

Rules System Process Parties

Version 1.0

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1. Definitions

With the exception of the terms defined in these Rules, capitalised terms shall have the meanings assigned to them in the Energy Act and the regulations based thereon.

Terms in the singular always have the same meaning as in the plural, and vice versa, unless expressly stated otherwise.

- 1.1 Consultation Period: a period of one month set by Het Normo to give System Process Parties the opportunity to respond to a Proposed Amendment as referred to in Article 3 of the Rules, or a proposal to amend the procedures and arrangements as referred to in Article 5 of the Rules.
- 1.2 Participation Agreement: Agreement between Het Normo and a System Process Party governing the System Process Party's participation in the Data Exchange System Processes, to which the Rules apply.
- 1.3 Participation Process: the process published by Het Normo on its website and subject to amendment by Het Normo from time to time, relating to i) the registration and onboarding of a System Process Party for participation in the Data Exchange System Processes, and ii) the amendment or termination of such participation.
- 1.4 Data Exchange System Processes: the electronic exchange of data for the purposes of the processes in the energy sector as referred to in Article 4.1(2)(a) of the Energy Act, between System Process Parties authorised to do so by or pursuant to legislation and regulations.
- 1.5 Het Normo: Beheerder Afsprakenstelsel (BAS) B.V., with its registered office at Van Asch Wijkstraat 55, 3811LP in Amersfoort, registered in the Commercial Register of the Chamber of Commerce under number 84811439 and acting as the data exchange entity as referred to in Article 4.15 of the Energy Act.
- 1.6 MFF: Market Facilitation Forum Association, with its registered office at Van Asch van Wijkstraat 55, 3811 LP in Amersfoort.
- 1.7 Transfer Date: the date at which ultimate responsibility for access to and the facilitation of data exchange for the purposes of the Data Exchange System Processes passes to Het Normo, namely 1 January 2026.
- 1.8 Party: Het Normo or the System Process Party, collectively referred to as 'the Parties'.
- 1.9 Data Protection Legislation: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and legislation of Member States based thereon, including the Dutch General Data Protection Regulation Implementation Act.
- 1.10 Rules: these Het Normo – Rules System Process Parties, version 1 January 2026, which apply to the System Process Parties and Het Normo and form part of the Participation Agreement.

- 1.11 System Process Parties or System Process Party: all participants in the Data Exchange System Processes.
- 1.12 Proposed Amendment: any proposal to amend the Rules published by Het Normo in accordance with Article 3 of these Rules, or any proposal to amend procedures and/or agreements relating to the Data Exchange System Processes, as referred to in Article 5 of these Rules.

2. Applicability of the Rules

- 2.1 These Rules take precedence over any previous agreements made between the Parties.
- 2.2 These Rules supplement the applicable legislation and regulations, such as the Energy Act and regulations based thereon. If these Rules conflict with statutory provisions, the statutory provisions shall take precedence over these terms and conditions. The part of the Rules that does not conflict with statutory provisions shall remain applicable.
- 2.3 These Rules apply to the Data Exchange System Processes and apply to all System Process Parties and to Het Normo.

3. Amendments to the Rules

- 3.1 Het Normo is entitled to amend these Rules in accordance with the procedure set out in this article. Het Normo will inform the System Process Parties of a Proposed Amendment by (i) publishing the Proposed Amendment on Het Normo's website, (ii) publishing the Proposed Amendment in Het Normo's newsletter, and (iii) sending the Proposed Amendment to interest groups representing System Process Parties that have registered with Het Normo for this purpose, including, but not limited to, the MFF. Any System Process Party may subscribe to the newsletter via Het Normo's website in order to be kept informed of, amongst other things, any Proposed Amendment.
- 3.2 Once the Proposed Amendment has been published in the manner described in the preceding paragraph, each System Process Party shall have the opportunity, during the Consultation Period, to submit a response to the Proposed Amendment. Het Normo will take the response from each System Process Party into consideration and will respond to it in a manner to be determined by Het Normo. Het Normo will act reasonably, transparently and non-discriminatorily, and is not obliged to adopt the response of each System Process Party. If, in Het Normo's opinion, it is desirable, a Proposed Amendment may be published again, following consideration of the responses from System Process Parties, after which System Process Parties will be given a further opportunity to respond to the Proposed Amendment.
- 3.3 Once the responses from the System Process Parties have been processed, Het Normo is authorised to adopt the amended Rules. Het Normo shall inform the System Process Parties of the adoption of the amended Rules in the same manner as set out in the first paragraph of this article.

- 3.4 In the event of compelling reasons, including but not limited to a legal or technical necessity to amend the Rules, Het Normo is authorised to shorten the Consultation Period. This shall be done within the limits imposed on Het Normo by law.
- 3.5 If the System Process Party continues to participate in the Data Exchange System Processes after the amended Rules come into force, the System Process Party shall thereby be deemed to have accepted the amended Rules.

4. Procedure for the System Process Party

- 4.1 The System Process Party shall act in accordance with its rights and obligations as set out in Chapter 2 or Chapter 3 of the Energy Act and shall cooperate with Het Normo to ensure an efficient, secure and reliable Data Exchange System Processes.
- 4.2 The System Process Party shall carry out the Data Exchange System Processes in accordance with the conditions laid down for this purpose, as described in the Energy Act and the legislation and regulations based thereon, and within the time limits set out in these regulations.
- 4.3 By participating in the Data Exchange System Processes, the System Process Party declares that it complies with the requirements imposed on it by the Energy Act and the regulations based thereon, insofar as these relate to the Data Exchange System Processes.
- 4.4 The System Process Party is obliged to notify Het Normo as soon as possible if it detects any abuse of rights and/or breaches of legislation, or receives indications pointing to such in relation to the Data Exchange System Processes. The System Process Party shall provide Het Normo, upon first request and whilst respecting the rights and freedoms of third parties and the confidentiality of the information to be shared, with all relevant information relating to the notification requested by Het Normo. Het Normo may share the information provided with the competent authority or authorities and relevant bodies.
- 4.5 Subject to the rights and freedoms of third parties and the confidentiality of the information to be shared, the System Process Party is obliged to follow reasonable instructions from Het Normo regarding the Rules, including in respect of matters related to or arising from them, such as incidents and enquiries or investigations by supervisory authorities. The latter applies if and insofar as Het Normo is obliged to do so.

5. Procedure for Het Normo

- 5.1 Het Normo bears ultimate responsibility for access to and facilitation of the Data Exchange System Processes. In doing so, Het Normo shall, as much as possible, take into account the existing processes, conditions and agreements in the broadest sense. If Het Normo considers that a change to the processes, conditions and agreements is necessary or desirable, Het Normo shall draw up a Proposed Amendment and submit it for consultation in accordance with the procedure described in Article 3 of these Rules.

- 5.2 Het Normo establishes procedures and conditions concerning access management, security, identification, authentication and authorisation, incident handling and data quality in relation to the Data Exchange System Processes. In doing so, Het Normo acts within the framework set out by the Energy Act and the regulations based thereon.
- 5.3 Het Normo is authorised to amend the procedures and conditions relating to access management, security, identification, authentication and authorisation, incident handling and data quality with regard to the Data Exchange System Processes, i) at the request of a third party, ii) on Het Normo's own initiative, and iii) pursuant to a legal obligation or a decision by a supervisory authority concerning Het Normo. In such cases, Het Normo shall draw up a Proposed Amendment and submit it for consultation, in accordance with the procedure set out in Article 3 of these Rules.
- 5.4 Het Normo is authorised to draw up and amend procedures and conditions relating to the IT architecture and the technologies that implement and support the Data Exchange System Processes. If Het Normo considers that a change to the processes and conditions is necessary or desirable, Het Normo shall draw up a Proposed Amendment and submit it for consultation in accordance with the procedure set out in Article 3 of these Rules.
- 5.5 Every Proposed Amendment shall include a proposal for a reasonable implementation period.
- 5.6 In carrying out its duties, Het Normo shall act reasonably, transparently and in a non-discriminatory manner.

6. Access and participation

- 6.1 At the Transfer Date, the System Process Party shall be granted access to the Data Exchange System Processes.
- 6.2 By participating in the Data Exchange System Processes, the System Process Party agrees to the applicability of these Rules and undertakes to comply with them.
- 6.3 At the Transfer Date, the existing access of System Process Parties already participating in the Data Exchange System Processes shall be continued, without any additional re-qualification or re-testing, provided that the applicable conditions are met and there are no security concerns.
- 6.4 System Process Parties shall enter into a Participation Agreement with Het Normo within a reasonable transition period to be determined by Het Normo. The absence of a Participation Agreement shall not suspend continuity within that transition period, unless Het Normo decides otherwise on the basis of statutory obligations.
- 6.5 Access to the Data Exchange System Processes will be granted upon completion of the Participation Process.

- 6.6 Any change to the System Process Party's details must be reported by the System Process Party to Het Normo as soon as possible. Changes to the System Process Party's status require prior registration with Het Normo and may necessitate a renewed Participation Process and a new Participation Agreement.
- 6.7 If a System Process Party is declared bankrupt, applies for a moratorium on payments, or otherwise ceases to exist, or if any approval required for the relevant market role – including recognition, a licence, an exemption or certification – is withdrawn, suspended or lapses by operation of law, the System Process Party is obliged to inform Het Normo of this as soon as possible. In such cases, Het Normo shall consult with the competent supervisory authority regarding the need to continue the relevant System Process Party's access to the Data Exchange System Processes in the interests of the proper functioning of the Data Exchange System Processes, in accordance with the established procedures and conditions. Het Normo is authorised, following the conclusion of and in response to these consultations, to continue, suspend or terminate the access of the relevant System Process Party, if, in Het Normo's reasonable opinion, this is necessary to safeguard the reliability, security or integrity of the Data Exchange System Processes.
- 6.8 Any System Process Party may terminate its participation in the Data Exchange System Processes in accordance with the termination process as set out in the Participation Process. If the termination process has been completed and the System Process Party is no longer obliged to participate in the Data Exchange System Processes on the basis of (statutory) obligations or applicable agreements, the System Process Party is authorised to terminate the Participation Agreement with immediate effect.

7. Non-compliance with the Rules

- 7.1 If the System Process Party fails to fulfil one or more of its obligations under these Rules, Het Normo is authorised to refuse or suspend the System Process Party's access to the Data Exchange System Processes. Where possible, Het Normo will consult with the System Process Party prior to such a refusal or suspension. Het Normo may issue instructions to the System Process Party with a view to remedying the non-compliance. Where appropriate, the Parties shall consult on how to remedy the System Process Party's failure to comply and on the (re)granting of access to the Data Exchange System Processes. The purpose of refusing to grant access to the Data Exchange System Processes is to ensure the proper functioning of the Data Exchange System Processes.
- 7.2 Het Normo is aware that access to the Data Exchange System Processes by System Process Parties is necessary for the proper and reliable operation of Data Exchange System Processes. Het Normo will therefore exercise restraint in using its power to (temporarily) refuse access and will only do so if, in Het Normo's reasonable assessment, a System Process Party's failure to comply with its obligations could jeopardise the reliability, security or integrity of the Data Exchange System Processes. Prior to refusing or suspending access to the Data Exchange System Processes, Het Normo will always seek consultation with the supervisory authority.

- 7.3 Without prejudice to the above, Het Normo shall at all times have the right to report the matter to the competent supervisory authority or authorities and relevant bodies, and the right to recover damages from the System Process Party.

8. Security and incidents

- 8.1 Each Party shall secure the systems and connections falling under its responsibility that are used for the Data Exchange System Processes in a manner that is appropriate, having regard to the state of the art of technology and the risks involved. The Parties shall ensure that security measures comply, as a minimum, with statutory requirements and the instructions of the competent supervisory authority or authorities and bodies.
- 8.2 Each Party has its own independent statutory reporting obligations in the event of incidents occurring within its own environment. Upon request, the Parties shall provide each other with reasonable cooperation to enable compliance with these reporting obligations and shall comply with the requirements set out in the incident protocol as published by Het Normo on its website.
- 8.3 The System Process Party is obliged to report incidents relating to (the security of) Data Exchange System Processes to Het Normo as soon as possible, in accordance with the incident protocol as published by Het Normo on its website.

9. Supervision, audit and reporting

- 9.1 Het Normo may require audit or assurance statements from System Process Parties if this is necessary to fulfil its reporting obligations under Article 4.23 of the Energy Act. In such cases, System Process Parties shall cooperate fully and in a timely manner.
- 9.2 Where shortcomings are identified, System Process Parties shall draw up an improvement plan and report on progress to Het Normo.

10. Privacy

- 10.1 The terms used in this provision have the meanings assigned to them in the Data Protection Legislation.
- 10.2 Insofar as personal data of data subjects is processed in the course of the Parties' duties, the Parties shall be regarded as independent data controllers.
- 10.3 To the extent that Het Normo processes personal data relating to the System Process Party or its employees, Het Normo's privacy statement shall apply.
- 10.4 Each Party is obliged to comply independently with the obligations arising from the Data Protection Legislation, including, amongst other things, having a valid legal basis for processing.

- 10.5 The Parties are obliged to inform each other if a request is made by a data subject that relates to the personal data processed by the other Party.
- 10.6 The Parties are obliged to inform each other without undue delay once a Party has become aware that a personal data breach has occurred which affects personal data processed by the other Party.

11. Intellectual property

- 11.1 Nothing in these Rules is intended to constitute any transfer of intellectual property rights.
- 11.2 The Parties are not permitted to use the (trade) name, trademark and/or logo in external communications, including on their website, without the other Party's consent, unless this is strictly necessary for the performance of the relevant Party's duties.
- 11.3 The Parties shall grant each other reciprocal, non-exclusive, non-transferable, non-pledgeable and non-sublicensable licences to use all works (including software), trademarks and databases to the extent necessary for the performance of the relevant Party's duties.

12. Force majeure

- 12.1 Each Party shall be entitled to suspend its obligations for as long as force majeure prevents that Party from fulfilling its obligations.
- 12.2 Force majeure shall in any event be understood to mean: third parties failing to fulfil their (statutory) obligations, failure on the part of suppliers, defects in third-party products, materials or software, government measures, pandemics, power cuts, disruptions to internet connections, computer networks or telecommunications facilities, war, terrorism and natural disasters.
- 12.3 A claim of force majeure by a System Process Party shall not affect the powers of Het Normo or the obligations of the System Process Party under Articles 7 and 8 of these Rules.
- 12.4 The Parties are obliged to cooperate with reasonable requests from a Party aimed at resolving the force majeure situation.

13. Complaints procedure

- 13.1 The System Process Party may lodge a complaint against Het Normo in accordance with Het Normo's complaints procedure, as made available on Het Normo's website.
- 13.2 Questions and feedback that do not constitute complaints may be submitted by the System Process Party to Het Normo via the designated enquiry form available on Het Normo's website.

14. Liability

- 14.1 To the extent permitted by law, Het Normo's liability for damage is excluded, regardless of the nature of the damage or the legal basis of the claim (breach of contract, tort or otherwise). The term 'damage' includes, amongst other things, consequential damage, loss of income and profits, damage to reputation, lost savings, reduced goodwill, damage resulting from business interruption, loss of data, information and/or software, third-party claims, costs incurred, fines and all other forms of direct or indirect damage. This exclusion does not apply to damage that is the direct result of wilful misconduct or gross negligence on the part of Het Normo or its senior management.
- 14.2 The Parties are obliged, at the request of the other Party, to provide all reasonable cooperation necessary to minimise damage.

15. Miscellaneous

- 15.1 Each Party must at all times comply with all laws and regulations applicable to that Party and relating to the Data Exchange System Processes, including energy, cybersecurity and data protection legislation.
- 15.2 The headings of the provisions in these Rules are included solely for ease of reference and do not affect the content, explanation or interpretation of the provisions of these Rules.
- 15.3 The Parties are aware of their position in the market and the role they play in society. With this in mind, the Parties shall at all times act reasonably towards one another and undertake to make reasonable efforts to support one another, where possible and necessary, in the performance of their duties and in complying with their legal obligations.

16. Choice of law and jurisdiction

- 16.1 These Rules and all disputes arising therefrom shall be governed exclusively by Dutch law.
- 16.2 The Midden-Nederland District Court shall have exclusive jurisdiction to hear disputes arising from or in connection with these Rules.