

**ACER Decision on the Implementation framework for a European platform for the exchange of balancing energy from frequency restoration reserves with manual activation: Annex I**

**Amendment to the Implementation framework for a European platform for the exchange of balancing energy from frequency restoration reserves with manual activation**

in accordance with  
Article 20 of Commission Regulation (EU) 2017/2195 of 23 November  
2017 establishing a guideline on electricity balancing

**30 September 2022**

## Whereas

- (1) This document describes amendments to the Implementation framework for a European platform for the exchange of balancing energy from frequency restoration reserves with manual activation (hereafter referred to as the “mFRRIF”) in accordance with Article 20(1) of Regulation (EU) 2017/2195 establishing a guideline on electricity balancing (hereafter referred to as the “EB Regulation”). It amends ACER Decision No 03/2020 of 24 January 2020 and is hereafter referred to as “first amendment of the mFRRIF”.
- (2) This first amendment of the mFRRIF takes into account the legal requirement of Article 12(2) of the mFRRIF which provides that “no later than eighteen months before the deadline when the capacity management function (hereafter referred to as the “CMF”) shall be considered as a function<sup>1</sup> required to operate the [m]FRR-Platform pursuant to Article 6(4) [mFRRIF], all TSOs shall develop a proposal for amendment of this mFRRIF, which shall designate the entity performing the capacity management function in accordance with Article 20(3)(e) of the EB Regulation and clarify whether the mFRR-Platform will be operated by a single entity or multiple entities” and it introduces amendments to the standard balancing products to further clarify their purpose and functioning.
- (3) Article 20(3)(e) of the EB Regulation requires to determine the proposed designation of the entity or entities that will operate the functions of the mFRR-Platform. This first amendment of the mFRRIF describes the proposed designation of multiple entities to operate the three functions of the mFRR-Platform being the activation optimisation function (AOF), the TSO-TSO settlement function and the CMF. The proposed designation in accordance with Article 12(2) of the mFRRIF aims to ensure that, in case other balancing platforms have such function, the CMF should be the same across these platforms and should be operated by the same TSO if the same obligation is imposed in the relevant implementation framework of each platform. With such designation, the governance and operation of the European platform is based on the principle of non-discrimination, and the equitable treatment of all member TSOs, and no TSO benefits from unjustified economic advantages through the participation in the functions of the European platform as required by Article 20(3)(d) of the EB Regulation. It also contributes to the objectives of the EB Regulation as referred to in Article 3(b) and (d) therein.
- (4) In line with Article 20(3)(e) of the EB Regulation, the mFRRIF needs to include not only the description of setup of the entities to operate the mFRR-Platform, but also the proposed designation of the entities that will perform the functions of the mFRR-Platform in accordance with Article 20(3)(c) of the EB Regulation. Therefore, the specific entities to be designated are named within this first amendment of the mFRRIF. The actual designation follows the adoption of the respective ACER decision in accordance with Articles 20(4) of the EB Regulation.
- (5) As the designation setup involves multiple entities to perform the functions of the mFRR-Platform, additional requirements in accordance with Articles 20(3)(e)(i), 20(3)(e)(ii) and 20(3)(e)(iii) of the EB Regulation apply. Article 20(3)(e)(i) of the EB

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<sup>1</sup> The nature of the CMF as a required function pursuant to Article 12(2) of the mFRRIF is currently the subject matter of case T-607/20 before the General Court.

Regulation requires a coherent allocation of functions taking into account the need to coordinate the different functions. Article 20(3)(e)(ii) of the EB Regulation requires the setup to ensure an efficient and effective governance, operation and regulatory oversight as well as its support to the objectives of the EB Regulation. Article 20(3)(e)(iii) of the EB Regulation requires an effective coordination and decision making process to resolve any conflicting positions between entities operating the mFRR-Platform.

- (6) The proposed setup ensures a coherent allocation of functions to the entities operating the functions of the European platform, in accordance with Article 20(3)(e)(i) of the EB Regulation by clearly allocating a function and respective responsibilities and tasks to an entity. In that way, competences, responsibilities and liabilities can be clearly assigned and conflicts of responsibility can be avoided. The competences, responsibilities and liabilities should be laid down in the contractual framework between member TSOs and designated entities, which should be contractually obliged to cooperate. Furthermore, the need to coordinate the different functions is addressed implicitly by different parts of this first amendment of the mFRRIF, as it relates to any aspects dealing with coordination and communication between different functions performed by different entities.
- (7) This first amendment of the mFRRIF includes the CMF in the scope of the already existing two-level governance structure of the mFRR steering committee. It further introduces a joint steering committee ('JSC'): In case other balancing platforms have a cross-platform function such as the CMF, the steering committee should be the same across these platforms if the same obligation is imposed in the relevant implementation framework of these platforms. The JSC should organise both the management and the operation of the platform(s) and should take binding decisions. Taking into account the interdependencies between the different functions and platforms serving the same technical process being the frequency restoration, this first amendment to the mFRRIF ensures effective and efficient governance and operations of the mFRR-Platform pursuant to Article 20(3)(e)(ii) of the EB Regulation as well as the need to coordinate the different functions allocated to the entities pursuant to Article 20(3)(e)(i) of the EB Regulation.
- (8) To guarantee a well-defined and structural project management for the mFRR-Platform as well as other balancing platforms having a CMF, an annual work programme including necessary information on all projects and clearly allocating responsibilities is established by this first amendment to the mFRRIF. This is to ensure the necessary coordination between the different functions and entities as per Article 20(3)(e)(i) of the EB Regulation and to comply with the requirements of Article 20(3)(e)(ii) of the EB Regulation being effective and efficient governance, operations and regulatory oversight.
- (9) All TSOs have implemented a contractual framework to govern and operate the European platforms for the exchange of balancing energy. In this contractual framework between TSOs, the European platforms underlying IT solutions are designed, co-owned and governed by all member TSOs, while for the development, maintenance, operation and the hosting of European platforms' functions, one or more TSOs are designated. The designated TSOs are acting for the benefit and on behalf of all TSOs

in accordance with the operational rules jointly defined by the (joint) steering committee established by all TSOs. The content of the cooperation framework of the TSOs and the entities performing the functions ensures that the liability regimes as well as the conditions for renewal or termination of the contracts are established. Thus, the proposed setup of the mFRR-Platform contributes to efficient and effective governance and operations of the mFRR-Platform as required by Article 20(3)(e)(ii) of the EB Regulation.

- (10) Newly introduced provisions on back-up and fall-back ensure the continuity of the mFRR-Platform. High-level principles for immediate short-term back-up measures should ensure the continuity of the mFRR-Platform with emphasis on the coordination need between different entities performing the functions of the platform as well as the CMF being a cross-platform function. In case of failure of the CMF, this first amendment to the mFRRIF clarifies that the fall-back process to be used is the current process without CMF being implemented, whereby each TSO individually sends the available cross-zonal capacities to the mFRR-Platform. Thus, the proposed setup of the mFRR-Platform and allocation of functions ensures efficient and effective operation of the mFRR-Platform as required in Article 20(3)(e)(ii) and Article 3(2)(c) of EB Regulation.
- (11) With regard to 20(3)(e)(ii) of the EB Regulation on efficient and effective operations and regulatory oversight, this first amendment to the mFRRIF establishes a reporting on the multiple entity setup to ensure effectiveness and efficiency of the balancing platforms in the long run. Additional transparency provisions enable effective and efficient regulatory oversight as required by Article 20(3)(e)(ii) of the EB Regulation.
- (12) Article 20(3)(e)(iii) of the EB Regulation requires an effective coordination and decision making process to resolve any conflicting positions between entities operating the mFRR-Platform. The designated entities are contractually obliged to operate the functions of the platform. Insofar as the cooperation of the entities is required for the operation or for the solution of issues, the entities are obliged to coordinate bilaterally at all times. If problems cannot be solved by the entities themselves, the (joint) steering committee may also appoint a committee of experts at short notice. If no solution can be found in the expert panel either, the (joint) steering committee should be convened. Member TSOs should ensure that operational problems arising at short notice can be solved within a reasonable period of time. Therefore, member TSOs and entities designated to perform the functions of the mFRR-Platform are subject to a strictly timed dispute resolution process described in in this first amendment to the mFRRIF. Thus, an effective coordination and decision making process to resolve any conflicting positions between entities operating the mFRR-Platform is ensured as required in Article 20(3)(e)(iii) of EB Regulation.
- (13) With regard to the definition of the standard mFRR balancing energy product, this first amendment of the mFRRIF provides more clarity on the possibilities for the balance responsible parties ('BSPs') to offer complex bids within the same quarter hour and to link bids submitted in consecutive quarter hours (technical linking). A new definition of conditional linking has been added to allow for more flexibility in market participants' bidding strategy where linking between the quarter hours can be made without the restriction of being consecutive. This first amendment of the mFRRIF

introduces a new definition of ‘multipart bids’ which replaces the existing ‘parent-child linking’ concept. The new definition adds additional constraints to the bids in order to reflect the monotonous price constraint, needed for improved performance of the algorithm.

- (14) This first amendment of the mFRRIF further clarifies the provisions on the information to be provided to the public: A detailed description of the algorithm should ensure that the interested public is able to understand the functioning of the algorithm. This is to ensure transparency on balancing markets and its functioning, in line with Article 3(a) and (d) of the EB Regulation.
- (15) The mFRRIF as approved by ACER Decision No 03/2020 fulfils the general principles, goals and other methodologies set in the EB Regulation, Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operations, Regulation (EU) 2019/943 on the internal market for electricity (hereafter referred to as the “Electricity Regulation”) as well as Commission Regulation (EC) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Commission Regulation (EC) No 714/2009 (hereafter referred to as the “Transparency Regulation”).
- (16) This first amendment of the mFRRIF fulfils the following objectives stated in Article 3 of the EB Regulation as follows:
  - (a) This first amendment of the mFRRIF is non-discriminatory as required by Article 3(1)(a) of the EB Regulation, as it applies the same rules for all TSOs and entities designated to perform the functions of the mFRR-Platform. Moreover, the rules set out in this mFRRIF for the governance and the decision-making process as well as the requirements put on the entities designated to perform the functions of the mFRR-Platform ensure the non-discrimination among them.
  - (b) This first amendment of the mFRRIF contributes to the transparency in balancing markets, as required by Article 3(1)(a) of the EB Regulation, by introducing transparency obligations towards regulatory authorities and ACER as well as introducing regular reporting on the effectiveness and efficiency of the setup of designated entities to perform the functions of the mFRR-Platform. The provision of an annual work programme allows TSOs which are not designated but rely on the performance of the designated entities to better assess the entities’ compliance with the applicable legal and regulatory framework and contractual agreements, thereby enhancing transparency among TSOs. It further specifies the description on the algorithm’s functioning to be provided to the public.
  - (c) This first amendment of the mFRRIF enhances the efficiency of balancing as well as the efficiency of the European and national balancing markets, as required by Article 3(1)(b) of the EB Regulation, by addressing the requirements of Article 20(3)(e)(ii). In particular, this first amendment of the mFRRIF establishes a joint steering committee, an annual work programme and introduces requirements on the entities designated to perform the functions of the mFRR-Platform. Those requirements ensure effective and efficient governance and operations. The effectiveness and efficiency of the mFRR-Platform

in the long run is addressed by introducing specific reporting obligations.

- (d) This first amendment of the mFRRIF, as required by Article 3(1)(c) of the EB Regulation, contributes to integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security, by establishing and making use of synergies between all European platforms for the exchange of balancing energy also having a CMF.
  - (e) This first amendment of the mFRRIF, as required by Article 3(1)(d) of the EB Regulation, contributes to the efficient long-term operation and development of the electricity transmission system by promoting the efficient use of the available cross-zonal capacities through the designation of one entity to perform the CMF as a cross-platform function and continuously updating of cross-zonal capacities that are available for the manual frequency restoration power interchanges on bidding zone borders. The establishment of an annual work programme as a long-term and forward-looking programme on the projects related to the implementation of the balancing platforms also ensures the efficient long-term operation and development of the electricity transmission system.
- (17) This first amendment to the mFRRIF, including the amendments of the characteristics of the standard mFRR balancing energy products, has no further impact on the other objectives listed in Article 3 of the EB Regulation already fulfilled by the mFRRIF.

## **Article 1**

### **Definitions and interpretations**

Article 2 – Definitions and interpretations – shall be amended as follows:

- a) The following definitions shall be included and be read accordingly:

“(c) ‘complex bids’ means complex bid structures of a BSP with the purpose of economic optimization, allowing BSPs to offer more flexibility, to reflect efficiently their underlying cost structure in their offered bids, and to maximize the opportunity of being activated;

(d) ‘conditional linking’ means links between bids of a BSP in up to three consecutive quarter hours, needed to represent technical restrictions and cost structure of the underlying assets, due to the unavailability of information on the activation of bids from previous quarter hours at the balancing energy gate closure time, where the linking between quarter hours can be made without the restriction of being consecutive;

(o) ‘joint steering committee’ means the joint decision-making body of the European platforms for the exchange of balancing energy and for the imbalance netting process as established in accordance with **Error! Reference source not found.**;

(v) ‘multipart bids’ are a type of complex bids, consisting of a group of bids, where individual positive balancing energy bids can only be activated according to increasing price, or individual negative balancing energy bids can only be activated according to decreasing price;”

b) The following definitions shall be amended and be read accordingly:

“(j) ‘exclusive groups’ are a type of complex bids, consisting of a group of bids, where only one bid can be activated from the list of bids being part of the exclusive group;

(k) ‘expert group’ means a body composed of nominated experts of all member TSOs and established by the steering committee;

(q) ‘member TSO’ means any TSO to which the EB Regulation applies and which has joined the mFRR-Platform, including TSOs from multi-TSO LFC areas that are not appointed via their LFC area operational agreement to be responsible for implementing and operating the mFRP pursuant to Part IV of the SO Regulation, and in particular Articles 141 and 143 therein;

(dd) ‘technical linking’ means links between bids of a BSP in two consecutive quarter hours, needed to avoid the underlying asset performing unfeasible activations, due to the unavailability of information on the activation of bids from previous quarter hours at the balancing energy gate closure time; and”

c) The definition 1(f) and 1(t) shall be deleted.

## **Article 2** **High-level design of the mFRR-Platform**

Article 3 – High-level design of the mFRR-Platform – shall be amended as follows:

a) Paragraph 4(b) shall be amended and be read accordingly:

“a TSO can submit an elastic mFRR demand for positive or negative balancing energy with the price it is willing to pay or receive for the activation of standard mFRR balancing energy product bid;”

b) A new paragraph 12 shall be included and be read accordingly:

“In case the CMF and the back-up pursuant to Article 18(1) and Article 18(2) fail to produce outputs, each participating TSO shall individually send the available cross-zonal capacities to the mFRR-Platform.”

c) Paragraph 18 shall be deleted.

## **Article 3** **The roadmap and timeline for the implementation of the mFRR-Platform**

Article 5 – The roadmap and timeline for the implementation of the mFRR-Platform – shall be amended as follows:

a) Paragraph 3(a) shall be amended and be read accordingly:

“by six months after the approval of this mFRRIF, all TSOs shall designate the entity responsible for performing the AOF and the TSO-TSO settlement function of the mFRR-Platform;”

**Article 4**  
**Definition of the standard mFRR balancing energy product**

Article 7 – Definition of the standard mFRR balancing energy product – shall be amended as follows:

- a) The table in Paragraph 3(a) shall be amended and be read accordingly:

Price	in €/MWh
Location	At least the smallest of LFC area or bidding zone.
Divisibility	BSPs are allowed to submit divisible bids with an activation granularity of 1 MW. BSPs are allowed to submit indivisible bids pursuant to Article 7(4).

- b) A new paragraph 4 shall be included and be read accordingly:

“When submitting standard mFRR balancing energy product bids, BSPs shall be allowed to provide information on technical linking between bids in two consecutive quarter hours and conditional linking between bids in up to three consecutive quarter hours.”

- c) A new paragraph 5 shall be included and be read accordingly:

“When submitting standard mFRR balancing energy product bids, BSPs shall be allowed to submit complex bids being either multipart bids or exclusive groups. In addition, multipart bids and exclusive groups may be linked together only via technical linking.”

**Article 5**  
**Designation of entity**

Article 12 – Designation of entity - shall be amended as follows:

- a) Paragraph 2 shall be amended and be read accordingly:

“For the operation of the mFRR-Platform, all TSOs shall designate one TSO to perform the AOF and the TSO-TSO settlement function and another TSO to perform the CMF. In case other balancing platforms have such function, the CMF shall be the same across these platforms and shall be operated by the same TSO, if the same obligation is imposed in the relevant implementation framework of each platform.”

- b) Paragraph 3 shall be amended and be read accordingly:

“The TSOs referred to in paragraph 2 proposed to be designated in accordance with Article 20(4) of the EB Regulation are:

- (a) Amprion GmbH to perform the AOF and TSO-TSO settlement function; and

(b) ČEPS a.s. to perform the CMF.”

c) Paragraph 4 shall be amended and be read accordingly:

“The entities designated to perform the functions shall be acting for the benefit and on behalf of all member TSOs of the mFRR-Platform. They shall fulfil their tasks in accordance with the objectives of the EB Regulation, this mFRRIF, the contractual framework, the steering committee decisions and the operational procedures in accordance with Article 14(4)(a).”

d) A new paragraph 5 shall be included and be read accordingly:

“Each entity designated to perform one or more functions specified in paragraph 2 shall:

- (a) perform its tasks in a cost-efficient way;
- (b) keep, in its internal accounting, separate accounts for all related activities and for the purposes of the cost reporting and sharing in accordance with Article 19 to prevent cross-subsidiation;
- (c) keep information gained through the operation of the mFRR-Platform confidential and guarantee non-discriminatory treatment of information offering any economic advantage for other parts of their commercial business;
- (d) make the mFRR-Platform's information available to all member TSOs at all times to allow all member TSOs to fulfil the transparency and reporting obligations according to Article 13;
- (e) keep records to provide an accurate, complete, up-to-date and accessible reporting of all activities in case of audits by one or more member TSOs;
- (f) duly coordinate with all member TSOs and the other entities performing the functions, notably in the case of dispute resolution; and
- (g) duly coordinate in case of termination of the designation to ensure continuity of the mFRR-Platform implementation and operations at all times.”

e) Paragraph 5 shall be amended and be read accordingly:

“For the avoidance of doubt, the designated entities may contract third parties for executing supporting tasks, subject to the agreement of the steering committee.”

## **Article 6**

### **Transparency and reporting**

Article 13 – Transparency and reporting – shall be amended as follows:

a) A new paragraph 6 shall be included and be read accordingly:

“All member TSOs shall publish the relevant information stemming from this mFRRIF in a commonly agreed harmonised format at least through the ENTSO-E central information transparency platform established pursuant to Article 3 of Regulation (EU) No 543/2013 and Article 12 of the EB Regulation.”

- b) A new paragraph 7 shall be included and be read accordingly:

“After the implementation of the CMF in accordance with Article 4(6), all member TSOs shall submit to regulatory authorities and ACER a report on the assessment of the effectiveness and efficiency of the currently used designation setup including multiple entities in accordance with Article 12. In case other balancing platforms have a cross-platform function such as the CMF, this part of the report shall be compiled with the respective assessments of the other platforms. This report shall be submitted every second year. It can be submitted together with the report pursuant to Article 59(2)(a) of the EB Regulation. The steering committee shall coordinate the establishment of the report.”

- c) A new paragraph 8 shall be included and be read accordingly:

“The assessment referred to in paragraph 8 shall include indicators reflecting at least:

- (a) the availability of the mFRR-Platform;
- (b) the incidents during the operations of the mFRR-Platform with a specific assessment of interoperability incidents between the different entities performing the functions; this shall also include a list of incidents in the operation of the functions and the application of back-up and fall-back procedures, including the reasoning for their occurrence and the applied or anticipated remedies to prevent their reoccurrence in the future;
- (c) identification of problems related to implementation and operation of the mFRR-Platform;
- (d) recommendations for further development of the mFRR-Platform.”

## **Article 7**

### **Governance and decision-making process**

Article 14 – Governance and decision-making process – shall be amended as follows:

- a) Paragraph 1 shall be amended and be read accordingly:

“The rules concerning the governance and operation of the mFRR-Platform shall ensure that no connecting TSO benefits from unjustified economic advantage through the participation in the mFRR-Platform.”

- b) Paragraph 2 shall be amended and be read accordingly:

“The mFRR-Platform has a two-level governance structure: the steering

committee and the expert group. The steering committee shall be the decision-making body. The expert group shall be the expert body of the mFRR-Platform, shall prepare background materials for the steering committee and shall evaluate and propose concepts in relation to the implementation of the mFRR-Platform.”

c) Paragraph 3 shall be amended and be read accordingly:

“Each member TSO of the mFRR-Platform shall appoint at least one regular representative to the steering committee and at least one regular representative to the expert group of the mFRR-Platform and, where applicable, to the cross-platform expert group according to paragraph 5. The member TSOs shall aim to make unanimous decisions. Where unanimity cannot be reached, qualified majority voting according to this Article shall apply.”

d) A new paragraph 4 shall be included and be read accordingly:

“The steering committee shall:

- (a) organise the management of the implementation and the operation of the mFRR-Platform; this shall include the establishment and amendment of operational procedures;
- (b) take binding decisions according to the decision-making principles pursuant to paragraphs 7 to 9;
- (c) organise an operational committee which shall decide on day-to-day operational situations and supervise tasks related to the incident management as laid down in the operational procedures;
- (d) establish the mFRR-Platform expert group. It may also establish further expert groups or merge the mFRR-Platform expert group with other expert group(s). In such event, the steering committee shall determine the composition, the modalities of the functioning and the dedicated tasks of such new expert group;
- (e) monitor the implementation of its decisions;
- (f) meet regularly;
- (g) provide regulatory authorities and ACER with conclusions and findings of the meetings within two weeks unless they invite regulatory authorities and ACER to the meetings as observers. This is without prejudice to the regulatory authorities’ and ACER’s right to request information from TSOs pursuant to the applicable national law or Article 3(2) Regulation (EU) 2019/942;
- (h) coordinate the establishment of the annual work programme to be provided by all member TSOs to all regulatory authorities and ACER in accordance with Article 15; and
- (i) coordinate the establishment of the report on the effectiveness and efficiency to be provided by all member TSOs to all regulatory authorities and ACER in accordance with Article 13.

In case of a joint steering committee, paragraph 6 shall apply.”

e) A new paragraph 5 shall be included and be read accordingly:

“In case other balancing platforms have a cross-platform function such as the CMF, the steering committee shall be the same across these platforms, if the same obligation is imposed in the relevant implementation framework for these platforms. In such case, the steering committee shall be a joint steering committee for the relevant platforms, and all references to the steering committee in this mFRRIF shall be understood as referring to the joint steering committee. The joint steering committee shall be supported by an additional expert group for all cross-platform functions including at least the CMF and all cross-platform issues. The expert group on cross-platform functions and issues shall prepare background materials for the joint steering committee and shall evaluate and propose concepts in relation to the implementation of the cross-platform functions and any other cross-platform related content.”

f) A new paragraph 6 shall be included and be read accordingly:

“The joint steering committee shall be responsible for the tasks referred to in paragraph 4, except points (a), (b) and (c). In addition, it shall:

- (a) organise the management of the implementation and the operation of all involved European platforms for the exchange of balancing energy and for the imbalance netting process; this shall include the establishment and amendment of operational procedures;
- (b) take binding decisions on any matter related to the AOF and the TSO-TSO settlement function of the mFRR-Platform according to the decision-making principles pursuant to paragraphs 7 to 9;
- (c) take binding decisions on any matter related to the cross-platform functions and cross-platform issues by voting of all member TSOs of all involved European platforms for the exchange of balancing energy and for the imbalance netting process by applying the decision-making principles pursuant to paragraphs 7 to 9;
- (d) organise a joint operational committee for the operation of all involved European platforms for the exchange of balancing energy and for the imbalance netting process; the joint operational committee shall decide on day-to-day operational situations and supervise tasks related to the incident management as laid down in the operational procedures.”

## **Article 8**

### **Annual work programme**

A new Article 15 – Annual work programme – shall be included and read accordingly:

“

Article 15  
Annual work programme

No later than 30th September of each year, all member TSOs shall provide an annual work programme for at least the two subsequent years to all regulatory authorities and ACER that describes the projects aiming at implementing the mFRR-Platform and all related tasks. For each project, the document shall indicate the scope, the interdependency with other projects, including the interdependency with other European balancing platforms as regards cross-platform functions such as the CMF and other cross-platform issues, the requested investments including, if necessary, research and development activities, the expected benefits, the budget, the timeline for implementation including a clear assignment of responsibilities and deadlines to the involved parties, especially separating the involvement of the different entities performing the functions and other parties such as TSOs, as well as identified risks and possible mitigation measures. The steering committee shall coordinate the establishment of the annual work programme.”

## **Article 9 Dispute resolution**

A new Article 16 – Dispute resolution – shall be included and read accordingly:

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### Article 16 Dispute resolution

1. In the event of a dispute, a dispute notice shall be submitted in written to the steering committee by the parties involved. The dispute notice shall include at least a description of the dispute, the involved member TSOs or entities performing the functions, the claims raised and their legal grounds and a proposal for settlement if available.
2. The settlement process of arising disputes shall be as follows:
  - (a) the steering committee shall appoint without undue delay amongst its representatives a person responsible for the amicable settlement procedure without undue delay.
  - (b) should no amicable settlement be reached within one month or within a reasonable time agreed upon by the involved parties, disputing member TSOs or entities performing the functions, after agreement by the steering committee may ask the relevant regulatory authorities and/or ACER for guidance, should the dispute directly concern regulatory issues if it is in compliance with their competences under the law, which an amicable settlement may take into account, or refer the dispute to mediation.
  - (c) in case none of the above led to the settlement of the dispute, the dispute shall be settled either by arbitration or by court.
3. The outcome of any of the above measures shall be binding upon the disputing member TSOs or entities performing the functions.

4. The dispute resolution process shall not preclude the steering committee from applying for interim or conservatory measures or any injunctive relief. The contractual framework may further detail the dispute resolution process set out in this paragraph.”

## **Article 10 Cooperation framework**

A new Article 17 – Cooperation framework – shall be included and read accordingly:

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### Article 17 Cooperation framework

1. In order to ensure efficient and effective implementation and operation of the mFRR-Platform, each member TSO shall set up a contractual framework applicable to all member TSOs. Under the contractual framework, each member TSO shall adhere to at least the following high level principles:

- (a) not to undertake actions which may be detrimental to the operation of the mFRR-Platform functions as defined in the contractual framework;
- (b) to assist each other and cooperate among themselves in case of an investigation regarding the mFRR-Platform by a competent regulatory authority provided that it is allowed under the applicable national law or laws;
- (c) to apply the principles of equal treatment, proportionality and non-discrimination towards all other member TSOs; and to perform its obligation in compliance with laws and regulations, including this mFRRIF.

2. In their contractual framework, all member TSOs shall clearly allocate the roles and responsibilities of the member TSOs, the designated entities in accordance with Article 12, notably the obligations of reporting and exchange of information in accordance with Article 13. This shall also define liabilities arising from any actions or omissions of the signing parties, being the member TSOs or the entities designated to perform the functions, especially in case of failure of those entities to comply with their obligations such as the breaching of deadlines.

3. The contractual framework shall include the conditions for renewal and termination, as well as in case of termination or hand-over of one designated entity to another, specific obligations on the entities designated to perform the functions to ensure a smooth transition and continuity of the mFRR-Platform at all times. Such conditions shall include clear timelines and responsibilities for the entities performing the functions, deadlines for early involvement of the steering committee, and clearly defined liabilities for the cases of not meeting the timelines or the obligations.

4. The contractual arrangements may be amended following a decision of the

steering committee including the renewal or termination of the contractual relations with the entities designated to perform the functions of the mFRR-Platform as well as the designation of another entity following a respective amendment of this mFRRIF.

5. All member TSOs shall own and govern the IT solutions including the intellectual property to operate the mFRR-Platform functions.

6. All member TSOs shall define and establish operational procedures to be approved by the steering committee in accordance with Article 14(4)(a) with a specific emphasis on the coordination need between different entities performing different functions of the mFRR-Platform. These procedures shall at least cover day-to-day operations, the incident resolution processes, fall-back and back-up procedures including communication procedures, data processing and validation.

7. In case a request from one or several regulatory authorities made in compliance with the applicable national law or laws or ACER made in compliance with Article 3(2) Regulation (EU) 2019/942 is received by one or several member TSOs or by one or several TSOs designated to perform the platform's functions, these TSOs shall immediately inform all member TSOs via the steering committee of the content of such request. All member TSO shall cooperate to respond adequately, consistently and promptly to a request for information received in relation to fulfilment of the obligations of the mFRRIF. However, requests for information submitted by regulatory authorities can only be disclosed provided that this is allowed under the applicable national law.”

### **Article 11 Back-up principles**

A new Article 18 – Back-up principles – shall be included and read accordingly:

“

#### Article 18 Back-up principles

1. All member TSOs shall ensure that for all day-to-day operational steps, back-up processes and communication procedures are in place, regularly tested, properly documented as well as involved parties being trained regularly. This shall include back-up processes and communication procedures between the designated entities performing different functions of the mFRR-Platform.

2. All member TSOs shall ensure that the hosting and communication infrastructure of the designated entities performing the platform's functions shall be equipped with back-up solutions enabling its operations in case of outages or technical incidents.

**Article 12**  
**Publication and implementation of this mFRRIF**

Article 17 – Publication and implementation of this mFRRIF – shall be amended and read accordingly:

- a) Paragraph 3 shall be amended and be read accordingly:

“One month before the deadline for the implementation of the mFRR-Platform pursuant to Article 5(3)(b), all TSOs shall publish a detailed description of the optimisation algorithm pursuant to Article 12(3)(k) of the EB Regulation. This description shall ensure that the interested public is able to understand the functioning of the algorithm. All TSOs shall keep this document updated.“

**Article 13**  
**Publication and implementation of this Amendment**

1. All TSOs shall publish this amendment to the mFRRIF without undue delay pursuant to Article 7 of EB Regulation after a decision has been taken by the Agency for the Cooperation of Energy Regulators in accordance with Article 5(2)(a) of the EB Regulation and Article 5(2) Regulation (EU) 2019/942 establishing a European Union Agency for the Cooperation of Energy Regulators.
2. All TSOs shall implement this amendment to the mFRRIF after a decision has been taken by the Agency for the Cooperation of Energy Regulators in accordance with Article 5(2)(a) of the EB Regulation and Article 5(2) Regulation (EU) 2019/942 establishing a European Union Agency for the Cooperation of Energy Regulators unless specific deadlines are provided within this amendment. The amendments linked to the implementation of the CMF shall be implemented at the same time as the CMF. These are specified in Articles 2(b), 7(e) and 11.

**Article 14**  
**Language**

1. The reference language for this amendment to mFRRIF shall be English.
2. For the avoidance of doubt, where TSOs need to translate this amendment to the mFRRIF into their national language(s), in the event of inconsistencies between the English version published by TSOs in accordance with Article 7 of the EB Regulation and any version in another language, the relevant TSOs shall be obliged to dispel any inconsistencies by providing a revised translation of this mFRRIF to their relevant national regulatory authorities.