

Response to ACER's public consultation on all TSOs' proposals to amend the implementation frameworks for exchange of balancing energy with mFRR and aFRR

Brussels, 23 February 2026

Key messages

- We support harmonising Balancing Service Provider Terms and Conditions for aFRR and mFRR amidst pan-European balancing platform development.
- Technical and operational considerations are to be reflected in the T&Cs. It is just as important to have harmonisation of commercially relevant parts of the T&Cs (such as imbalance settlement and BSP remuneration).

Detailed comments

Topic 1: Frequency of stakeholder survey

1.1 Do you agree with ACER's proposed modification to reduce the frequency of the stakeholder survey to every two years?

fully agree

partially agree

partially disagree

fully disagree

no opinion

1.2 Please provide an explanation for your answer above.

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The current approach of annual harmonisation assessment may indeed prove too frequent, considering the subsequent process to define a harmonisation proposal based on the assessment. However, the ENTSO-E proposed cycle of assessments every 3 years is too infrequent in light of the quickly evolving technological and market landscape, as well as the ongoing European integration. We therefore proposed in our ENTSO-E an assessment every 2 years, allowing the year between assessments for the harmonisation proposal based on the assessments.

Topic 2: Proportionality of the prequalification process

2.1 Do you agree that the prequalification process proposed by TSOs is sufficiently proportionate and inclusive for all types of market participants?

fully agree

partially agree

partially disagree

fully disagree

2.2 Please provide an explanation for your answer above.

We raised to ENTSOE the absence of provisions enabling a genuine level playing field between assets from different countries. The costs, both direct and administrative, of pre-qualification processes have a disproportionate impact on smaller resources. Processes should, in principle, be streamlined, aligned with best practices and simplified for all resources.

On the prequalification process, we recommend shorter timelines to facilitate quicker market entry for new providers without too heavy financial waiting impact. We missed consideration to harmonisation of technical requirements to ensure fair competition among Balancing Service Providers across Europe, as differences may reduce consistency of

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balancing energy products and jeopardise the level playing field. We recommend a comparative analysis of prequalification and verification practices across Europe to then develop a roadmap for further technical harmonisation and consistent asset requirements.

Topic 3: Level of harmonisation

3.1. Do you agree that the current level of harmonisation in the Proposals fulfils the requirements for harmonising FRR prequalification and ex-post verification processes in order to provide a level playing field for all BSPs across Member States in an integrated European balancing market?

- fully agree
- partially agree
- partially disagree**
- fully disagree
- no opinion

3.2 Please provide an explanation for your answer above.

The proposal contains several aspects to be further specified in the national terms and conditions, which means national divergences and doesn't ensure a level playing field among market participants that are competing in the same balancing platforms.

We raised to ENTSO-E the absence of provisions enabling a genuine level playing field between assets from different countries. On the prequalification process, we recommend shorter timelines to facilitate quicker market entry for new providers without too heavy financial waiting impact. We missed seeing consideration for the harmonisation of technical requirements to ensure fair competition among Balancing Service Providers across Europe, as differences may reduce consistency of balancing energy products and jeopardise the level playing field. We recommend a comparative analysis of

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prequalification and verification practices across Europe to then develop a roadmap for further technical harmonisation and consistent asset requirements.

Topic 4: FRR prequalification process

4.1 Do you agree that the FRR prequalification process proposed by the TSOs is compatible with all types of market participants features?

- fully agree
- partially agree
- partially disagree**
- fully disagree
- no opinion

4.2 Please provide an explanation for your answer above.

We observe the need for further simplification in the prequalification processes, especially with the increasing number of smaller RPUs (Reserve Providing Units). We welcome the intention to explore the feasibility of reducing procedural timeframes, and this should be for all units to ensure a level playing field. As mentioned previously, we also recommend shorter timelines to facilitate quicker market entry for new providers, as there is a financial impact to waiting. We request enabling individual TSOs to set – or keep – shorter prequalification timelines as well as to consider more ambitious timelines, if necessary, with some transitory periods for TSOs to streamline their current practices.

4.3 Do you agree that the timeline for the FRR prequalification process proposed by the TSOs in Article 5 of the Annexes to the Proposals is excessively long?

- fully agree**
- partially agree

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partially disagree
fully disagree
no opinion

4.4 In case your answer to Question 4.3 is “Fully agree” or “Partially agree” or “Partially disagree”, could you propose a specific timeline or deadline for different phases of the prequalification process as outlined in Article 5(2)(b) (timeline for ‘Confirmation of application’), Article 5(2)(c) (timeline for ‘Technical evaluation’), Article 5(3) (timeline in case of incorrect and missing information) and Article 5(4) (timeline in case of negative results)?

We previously identified that having to wait 5 months – or even up to 9 months – before being able to provide these services would have a significant financial impact.

On the confirmation of the application, we acknowledge that TSOs reduced it to 4 weeks. We encourage reducing it further to 2 weeks, while keeping the 4 weeks for exceptional circumstances. For the technical evaluation, the suggested 3 months is too long and could be halved.

4.5 Do you agree with ACER that the timeline and steps required to complete the prequalification process, as outlined in Article 5 of the Annexes to the Proposals, are excessively long and not fully compatible with small, identical, and standardised units?

fully agree
partially agree
partially disagree
fully disagree
no opinion

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4.6 If your answer to Question 4.5 is “Fully agree” or “Partially agree” or “Partially disagree”, could you propose a specific timeline or deadline, and indicate which phases of the prequalification process should be included or excluded, as set out in Article 5 of the Annexes of the Proposals?

We support shortening and simplifying the process for identical units and products, once approval has been given that BSP and identical units have been previously qualified. The technical evaluation phase can be largely skipped when assessing prequalification of small, standardised units for which identical units have already successfully passed prequalification with the same BSP and same TSO for providing the same services. There is no need to evaluate the technical characteristics if they are already known. This phase could therefore be reduced to 2 weeks.

4.7 Do you agree with ACER that the timeline in the event of a negative result of the technical evaluation proposed by the TSOs in Article 5(4) of the Annexes to the Proposals should be shorter than the general FRR prequalification process?

fully agree

partially agree

partially disagree

fully disagree

no opinion

4.8 Please provide an explanation for your answer above.

As mentioned before, while the prequalification timeline is clear, we recommend shortening it so it may facilitate market entry to new providers and lessen the financial costs of waiting to provide the services.

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Topic 5: Prequalification with activation test and ex-post verification process

5.1 Do you agree with ACER that ex-post verification should be considered an alternative to prequalification with an activation test, provided that the conditions required to ensure system security are fulfilled?

fully agree

partially agree

partially disagree

fully disagree

no opinion

5.2 Please provide an explanation for your answer above.

We recommended above the need for further simplification of the prequalification process with the increasing number of smaller RPUs. As long as the alternative process facilitates market entry to new providers without a too lengthy timeline and that fairness between BSPs is maintained, we should be in support.

Ex-post verification has the potential to enhance the overall provision of balancing services, provided that system security requirements are satisfied. It is imperative that the criteria for applying ex-post verification are harmonised across jurisdictions and are equal for all technologies. Divergent requirements for activation quality and reliability among countries would preclude the assurance of equivalent quality standards for balancing energy products.

5.3 Do you agree that Article 6 of the Annexes of the Proposals correctly defines the conditions for RPUs and RPGs to carry out ex-post verification?

fully agree

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partially agree

partially disagree

fully disagree

no opinion

5.4 Please provide an explanation for your answer above.

Overall, the conditions to carry out ex-post verification in Art. 6 appear proportionate. We previously called for clarification on the process and timeline, which criteria would need to be fulfilled. We emphasise the need for comparable requirements across countries when implemented, as well as a harmonised approach to ensure fairness. The proposal still leaves significant discretion to national implementation, which risks inconsistencies across member states. We also observe that, in practice, this ex-post verification process usually fails for several reasons.

5.5 Do you agree with the steps and timeline of the ex-post verification process proposed by the TSOs in Article 6 of the Annexes of the Proposals?

fully agree

partially agree

partially disagree

fully disagree

no opinion

5.6 Please provide an explanation for your answer above.

In general, the processes and timelines seem reasonable, and it is an improvement. The criteria for successful ex-post verification, as stipulated in Article 6(6), should not be delegated to national Terms and Conditions (T&Cs).

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Should minimum requirements regarding the reliability and quality of balancing services be established solely through national regulations, there would be no assurance of maintaining consistent quality across standard balancing products.

Some of the provisions may need to be revisited when the text of the proposed Network Code on Demand Response is finalised, as this may remove some of the discretion from TSOs.

Topic 6: Granularity of information requirements

6.1 Do you agree with the current level of detail in the application submission requirements proposed by TSOs in Article 7 of the Annexes of the Proposals?

- fully agree
- partially agree
- partially disagree**
- fully disagree
- no opinion

6.2 Please provide an explanation for your answer above.

The terms mostly match the previous version of the CHP article 6. We had no main comments except that we missed consideration in the amended rules on harmonising technical requirements to ensure fair competition among BSPs across Europe, that equal standards are needed with pay-as-clear remuneration. We, therefore, recommended a comparative analysis of prequalification and verification practices across Europe with the goal to develop a roadmap for further technical harmonisation and consistent asset requirements.

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Topic 7: Switching of Reserve Providing Units (RPUs) between BSPs

7.1 Do you agree with the requirements and conditions and timeline of switching RPUs between BSPs proposed by the TSOs in Article 8 of the Annexes of the Proposals?

- fully agree
- partially agree**
- partially disagree
- fully disagree
- no opinion

7.2 Please provide an explanation for your answer above.

We agree to have specific conditions for already qualified units when switching. The transfer of the prequalification status of RPU/RPG should be a complete transfer of the asset without changes to its technical or functional scope, which should be made explicitly clear in the Annexes. We recommend a simplified process to transfer BSP prequalification status by making it applicable for first-time prequalification of BSP with equivalent experience with the respective asset type. Application of an easier prequalification for similar assets should be in the largest region with identical prequalification requirements.

7.3 Do you agree that the scope of Article 8 of the Annexes of the Proposals should be limited to switching RPUs and not RPGs between BSPs?

- fully agree
- partially agree
- partially disagree
- fully disagree**
- no opinion

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7.4 Please provide an explanation for your answer above.

As for RPU, RPGs should be included in Article 8, provided they follow the same conditions and technical requirements.

7.5 Do you agree with the level of harmonisation for the ex-post verification for the switching of RPUs between BSPs as outlined in Article 6(3)(a) and Article 8(1) of the Annexes of the Proposals?

fully agree

partially agree

partially disagree

fully disagree

no opinion

7.6 Please provide an explanation for your answer above.

In our response to ENTSO-E, we requested clarification on the process and timeline of a switch request and implementation. We wondered about when and how to inform TSOs of the switch, which criteria triggers the 6 weeks period referenced, and when the TSO should decide whether or not a prequalification process is necessary, and within what period this should be done. We asked for a better-defined process, while keeping it overall as agile as possible and based on ex-post verification whenever possible to ensure no unnecessary barriers.

Topic 8: Re-prequalification process and conditions

8.1 Do you agree with the proposed timeline for re-prequalification by TSOs in Article 9(1) and 9(2) of the Annexes of the Proposals?

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fully agree
partially agree
partially disagree
fully disagree
no opinion

8.2 Please provide an explanation for your answer above.

We highlighted that once there is a prequalification, that it should be preserved in duration as much as possible unless the technical characteristics of the assets change. In the absence of material changes, an extensive procedure is not warranted. We recommend technical tests or verifications to be mandatory for re-prequalification when relevant requirements or the equipment have been subject to significant changes. For more growth and competition, the six weeks of notice could be reduced to 4 weeks of notice followed by 2 weeks of TSO reflection time.

8.3 Do you agree with the proposed conditions by the TSOs to request re-prequalification in Article 10(1) of the Annexes of the Proposals?

fully agree
partially agree
partially disagree
fully disagree
no opinion

8.4 Please provide an explanation for your answer above.

We previously had no immediate concerns regarding the provisions. We highlighted that once there is a prequalification, it should be preserved in duration as much as possible unless the technical characteristics of the assets change. We recommend technical tests or

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verifications to be mandatory for re-qualification when relevant requirements or the equipment have been subject to significant changes.

While the inclusion of the 0.5 MW lower bound in 10(1)(a) is an improvement on earlier texts, our view is that this would still allow TSOs to impose a needlessly large burden on growing portfolios of small resources. 20%, 5MW, and 1MW would be more conservative numbers.

We disagree with Art. 10(1)(f), which opens the door to further conditions triggering re-qualification at the national level, thereby creating the risk of diverging practices and an unlevel playing field.

8.5 Do you agree with the level of harmonisation for the ex-post verification for the re-qualification in Article 6(3)(c) and Article 10(1)(d) of the Annexes of the Proposals?

fully agree

partially agree

partially disagree

fully disagree

no opinion

8.6 Please provide an explanation for your answer above.

The TSO may allow for ex-post verification in Art. 6(3)(c) but is not obliged to do so, leading to the risk of diverging practices and an unlevel playing field.

TSOs have discretion over allowing RPU/RPGs to skip re-qualification if the last prequalification occurred +5 yrs ago, under the condition that they have delivered on their service in the last 12 months. Also in this case, TSOs in different countries risk adopting different practices, causing a risk for the level playing field.

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8.7 Do you agree with ACER that, it is unclear whether re-prequalification for RPU's or RPG's should include all the steps of the prequalification process as outlined in Article 5 of the Annexes to the Proposals?

fully agree

partially agree

partially disagree

fully disagree

no opinion

8.8 If your answer to Question 8.7 is "Fully agree" or "Partially agree" or "Partially disagree", please specify under which conditions re-prequalification for RPU's or RPG's should require a full prequalification process or a partial prequalification process. Please also indicate which steps of the prequalification process, as outlined in Article 5 of the Annexes to the Proposals, should be included or excluded.

The text appears to give TSOs discretion to require far more testing than could possibly be efficient.

Portfolios of small demand-side resources tend to change over time as customers join and leave the programme, or switch between aggregators. Activation tests can be costly for demand-side participants. Therefore, it is essential that, where an aggregated portfolio has to be re-prequalified, any testing (whether an activation test or an ex-post verification test, which could lead to a need for an activation test if no dispatch event occurs in the necessary time window) is restricted to the components which have changed, so that costs are not imposed on the unchanged customers. We think the original intent of the text was to ensure this, but we are not confident that the proposed text actually achieves this.

Topic 9: Other comments

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If you would like to comment on other topics, please indicate clearly the related Article and paragraph of the Proposals and add a sufficient explanation.

We support harmonising Balancing Service Provider Terms and Conditions for aFRR and mFRR amidst pan-European balancing platform development.

Technical and operational considerations are to be reflected in the T&Cs. It is just as important to have harmonisation of commercially relevant parts of the T&Cs (such as imbalance settlement and BSP remuneration). Further harmonisation areas to tackle include: Transparency and access to real-time balancing data; Imbalance pricing; MARI & PICASSO system interfaces; IT, communication, and metering requirements; Activation, baselining, and monitoring methodologies; and Settlement, penalty, and backup regimes.

Market distortions caused by the lack of harmonisation in these fields are at least as significant as distortions arising from differences in the technical and organisational aspects of the Terms and Conditions (T&Cs).

Contact

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