is below Declared Market Price but above the Strike Price, no Available Capacity is calculated and the Payback Obligation is at zero.
Q2
Is the CRM Service requiring a net injection on the grid?
A2
Not especially, the Service is provided at the delivery point and the Obligated Capacity is compared with the Available Capacity which is not especially requiring an injection on the grid. As reminder, the Availability checks are performed on the Availability of the capacity and not especially on the activations, increase for production capacities, or reduction of consumption for demand side response.