

Ljubljana, 14 December 2021

To whom it may concern

Subject: Impact of Covid-19 on the disclosure of inside information through Inside Information Platforms and corporate websites as a backup solution in case of platform unavailability

Dear Sir or Madam,

The purpose of this Open Letter is to provide further clarity to market participants in regards to the fulfilment of their obligations according to Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT) regarding the effective disclosure of inside information in case of platform unavailability, in the light of the ongoing Covid-19 pandemic.

On 17 July 2019, ACER published an update of the ACER Guidance on the application of REMIT in order to clarify the manner in which the disclosure of inside information should be performed and to increase the transparency in the wholesale energy market. The update concerned the *use of platforms for effective disclosure of inside information and the development of minimum quality requirements by Inside Information Platforms (IIPs)*. Following an implementation period from 17 July 2019 until 1 January 2021, ACER has assumed compliance with the disclosure of inside information through IIPs as of **1 January 2021** and has been monitoring the implementation of the related requirements closely. Please find a list of relevant IIPs and transparency platforms for the effective disclosure of inside information on ACER's REMIT Portal at <https://www.acer-remit.eu/portal/list-inside-platforms>. Please note that for the purpose of effective disclosure of inside information, market participants can already register with IIPs that have passed the 1st phase of ACER's IIP assessment. During the 2nd phase, ACER assesses the collection of inside information via web feeds, i.e. the compliance of IIPs with the reporting procedures according to Article 10(1) of Commission Implementing Regulation (EU) No 1348/2014, which is a continuing obligation for IIPs.

The ACER Guidance on the application of REMIT also stipulates that in case an IIP is temporarily unavailable, a market participant shall refer to a *backup solution* provided by the IIP. In the light of the exceptional circumstances triggered by the Covid-19 pandemic, ACER informed in its [Open Letter of 20 November 2020](#) that market participants would have the

possibility to temporarily continue to publish inside information on their corporate website as a backup solution under the relevant minimum requirements until **31 December 2021**.

Due to the persisting exceptional circumstances, ACER has decided to extend the possibility for market participants to use their corporate websites as backup solutions until **31 December 2022**. In such a case, the full list of minimum quality requirements for effective disclosure of inside information indicated in Chapter 4.2.2 the ACER Guidance on the application of REMIT shall exceptionally not apply, as long as market participants provide the relevant information on the use of their website as a backup solution in their registration in CEREMP and as long as inside information is disclosed to as wide a public as possible on a non-discriminatory basis and is made accessible free of charge.

Yours faithfully,



Volker Zuleger

*Head of the Market Integrity
and Transparency Department*