

**Corrigendum of 21 December 2020 to the Decision of the Board of Appeal
of the European Union Agency for the Cooperation of Energy Regulators of 16 July 2020 in
Case Number A-002-2020 (consolidated)**

In accordance with Article 30 of its Rules of Procedure, the Board of Appeal rectifies the following clerical mistakes:

in Paragraph 142

for: “142. First, the Board of Appeal considers that it follows from Article 12(2) and (3) of the Contested Decision’s mFRRIF, read in conjunction with Article 5 of the Contested Decision’s mFRRIF that, no later than 24 January 2023 (eighteen months before the deadline when the CMF becomes a mandatory function pursuant to Article 6(4) of the mFRRIF) - which the Appellants did not appeal - the TSOs should make a proposal relating to the designation of the entity in charge of operating the CMF. In other words, TSOs are asked to submit a proposal for mFRRIF amendment on the CMF.”

read: “142. First, the Board of Appeal considers that it follows from Article 12(2) and (3) of the Contested Decision’s mFRRIF, read in conjunction with Article 5 of the Contested Decision’s mFRRIF - which the Appellants did not appeal - that, no later than 24 January 2023 (eighteen months before the deadline when the CMF becomes a mandatory function pursuant to Article 6(4) of the mFRRIF) the TSOs should make a proposal relating to the designation of the entity in charge of operating the CMF. In other words, TSOs are asked to submit a proposal for mFRRIF amendment on the CMF.”

in Paragraphs 182 and 183

for: “181. Article 4(6) of the Contested Decision’s mFRRIF - which has not been appealed by the Appellants - provides that the CMF shall be considered as a function required to operate the mFRR-Platform no later than two years after the deadline for the implementation of the mFRR-Platform pursuant to Article 5(3)(b), i.e. by 24 July 2024¹.

182. Article 4(2) of the Contested Decision’s mFRRIF provides for a detailed definition of the underlying process of the CMF, which is the process of continuously updating the mFRR cross-zonal capacities for each of the relevant bidding zone border or set of bidding zone borders. These capacities are needed as an input for the AOF. Contrary to the Appellants’ argument, even though Article 37 of the EB NC does not expressly mention the CMF, it defines its underlying process for the updating of cross-zonal capacities. Indeed, Article 37(1) of the EB NC reads as follows: “After the intraday-cross-zonal gate closure time, TSOs shall continuously update the availability of cross-zonal capacity for the exchange of balancing energy or for operating the imbalance netting process. Cross-zonal capacity shall be updated every time a portion of cross-zonal capacity has been used or when cross-zonal capacity has been recalculated.”

read: “181. Article 4(6) of the Contested Decision’s mFRRIF provides that the CMF shall be considered as a function required to operate the mFRR-Platform no later than two years after the deadline for the implementation of the mFRR-Platform pursuant to Article 5(3)(b), i.e. by 24 July 2024².

182. Article 4(2) of the Contested Decision’s mFRRIF - which has not been appealed by the Appellants - provides for a detailed definition of the underlying process of the CMF, which is the process of continuously updating the mFRR cross-zonal capacities for each of the relevant bidding zone border or set of bidding zone borders. These capacities are needed as an input for the AOF. Contrary to the Appellants’ argument, even though Article 37 of the EB NC does not expressly mention the CMF, it defines its underlying process for the updating of cross-zonal capacities. Indeed, Article 37(1) of the EB NC reads as follows: “After the intraday-cross-zonal gate closure time, TSOs shall continuously update the availability of cross-zonal capacity for the exchange of balancing energy or for operating the imbalance netting process. Cross-zonal capacity shall be updated every time a portion of cross-zonal capacity has been used or when cross-zonal capacity has been recalculated.”



Andris Piebalgs

Chairperson of the Board of Appeal



Ronja Linßen

Acting Registrar of the Board of Appeal

¹ See also Articles 3(3) and 6(5) of the mFRRIF joined as Annex 1 to the Contested Decision.

² See also Articles 3(3) and 6(5) of the mFRRIF joined as Annex 1 to the Contested Decision.