

Appendix 1

Electricity Distribution licence

Standard Conditions of the Electricity Distribution Licence

Statutory consultation – draft licence conditions for market facilitator

Condition 55. Market Facilitator

Introduction

55.1

The purpose of this condition is to set an obligation on the licensee to engage with the Market Facilitator in its role to align and standardise flexibility markets and flexibility market arrangements and processes.

Part A: Flexibility Market Rules

55.2

The licensee must comply with the Flexibility Market Rules, subject to paragraph 55.4.

55.3

The Market Facilitator will issue and amend the Flexibility Market Rules. The licensee may raise appeal to The Authority upon the issuing or amending of the Flexibility Market Rules, in accordance with the process outlined in the Market Facilitator Governance Framework document.

55.4

Nothing in this condition replaces, overrides or limits: (a) any statutory duty imposed on the licensee; or (b) any other obligation of the licensee under the licence or any industry code, and in the event of a conflict, the licensee's statutory or other licence obligations will prevail.

Part B: Implementation monitoring

55.5

The licensee must use reasonable endeavours, within a reasonable timeframe, to provide such Market Facilitator Information to the Market Facilitator, as the Market Facilitator may and when reasonably requested ~~ed by the Market Facilitator~~. ;

55.6

The Market Facilitator Information ~~must be~~ provided by the licensee ~~in~~ must be of sufficient quality and in such format ~~sufficient quality and format~~ as the Market Facilitator may reasonably request.

55.7

For the purposes of paragraph 55.5 the licensee shall not be obliged to provide information or data where it is:

- a. Subject to legal privilege;
- b. Subject to a binding obligation of confidentiality;
- c. Commercially sensitive;
- d. Relating to data which is owned by a third party and rights to share have not been agreed; or
- e. In respect of, or in relation to Critical National Infrastructure, as defined by the UK Government.

~~The licensee appeals is not required to comply with paragraph 55.5 if the licensee could not be compelled to produce or give the Information in evidence in civil proceedings before a court.~~

Part C: Derogations

55.9

~~The Authority may, after consulting with the licensee, give a direction ("derogation") to the licensee that relieves it of its obligations under this condition to such extent, for such period of time, and subject to such conditions as may be specified in the direction.~~

Interpretation and definitions

To be added to CONDITION 1. DEFINITIONS FOR THE STANDARD CONDITIONS

Flexibility Market Asset Registration	means common digital infrastructure enabling the collection, storage and access of asset registration data for local and national flexibility markets, covering technical asset data and flexibility service data.
Flexibility Market Rules	means the set of rules of that name (inclusive of rules in respect of Flexibility Market Asset Registration) <u>as developed, issued and amended</u> owned by the Market Facilitator and developed in collaboration <u>and following appropriate consultation</u> with the licensee.
Market Facilitator	means the role created by the Authority with a mandate to standardise local flexibility markets and align with national flexibility markets.
Market Facilitator Information (Electricity Distribution Licence)	means such <u>relevant</u> information <u>as the Market Facilitator may reasonably request</u> to be provided by the licensee to the Market Facilitator which: <u>(a)</u> relates to the licensee's Distribution System; <u>(b)</u> is in the possession or control of the licensee; and; <u>(c)</u> the Market Facilitator considers necessary for its implementation monitoring function.

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Market Facilitator Information (ESO Licence)	means such information (other than information subject to legal privilege) to be provided by the licensee to the Market Facilitator which: <u>(a)</u> Relates to the Transmission or Distribution System; <u>(b)</u> Is in the possession or control of the licensee; and; <u>(c)</u> the Market Facilitator considers necessary for its implementation monitoring function.
Market Facilitator Governance Framework Document	means the document of that name that is published by the Authority and amended from time to time.