

To
ACER
Trg Republike 3
SI - 1000 Ljubljana

Brussels, 1 August 2014

Subject: EURELECTRIC's comments to ACER's consultation on the draft manual of procedures for fundamental data reporting under REMIT.

Dear Madam, dear Sir,

EURELECTRIC - the sector association representing the electricity industry at pan-European level - welcomes the opportunity to comment on the draft manual of procedures on fundamental data reporting, which we believe is an important document in order to enhance market participants' understanding of the requirements for the implementation of REMIT fundamental data reporting.

With this letter, we would like to take the opportunity to make some general remarks on the manual of procedures as well as on the consultation paper.

Regarding the consultation paper:

EURELECTRIC supports the purpose and the structure of the draft manual.

As mentioned before, we would like to stress that fundamental power data are already sent to TSOs or platforms that aggregate those data. In order to unify and avoid double reporting, ACER should not ask market participants to report those data again if those data are already available on ENTSO-E's fundamental data platform (EMFIP). We believe that EMFIP should be the key data source concerning REMIT relevant data with respect to article 8(5). Of course, it should still be possible for market participants to choose to report those data themselves if they prefer to proceed that way for various reasons. Market participants should be discharged of any obligation once the relevant information have been submitted to the TSO or respective data supplier to EMFIP.

In this perspective, we agree very much with ACER's proposal to rely as much as possible on existing industry standards and data formats for the collection of fundamental data under REMIT in order to avoid unnecessary costs or administrative burdens on reporting entities. Furthermore we appreciate that ACER intends to consult and to agree with the relevant industry organisations before introducing any changes to existing standards and data formats for the purpose of REMIT reporting. This must take place well in advance of any possible changes in order to have sufficient time to amend respective internal systems.

Regarding insider information,(chapter 5 of the draft manual), we strongly believe that all reporting obligations under Article 8(5) of REMIT are met with the requirements of fundamental data reporting

in the manual. There should be no additional data reporting obligations for market participants towards ACER under REMIT.

Some specific comments on the consultation questions:

- Question (2): We believe the data fields in Annex 1 should additionally include reports for affected market participants.
- Question (3): Regarding the question whether the data field “status” is relevant for both electricity and gas nominations, we believe it is more an issue relevant for TSOs. However, we consider that the “status” field indicates whether the information is permanent or temporary. We thus do not understand why it would appear only for gas and not for electricity. In our opinion, this field should appear for both electricity and gas or for neither of them.
- Question (7): Regarding insider trading assessment and the proposal from ACER to add timestamps as data fields where not yet present, we would like to stress that time stamp reporting is not yet implemented in ENTSO-E Central Information Transparency Platform (EMFIP). It is crucial that no additional reporting obligation for market participants arise from that. Furthermore, it will be very important to clearly define which terms may/must elapse between an event and its publication or communication to regulators.

Regarding the manual:

- Chapter 4: HOW TO SEND FUNDAMENTAL DATA TO THE AGENCY

EURELECTRIC would like to suggest that the technical and organisational requirements for the submission of fundamental data which are currently being developed by ACER should be made public. The listed mechanisms are very complex, especially concerning liability for correcting errors or ensuring business continuity.

- Chapter 5.1: ENTSO-E platform data

In combination with the last question of the consultation paper on time stamps, it should be clarified that the listed platform data in 5.1. is sufficient for fulfilling the demands of REMIT with respect to article 8(5) and avoids additional data delivery by market participants.

From EURELECTRIC’s perspective there are no other reporting obligations at a national or European level, which might be conducted in the context of fundamental data reporting. In addition EURELECTRIC believes that the reporting threshold of 100 MW which is considered in chapter 5.1 also applies for the reporting of insider information. Thus all reporting obligations under Article 8 (5) of REMIT are met. Even if in the future a change in the reporting requirements, which are described in Section 5.1 a) to e), may occur.

- Chapter 6: Data integrity

As “ACER’s Technical Specifications for RRM” have just been published, we are not yet ready to comment on this topic.

Should you have any questions, please do not hesitate to approach the EURELECTRIC Markets team
(Responsible advisor: [REDACTED])

Yours sincerely,

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