

8th Meeting of the REMIT Expert Group on wholesale energy market trading

Thursday 1 June 2023 from 14:30 to 17:30

Meeting Chair: Volker Zuleger / Martin Godfried

DRAFT MINUTES

1. MEETING OPENING

The [Agenda of the 8th Meeting of the REMIT Expert Group](#) (8th REG) and the minutes of the [7th REMIT Expert Group](#) meeting were approved. None of the attendees raised points prior to the discussions.

ACER opened the meeting by outlining the scope and purpose of the group, as well as the challenges posed by the evolving REMIT landscape. To provide context, the experts were informed about the emerging REMIT legislation before delving into the agenda items.

2. REMIT II PROPOSAL: INTRODUCTION AND LATEST DEVELOPMENTS

ACER provided insight from the emerging REMIT proposals¹ and the proposed changes. The experts then examined the key points of contention within the Commission's proposals, which were to be discussed further. They were specifically asked to consider several topics for debate during the meeting, which included:

- Improvements in the alignment of the **REMIT legal framework with the EU financial market legal framework**
- Adaptation of the reporting scope of REMIT to evolving market circumstances
- Potential enhanced visibility and oversight over algorithmic trading market actors from all over the world.
- Strengthening the enforcement regime, and, in particular, addressing **market abuse cases with an EU dimension**.

¹ [COM\(2023\) 147 final](#).

3. BEYOND REMIT II: IMPLEMENTING REGULATION (S)

The experts were introduced to the new provisions which the Commission proposal, as well as Rapporteurs report and Council drafts, foresee to be further detailed in implementing or delegated acts:

- **Article 4a Authorisation and supervision of IIPs**; compliance and publication provisions for IIPs, authorisation process by ACER
- **Articles 7a-d LNG market data, price assessment & benchmark**; timing and content of data reporting, methodology, production and publication of price assessment and benchmark
- **Article 8 Data collection**; order book reporting, new definitions for who and what to report
- **Article 9a Authorisation and supervision of RRM**s; compliance and reporting provisions for RRMs, authorisation process by ACER
- **Delegated act on non-exhaustive list of relevant intermediate steps in a protracted process that ‘by itself, satisfies the criteria of inside information’.**

The experts were called to address in particular the optimal framework for the new implementing acts. They were also asked to identify provisions that needed additional attention, as well as any unresolved issues within the current Implementing Regulation that should be addressed. Additionally, the experts were requested to highlight areas where further guidance or recommendations from ACER would be beneficial.

4. BEYOND REMIT II: GUIDANCE AND RECOMMENDATIONS

The experts, already familiar with the main elements in the Commission [draft proposal 14 March 2023 for the revision of REMIT](#), looked once again into the open issues regarding the interaction among REMIT and other pieces of EU legislation, the need for enhanced transparency, as well as the challenges of the new REMIT framework (in particular, from an enforcement perspective). The debate evolved around the specific open questions linked to the REMIT proposal² and the experts focused, in particular, into the following main areas:

- The experts discussed the better alignment and delineation among **REMIT** and **financial market regulation**³ to avoid a double layer of regulation and supervision.

² Ibid.

³ **Regulation (EU) No 600/2014** of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments, **Directive 2014/65/EU** of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments, **Regulation (EU) No 648/2012** of the European

- The Group pointed to the need of securing more clarity and legal certainty for the MPs, RRM, IIPs, and OMPs, by **introducing** accepted market practices, indicators of market manipulation, a list of relevant inside information and a threshold for the disclosure of inside information, as well as by **defining** the core concepts and obligations through the EU legislative process (*i.e.* via implementing acts and not only solely by means of ACER measures).
- The experts reiterated that room for improvement in existing proposals still remains in many areas, including the Definitions (of MPs, OMPs, PPA(E)Ts, e.t.c.), the LNG data reporting and benchmark, the IIP and RRM regime, the 3rd country entities regime, the single-sided reporting by OMPs and double-reporting as a consequence of new rules for reporting inside information.
- The experts suggested to maintain the existing governance arrangements, and mentioned that the NRAs should remain competent for conducting investigations and imposing sanctions, while ACER can take supportive role upon request of competent NRAs⁴.
- Finally, the experts indicated that more time will be most likely need to implement the forthcoming new regime.

5. CLOSING

The 8th meeting of the REMIT Expert Group on wholesale energy market trading ended with ACER and the experts agreeing that the 9th REG, serving as the final meeting of the REMIT Expert Group in its current composition, would be held on 26 September 2023. ACER emphasised that before the year's end, they would release a new open call to establish the successor consultative REMIT Expert Groups.

AGREED ACTION POINTS	
ACTION POINT 1:	Additional or updated feedback or comments related to aspects of REMIT II implementing acts, especially linked to improvements to REMIT data quality, reporting, transparency and monitoring, to be provided by the experts via email until the next meeting (REMIT.expertgroup@acer.europa.eu).

Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories

⁴ See also public Minutes of 7th REG, where the experts also addressed the need for enhanced investigatory powers that should be attributed to ACER, with the purpose of supporting and complementing the enforcement activities of the NRAs.

