



Legal and Governance

05/08/2020

Entry into force

1. The Functioning Rules are approved by the CREG on the basis of a proposal that has been submitted by ELIA for consultation to the grid users in accordance with art. 7undecies, 8th of the Electricity Act and enter into force on the date of their publication on Elia's website.
2. All future changes to the Functioning Rules will be submitted for approval to the CREG after consultation with grid users, in accordance with art. 7undecies, 8th paragraph of the Electricity Act. The modifications enter into force in accordance with the transitory rules they contain or, in the absence of transitory rules, on the date of their publication on Elia's website. The modifications may lead to the approval of new contract templates by the CREG and apply to or affect existing contracts, contract templates. Without prejudice to the powers of the CREG (nor to the legislation and regulations, due account will be taken of the patrimonial impact on the capacity providers.
3. Any reference to legislation, regulations, directive, order, instrument, code or any other enactment is to be understood as a reference to legislation, regulations, directive, order, instrument, code or any other enactment as modified, extended or re-enacted from time to time.

Interpretation

4. The definitions in the [Electricity Act] and its implementing royal decrees apply to the functioning rules. For the purpose of the functioning rules, the list of definitions (section x) completes the definitions of the Electricity Act. Titles do not have any binding force. Each Chapter contains an introduction which serves as a user's guide, contributing via an introductory explanation to a good understanding of each process. The introduction sections have no binding force and in case of contradiction with the rules developed in the other sections of each process, the rules have priority. The introduction sections can only be relied upon to the extent the functioning rules would need further interpretation, which would neither be found in the legislation and implementing decrees.
5. The functioning rules contain both mathematic formulae and their transcription in full wording. In case of contradiction, the mathematic formulae take priority over their full wording.

Cost of the Capacity Holder's or Capacity Provider's participation to the CRM

6. Except demonstrated gross negligence, willful misconduct or fraud, Elia does not remunerate and is not responsible for the cost incurred by the Capacity Holder, the (Prequalified) CRM Candidate or Capacity Provider resulting from his participation to the Capacity Remuneration Mechanism, whether his CMU has been selected or not in or as a result of the Prequalification and Auction process. The participation by the Capacity Holder, the (Prequalified) CRM Candidate or Capacity Provider to the Capacity Remuneration Mechanism does not grant any right, guarantee or claim towards Elia or the Contractual Counterparty beyond the scope of these Functioning Rules.

Data protection

7. The functioning rules do not conflict with the provisions of any applicable data protection and privacy laws and regulations.
8. Data will only be used for the purpose of the well-functioning of the capacity remuneration mechanism and, as far as the TSO is concerned, accessory tasks of the TSO or other consequences resulting from the mechanism on the other legal tasks and missions of the TSO with respect to the operation and development and maintenance of the grid.
9. The compliance with said data protection and privacy laws and regulations does not release the TSO, the capacity holder, CRM candidate and the capacity provider from their obligations under the legislation, its implementing decrees, including the methodologies developed under these decrees, the functioning and under the capacity contracts.