To: Capacity Market

Market Interface

EirGrid

The Oval

160 Shelbourne Road

Ballsbridge

Dublin 4, Ireland

D04 FW28

**Re: Substantial Financial Completion for the** <INSERT CAPACITY YEAR YYYY/YYYY> <INSERT CAPACITY AUCTION YEAR T-1/2/3/4> **Capacity Auction**

Dear Sir/Madam,

Pursuant to paragraph J.4.3.2(a) of the Single Electricity Market Capacity Market Code[[1]](#footnote-2) (CMC) and having regard to my fiduciary duties as Director of [INSERT COMPANY NAME] I HEREBY CERTIFY that having made all due and careful enquiry and to the best of my knowledge, information and belief, that <INSERT CMU\_ID> has achieved the Substantial Financial Completion Milestone in accordance with paragraph J.2.1.1(a) of the CMC and I further CERTIFY that each of the following statements in paragraphs J.2.1.1(a)(i) to (v) of the CMC is true and correct, namely:

(i) all the Major Contracts and Finance Documents in respect of the construction, commissioning, repowering or refurbishment works for each new or refurbished Generator Unit or Interconnector providing the Awarded New Capacity are in full force and effect;

(ii) every Condition Precedent under each of the documents referred to in sub-paragraph (i) has either been satisfied or waived in accordance with the terms of the relevant document;

(iii) the Participant in respect of the Awarded New Capacity has, or will have, sufficient financial resources available to it or committed financing under the Finance Documents to meet the Total Project Spend;

(iv) the directors of the Participant (or equivalent body, entity or person in the case of a Participant not being a company) have resolved, agreed or given approval (as the case may be) to complete (or procure the completion of) the relevant construction, commissioning, repowering or refurbishment works such that the Awarded New Capacity will have reached Substantial Completion on or prior to the start of the first Capacity Year in which the Awarded New Capacity is due to be provided; and

(v) all necessary consents, licences, authorisations and permits in respect of the construction, commissioning, repowering or refurbishment works for each new or refurbished Generator Unit or Interconnector providing the Awarded New Capacity (including any necessary planning consents, licences, authorisations and permits) have been obtained.

I also CERTIFY that the Awarded New Capacity will reach Substantial Completion:

[DELETE AS APPROPRIATE]

1. on or prior to the start of the first Capacity Year in which the Awarded New Capacity is due to be provided or;
2. by the applicable Long Stop Date.

I refer to a copy of the resolution, agreement or approval referred to in paragraph J.2.1.1(a)(iv) and provided as an appendix to this declaration in accordance with paragraph J.4.3.2(a)(ii)of the CMC.

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Director  Signature |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Director  Print Name |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date |

1. Unless the context provides otherwise, capitalised terms within the meaning of this Certificate shall have the meaning attributed to them in the Single Electricity Market Capacity Market Code. [↑](#footnote-ref-2)