



**ACER
REMIT PUBLIC CONSULTATIONS**

Brussels, 26 June 2015

By email Remit.PublicConsultations@acer.europa.eu

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Re. GDF SUEZ/ENGIE's comments to ACER's public consultation on a common schema for the disclosure of inside information under REMIT

Dear Madam, dear Sir,

GDF SUEZ, now ENGIE, welcomes this public consultation and the opportunity to provide its view and contribution for improving the scheme for disclosure of inside information under REMIT.

We support this initiative aiming at further harmonization and consistency in the publication of inside information, with a view to enhancing the transparency of the market and thus fully achieving the objectives of REMIT.

We have been at the forefront of the compliance with REMIT requirements relating to the disclosure of inside information. We launched GDF SUEZ transparency website on 28 December 2011 and are continually committed to ensure its accuracy, clearness and efficiency.

Still, we would support the development of a single platform solution, such as the EMFIP platform, for the reporting of inside information, provided it is indeed coordinated at European level and would replace the current system of multiple national or regional platforms. This single platform solution should also be aimed at coordinating and streamlining the various transparency obligations at European and national level (in particular, ENTSO-E and local TSO requirements) with a view to avoiding duplicative requests and to ensure consistency between those various obligations through applying the same EMFIP standards. This would also help reducing the implementation costs that the multiple transparency obligations trigger for market parties.

We would also like to take the opportunity of this consultation to raise to your attention two specific situations that we face about disclosure of inside information in the power and the gas business; and which equally demonstrate the importance of harmonized disclosure of inside information and the increased supervision of real-time data providers.



First, we have noticed that real-time service providers, such as e.g. Genscape, which are not owner, nor operator of installations for which information should be made public under REMIT if deemed inside; can provide the market with real-time, own measurement data that can be inaccurate and even completely erroneous and thus misleading for the market as conflicting with the correct information properly published by the concerned asset owner/operator and/or system operator. In this respect, we are also concerned by the recent publication by Genscape of a white paper about the accuracy of power plant data as published by market players, including ENGIE, and TSOs. The information contained in this publication, as far as it relates to our assets, is mostly incorrect. As you may know, we have notified both events to ACER's market conduct team, which we believe amount to spreading false and misleading information to the market.

In other respects, we notice some implementation issues with the disclosure of inside information in the gas sector. First, as stressed in ACER's third guidance, we believe SSOs and LSOs are the best placed to fulfill the disclosure obligation for information related to the capacity and use of facilities for storage and LNG and they should be pushed to clarify their role and responsibility in this respect. In addition, we observe today that there is no consistent publication threshold for gas and little formal initiatives from NRAs to implement such thresholds, which may lead to inconsistent implementation across Europe.

As mentioned above, we welcome any initiative to enhance consistent and harmonized publication of inside information under REMIT, but we would also like to stress that any proposal or final decision in this field should serve the underlying purpose, bring added value to the market in terms of transparency and is proportionate if compared to the implementation costs that each change to current practices triggers.

Those introductory remarks being made, you will find below ENGIE's response to the questions identified in the consultation.

I. Common set of data fields

- 1. Would you add any other field not included in the current proposal? If so, please explain your reasoning.***
- 2. Would you remove any field represented in the current proposal? If so, please explain your reasoning.***
- 3. Would you change any of the descriptions, accepted values or applicability? If so, please explain your reasoning. Are the schemas or values that you are suggesting based on any industry standard? Which one(s)?***

Given the extensive list of data fields contained in the proposal, we do not consider that other fields would need to be added.

On the other hand, we believe that certain fields or values contained in the proposal should be removed or amended, as they raise the following general concerns, that we will subsequently detail in our response:

- Some of the fields or values in the proposal bring no additional valuable information to the market, to the extent that they are redundant with other data fields. It is key in our view to avoid duplicative data fields, which are not useful and possibly confusing to the market and having in mind that each change, triggers implementation costs to modify existing systems from the market participants.
- Certain fields or values in the proposal are in our view not in line with REMIT disclosure requirements and are likely to raise implementation issues. We believe it is crucial to have clear rules and responsibilities for disclosure requirements and not to mix compliance control with disclosure of information to the market.

Field 3 "Event status"

We understand the value of identifying whether a given message is an original or an update, but this status would be already reflected in fields 1 and 2 showing the "message ID" and the "update ID".

We believe the status "closed" is of no added value, because the status would be already reflected in the field 16 "event stop".

We agree that the status "cancelled" is to be mentioned but we believe that the difference between the status "cancelled" and "withdrawn" is not useful and could be misleading. It could still be put in remarks if relevant.

Field 4b "Message type (gas capacity)"

We believe that the value "import contract curtailment" in the list is not in line with REMIT requirements for the disclosure of inside information and is likely to raise considerable implementation issues:

- First, it does not relate to information about the capacity and use of assets or facilities as provided under REMIT but to bilateral contracts with confidential content,
- Furthermore, there is room for interpretation about what may constitute an "import" and what may constitute a "curtailment", and it is unclear which party to an import contract should disclose a possible curtailment, considering, that, as stressed in ACER third guidance, a market participant should not disclose inside information on behalf of a third party,
- In addition, in case of a curtailment, the party suffering the curtailment may be informed ex-post of the event and the volumes affected by curtailment, as well as its duration, may be hardly predictable, so that the potential effect on the energy wholesale market cannot be assessed and the information to be disclosed may be misleading or confusing,
- The disclosure of the curtailment by the suffering party may raise legal consequences related to confidentiality undertakings,
- In this respect, TSOs may be best placed to fulfill the disclosure obligation for information related to the use of the transportation facilities, which would reflect possible curtailments through the nomination programs. We understand that ACER supports this view for SSOs and LSOs for storage and LNG facilities. For the same reasons, this should be pertinent for TSOs, considering that they would be in a position to aggregate the data and disclose the flow impact for the different entry points, which is the most relevant for the market.

For the above reasons, we suggest to remove this value in data field 4B and to oblige TSOs to publish nomination data which would reflect possible curtailments, without the risk of legal disputes between contractual parties.

Field 7 "Affected Asset EIC Code"

We believe this information would be redundant with field 6 "Affected Asset" which would reflect the official name of the affected asset.

Field 9 "Bidding/balancing zone"

We believe this information would be redundant with the identification of the country where the asset is located, considering that it is exceptional that the bidding or balancing zone does not correspond to a country. We believe this data has some very limited added value.



Field 11 "Available capacity"

We believe this information would bring no added value, considering that it would merely be the difference between the field 12 "nominal capacity" and the field 10 "unavailable capacity", which can be easily arithmetically calculated.

Field 14 "Decision time"

We believe the disclosure of the decision time is not in alignment line with REMIT disclosure requirements and is likely to raise significant implementation issues:

- The decision time may be checked for compliance purposes but the information brings no qualitative information to the market about the availability and use of the asset, which is the information required to be disclosed under REMIT,
- The information is not relevant for unplanned unavailability,
- For planned unavailability, the decision process is often complex, stretched out in time and does not always eventually rest with a management board which can be precisely identified timing-wise. It is therefore likely to be extremely difficult to identify in an automated manner the decision making process. In addition, such decision processes are market participant specific and unharmonized. As a result, the disclosure of the decision time is likely to add some considerable operational burden and risks for the publication process, will not be uniform and harmonized between market participants; while the time limit for publication is already very tight.

Fields 15 and 16 "Event start and event stop"

We believe that, in case of update of this information, it should not be mandatory to provide a justification in the field "remarks", which should remain optional and fulfilled when some valuable information for the market needs to be disclosed.

Field 18 "ACER registration code"

We believe that the clear identification of the company/group that is disclosing the information and of the asset concerned by the event are sufficient for the purpose of disclosure of inside information. This field is redundant with other existing fields.

Field 19 "Market participant"

We believe that the clear identification of the company/group that is disclosing the information and of the asset concerned by the event are sufficient for the purpose of disclosure of inside information. This field is redundant with other existing fields.

Field 20 "Impact on carbon permit prices"

We believe this field is not relevant in the REMIT context. That being said, if we consider the obligations that will be imposed under the future MAR, one should first question if the disclosure made under REMIT today is actually not sufficient for MAR purposes in respect to carbon permit prices. To the extent however that ESMA would not deem the current REMIT publication sufficient for MAR purposes concerning emission allowances disclosure, we support the proposed additional field; but only if it remains optional.



It may prove to be extremely difficult to assess precisely the likely impact of a given event on one asset on carbon permit price; whilst on the other hand we believe that almost no asset-related event will likely impact carbon prices as price formation in the emission allowances markets is mostly based on and influenced by macro-economic factors and EU policy decisions. There is little to no market participant specific information which is or could be relevant for emission allowances price formation. Hence, one may expect this field to remain blank most of the time.

II. Implementation of web feeds

4. Do you agree with the use of RSS or ATOM feeds to fulfil the requirement under Article 10(1) of the REMIT Implementing Regulation?

We have no specific comment as to the use of RSS or ATOM feeds to fulfil the requirements under Article 10(1) of the REMIT Implementing Regulation.

