



European Union Agency for the Cooperation  
of Energy Regulators

# Questions & Answers on REMIT

**30th Edition**

Updated: 12 March 2025

# Questions & Answers on REMIT

## 30th Edition

Updated: 12 March 2025

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The primary focus of the 30th edition of the Q&As on REMIT is to update wording and align references with Regulation 2024/1106 (Regulation amending REMIT).

Due to the revised legislative framework, many Q&As have become outdated and therefore removed. ACER have also tried to limit the number of Q&As that overlap with other guidance documents issued by the Agency, such as the ACER Guidance on REMIT.

The 30th edition of the Q&As on REMIT includes the following new Q&As:

2.4.58

The 30th edition of the Q&As on REMIT provides the updated version of the following Q&As:

2.4.3, 2.4.5, 2.4.8, 2.4.11, 2.4.13, 2.4.14, 2.4.16, 2.4.19, 2.4.23, 2.4.24, 2.4.27, 2.4.28, 2.4.31, 2.4.34, 2.4.35, 2.4.44, 2.4.47, 2.4.50, 2.4.57

2.5.1, 2.5.3, 2.5.4, 2.5.5

3.2.9, 3.2.16, 3.2.21, 3.2.22, 3.2.23, 3.2.24, 3.2.25, 3.2.26, 3.2.28, 3.2.29, 3.2.30, 3.2.33, 3.2.34, 3.2.37, 3.2.40, 3.2.42, 3.2.44, 3.2.49

3.3.5, 3.3.6, 3.3.15, 3.3.20, 3.3.23, 3.3.24, 3.3.27, 3.3.30, 3.3.34, 3.3.36, 3.3.38, 3.3.44, 3.3.48, 3.3.49, 3.3.51

3.5.2, 3.5.3

3.7.3, 3.7.4, 3.7.8, 3.7.9, 3.7.11, 3.7.13, 3.7.22, 3.7.24

The following Q&As have been deleted from the 30<sup>th</sup> edition of the Q&As on REMIT:

2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.4.1, 2.4.2

2.4.42, 2.4.45, 2.4.55

2.5.6

3.2.35, 3.2.38, 3.2.43, 3.2.45

3.3.4, 3.3.21, 3.3.26

3.7.3, 3.7.5, 3.7.7

# 1. Introduction

This Q&A document contains a summary of frequently asked questions about Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency ('REMIT'), the Commission Implementing Regulation (EU) No 1348/2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 ('REMIT IR') and the EU Agency for the Cooperation of Energy Regulators' ('ACER' or 'the Agency') answers to those questions. The Q&A covers questions of a general nature sent to the Agency's functional mailboxes or via the online REMIT query form available at <https://support.acer-remit.eu/forms/remit-query-form>.

With the entry into force of Regulation (EU) 2024/1106 of the European Parliament and of the Council amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market ('REMIT revision') on 7 May 2024, as well as Regulation (EU) 2024/1789 of the European Parliament and of the Council on the internal markets for renewable gas, natural gas and hydrogen, it was necessary to undertake a comprehensive update of this Q&A in order to bring it up to date with the amended legal framework. The Agency expects that there will be a need to further update this Q&A on a regular basis as the implementation of the amended REMIT continues. In particular, the amended REMIT also anticipated that by May 2025, the REMIT IR will be revised and new delegated act(s) on the basis of Articles 4a and 9a of REMIT will be created, which will have an impact on this Q&A.

The Agency also publishes Guidance to assist National Regulatory Authorities (NRAs) in carrying out their tasks under REMIT in a coordinated and consistent way<sup>1</sup>. The ACER Guidance on the application of REMIT is updated from time to time to reflect changing market conditions and the experience gained by the Agency and NRAs in the implementation of REMIT, including through the feedback of market participants and other stakeholders.

Market participants should bear in mind that they have to comply with the obligations and the prohibitions established in REMIT. The Agency recommends that in complying with REMIT, market participants should make their own research and set up a compliance system.

The Q&A document serves as guidance to REMIT stakeholders and does not constitute a binding legal interpretation of REMIT.

All REMIT related documents are published on the REMIT Portal at

<https://www.acer.europa.eu/remit-documents>.

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<sup>1</sup> ACER Guidance on the application of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (ACER Guidance on the application of REMIT), available at: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

## 2. Question and Answers (Q&A) on REMIT

This section contains frequently asked questions about REMIT and the Agency's answers to those questions.

### 2.1. Background Information

This section contains answers providing introductory information on REMIT.

#### 2.1.1. What is REMIT?

REMIT was published for the first time in the Official Journal of the European Union on 8 December 2011 and entered into force 20 days following its publication, i.e. on 28 December 2011. REMIT then introduced a consistent EU-wide framework

- defining market abuse, in the form of market manipulation, attempted market manipulation and insider trading, in wholesale energy markets;
- introducing the explicit prohibition of market manipulation, attempted market manipulation and insider trading in wholesale energy markets;
- establishing a new framework for the monitoring of wholesale energy markets to detect and deter market manipulation and insider trading; and
- providing the enforcement of the above prohibitions and the sanctioning of breaches of market abuse rules at national level.

REMIT prohibits market manipulation and trading on inside information in wholesale energy markets. The definitions of market manipulation and insider trading in REMIT are in line with those applying under Directive 2003/6/EC (Market Abuse Directive or MAD - the predecessor of MAR and CS MAD<sup>2</sup>), though adapted for wholesale energy markets.

In 2024, REMIT has been amended by Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market. The revision introduces new measures to better protect EU citizens and businesses from market abuse:

- The revised REMIT brings a closer alignment of the EU rules on transparency and integrity of energy markets with those in the financial markets.
- The scope of REMIT is expanded. For example, it now also covers energy (electricity and gas) storage, and the market abuse provisions under REMIT also apply to wholesale energy products that are also financial instruments.
- ACER regular surveillance scope is expanded to EU platforms covering electricity balancing markets and more information is provided about algorithmic trading.
- The REMIT reform creates a new setting for investigations and enforcement. ACER has been granted investigatory powers in specific cross-border cases (involving delivery of wholesale energy products in 2 or more Member States). These powers complement the national regulators' investigatory powers, with ACER and NRAs working closely together.
- Enforcement continues to be at national level. The power to impose fines for infringements of the REMIT prohibitions or the substantive obligations included in the regulation will remain in the hands of the Member States.

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<sup>2</sup> [Regulation No 596/2014](#) on market abuse (MAR) has the objective of increasing market integrity and investor protection and replaces the previous Market Abuse Directive (MAD). [Directive 2014/57/EU](#) on criminal sanctions for market abuse, lays down criminal sanctions for abuses including market manipulation, insider dealing and unlawful disclosure of inside information.

REMIT and related documents can be found here: [www.acer.europa.eu/remit-documents](http://www.acer.europa.eu/remit-documents)

### **2.1.2. Who has obligations under REMIT?**

All entities and persons who participate in, or whose conduct affects, wholesale energy markets within the Union should be compliant with REMIT. It makes no difference whether or not the person is resident within the EU or whether or not they are professional investors. Also, non-EU and non-EEA market participants are covered by REMIT if entering into transactions, including the placing of orders to trade, in one or more wholesale energy markets in the Union. Accordingly, the obligations to register under REMIT with the competent NRA and to report data to the Agency according to Article 8(1) and (5) of REMIT also applies to such non-EU and non-EEA market participants. The same holds for the prohibitions of market abuse pursuant to Articles 3 and 5 of REMIT.

### **2.1.3. What are the benefits of greater transparency in wholesale energy trading?**

Wholesale energy markets provide key price signals which affect the choices of producers and consumers, as well as investment decisions in production facilities and transmission and distribution infrastructure. It is therefore essential that these signals reflect a fair and competitive interplay between supply and demand, and that no profits can be drawn from market abuse.

Greater transparency in wholesale energy markets reduces the risk that markets are manipulated and the price signals distorted. Transparency in wholesale energy markets is thus crucial in ensuring that consumers pay the fair price for their gas and electricity. It also helps creating a level-playing field for all market participants.

### **2.1.4. Why is the EU framework for wholesale energy transparency and integrity necessary?**

Wholesale energy markets in Europe are increasingly interlinked across the Union in that market abuse in one Member State can affect the price of energy in other Member States.

When REMIT came into force, only a few Member States had organised the monitoring of the wholesale energy markets within their own borders, and trading venues often had no clear prohibition of market abuse. Most of the transactions were not reported and fundamental data was not accessible to NRAs. Therefore, the European Union judged it essential to set up a dedicated market integrity and transparency framework at Union level for the gas and electricity wholesale markets.

## **2.2. The role of the Agency**

This section contains answers providing information on the role of the Agency in the application of REMIT.

### **2.2.1. What is the role of the Agency under REMIT?**

The Agency for the Cooperation of Energy Regulators plays a central role in the monitoring framework under REMIT.

As recognised in REMIT, the Agency is best placed to carry out efficient market monitoring at Union level as it has both a Union-wide view of electricity and gas markets, and the necessary expertise in the operation of electricity and gas markets and systems in the Union. Therefore, the Agency has been tasked with collecting and screening wholesale market transaction data across the EU and performing an initial assessment of anomalous events, before notifying suspicious cases to NRAs for investigation.



With the entry into force of the Regulation amending REMIT, ACER was granted investigatory and enforcement powers under Articles 13-13g, for specific cross-border cases, supporting and complementing the investigatory activities of the NRAs and contributing to a uniform application of REMIT throughout the Union. ACER is also in charge of authorising and supervising Inside Information Platforms and Registered Reporting Mechanisms.

REMIT also entrusts the Agency with aiming to ensure that NRAs carry out their tasks in a coordinated and consistent way.

### **2.2.2. Why centralise the monitoring at the Agency?**

Wholesale energy markets are becoming increasingly interlinked across the Union. NRAs typically see only a part of these markets. A centralised approach to market monitoring with a holistic view of the markets is therefore essential to ensure effective detection and deterrence of abusive market practices. In addition, a centralised data collection will help to avoid double reporting of market participants active in several Member States will instead provide the Agency with a complete set of data on the EU wholesale energy market.

### **2.2.3. Will the Agency prosecute cases of market abuse?**

ACER will not directly prosecute cases of market abuse but will continue coordinating cases with NRAs in accordance with Article 16 of REMIT, which are competent to investigate and enforce REMIT. In addition, with the entry into force of the Regulation amending REMIT, ACER was granted enhanced powers to investigate instances of market abuse for specific cross-border cases, provided that the relevant national regulatory authority does not object under preestablished grounds. These powers include the possibility to conduct on-site inspections; to issue requests for information; to take statements; and to impose penalty payments for the non-compliance with such investigations. Upon completion of its investigation, ACER shall draw up an investigation report setting out its findings.

### **2.2.4. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

## **2.3. REMIT definitions**

This section contains answers providing information on the key notions in REMIT.

### **2.3.1. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### **2.3.2. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### **2.3.3. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### **2.3.4. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### **2.3.5. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### 2.3.6. [removed on 12 March 2025]

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

### 2.3.7. [Question number changed to Q 3.5.3. on 22 October 2018]

The question number has been changed to Q 3.5.3.

### 2.3.8. **Should the Financial Transmission Rights (FTRs), Physical Transmission Rights (PTRs) and other products be understood as wholesale energy products which are listed as reportable contracts according to Article 3(1) of the REMIT Implementing Regulation? [last update 30 June 2020]**

The Agency's understanding of Article 2(4) of REMIT and of Article 3(1) of the Commission Implementing Regulation (EU) No 1348/2014 is that FTRs and PTRs are wholesale energy products which are listed as reportable contracts according to Article 3(1) of the Commission Implementing Regulation (EU) No 1348/2014. This is why the Agency has to consider FTRs and PTRs as wholesale energy products which will be reported to the Agency pursuant to Article 8(1) of REMIT, as long as ESMA does not specify in its guidance documents that these wholesale energy products are identified as financial instruments according to MiFID II which have to be reported under MiFIR and/or EMIR. The reporting obligation concerning any similar product should follow the same logic.

As long as the relevant products are not reportable under MiFIR or EMIR, the reporting obligation under REMIT applies even if the relevant products were to be considered financial instruments as defined in MiFID II by the financial authorities. As long as these products are not reported under MiFIR or EMIR, the reporting under REMIT does not constitute a case of double reporting under Article 8(3) of REMIT.

Please note that the above only applies for the data collection of these wholesale energy products under REMIT. This is without prejudice which national authority is the competent national authority for the investigation and enforcement of potential market abuse cases under REMIT and/or MAR.

The Agency and ESMA are closely cooperating with each other in order for the Agency to make available the data collected under REMIT to ESMA and NCAs for their investigation and enforcement purposes in the same way it already makes available the relevant REMIT information to NRAs, in accordance with Article 10 of REMIT.

### 2.3.9. **Under which conditions Citizens Energy Communities (CECs) defined in Article 2 (11) of Directive 2019/944 are considered as REMIT market participants? [last update 23 July 2021]**

According to Article 2(7) of REMIT, 'market participant' means any person, including transmission system operators, who enters into transactions, including the placing of orders to trade, **in one or more wholesale energy markets**. In order to define a wholesale energy market and, in particular, a wholesale energy product traded therein, specific thresholds apply, as indicated in REMIT and in the related Commission Implementing Regulation (EU) No 1348/2014.

CEC, as a legal entity active on wholesale energy markets (but not necessarily each of its members separately), is considered a REMIT market participant. The same considerations apply to active consumers, as defined in Article 2 (8) of Regulation 2019/943. For the reporting obligations, the thresholds set-out in Article 4 of Commission Implementing Regulation (EU) No 1348/2014 apply.

For further information, please also refer to Q&A 2.3.6, 2.4.37 and 3.3.12.

## 2.4. Obligations and prohibitions for market participants

This section contains answers providing information on obligations and prohibitions for market participants under REMIT

### General

This section contains answers providing introductory information on obligations and prohibitions for market participants under REMIT.

#### 2.4.1. [removed on 12 March 2025]

The question has been removed as it is no longer relevant.

#### 2.4.2. [removed on 12 March 2025]

The question has been removed as it is no longer relevant.

### Obligation to disclose inside information and market abuse prohibitions

This section contains answers providing information on the obligation to disclose inside information and market abuse prohibitions for market participants under REMIT.

#### 2.4.3. What is the obligation to disclose inside information? [last update 12 March 2025]

According to the general obligation under Article 4(1) of REMIT, market participants shall publicly disclose in an effective and timely manner inside information which they possess in respect of business or facilities which the market participant concerned, or its parent undertaking or related undertaking, owns or controls or for whose operational matters that market participant or undertaking is responsible, either in whole or in part.

Such disclosure shall include information relevant to the capacity and use of facilities for production, storage, consumption or transmission of electricity, hydrogen or natural gas or related to the capacity and use of LNG facilities, including planned or unplanned unavailability of these facilities. In its Guidance on the application of REMIT, the Agency provides its understanding of the notions of effective and timely public disclosure of inside information.

Market participants shall disclose the inside information through IIPs which have been authorized by ACER in accordance with Article 4a of REMIT. The IIPs shall ensure that the inside information is made public in a manner which enables prompt access to that information, including through a website or a clear application programming interface, and a complete, correct and timely assessment of that information by the public. The IIP shall maintain adequate resources and shall have back-up facilities in place in order to offer and maintain its services. Market participants may, only in addition, continue to use other channels, including market participants' websites, to disclose inside information.

*Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.*

#### 2.4.4. **How should market participants notify the Agency in cases of delayed disclosure of inside information?**

In order to assist market participants who are subject to the obligation to report delayed publication of inside information, the Agency provides a standard notification template, based on the experiences in financial markets, and recommends its adoption by all NRAs.

The Agency foresees to collect the notification of such delayed publication of inside information mainly electronically, especially when there are data standards relating to this information (e.g. for information to be published in accordance with Regulations (EU) 2019/943<sup>3</sup> and (EC) 715/2009<sup>4</sup>). The relevant electronic notification template is available on the Agency's

**Notification Platform:** <https://www.acer-remit.eu/portal/notification-platform>.

#### 2.4.5. **[removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Guidance on REMIT available [here](#).

#### 2.4.6. **What if I am a person from the general public who becomes aware of potential market abuse? How can I notify the NRA(s) or the Agency? [last update 22 October 2018]**

If you are a member of the general public who became aware of potential market abuse, the Agency and NRAs would like to hear about it. A notification of such potential market abuse may be submitted via the Suspicious Transaction Report (STR) form available at the Agency's **Notification Platform:** <https://www.acer-remit.eu/np/str>.

Alternatively, your national regulatory authority (NRA) may be notified about the suspected breach, via available channels provided by each NRA.

## Registration and reporting obligations

This section contains answers providing information on the registration and reporting obligations for market participants under REMIT.

#### 2.4.7. **[removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

#### 2.4.8. **In the CEREMP system, the EIC code is not mandatory information. If the company has an EIC code but does not fill it in, would the registration be returned to the market participant to complete the missing information? What about the BIC, LEI and GS1 codes? [last update 12 March 2025]**

According to Article 10(2) of Commission Implementing Regulation (EU) No 1348/2014, when reporting information referred to in Articles 6, 8 and 9 of the same Implementing Regulation, including inside information, the market participant shall identify itself, or shall be identified by the third party reporting on its behalf, using the ACER registration code which the market participant received or the unique

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<sup>3</sup>Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity.

<sup>4</sup>Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005.

market participant code which the market participant provided while registering in accordance with Article 9 of REMIT.

This means that any EIC, BIC, GS1 or LEI code used for reporting purposes must be provided with registration as a market participant.

According to the Agency Decision No 01/2012 on the registration format, the EIC code is mandatory only if it is available. The content of the field cannot be technically verified, as there is no database of the issued EIC codes available that could be used for validation against the data provided in CEREMP. However, the format of the field should correspond to the pattern [0-9][0-9][X].+ and have a length of 16 characters.

It is a market participant's responsibility to provide the correct data and update them if necessary.

**2.4.9. If a company has more than one EIC code, which one must be used? Does it depend on the market participant? [last update 29 May 2015]**

A market participant can use any of the EIC codes that it possesses, but it should be the one used for reporting purposes. According to Article 10(2) of Commission Implementing Regulation (EU) No 1348/2014, when reporting information referred to in Articles 6, 8 and 9 of the same Implementing Regulation, including inside information, the market participant shall identify itself or shall be identified by the third party reporting on its behalf using the ACER registration code which the market participant received or the unique market participant code which the market participant provided while registering in accordance with Article 9 of REMIT.

**2.4.10. When a market participant registers with CEREMP they have to indicate related undertakings in Section 4 of the registration form (“Data related to corporate structure of the market participant”). Does this only refer to those related undertakings that are market participants themselves? [last update 29 May 2015]**

Yes. This is in line with Section 4 of the Agency Decision No 01/2012 which states: ‘*The following information is requested for each market participant and for each related undertaking under the Seventh Council Directive 83/349/EEC<sup>5</sup> of 13 June 1983 that is a registered market participant.*’

**2.4.11. Shall TSOs register as market participants, reporting parties or both? [last update 12 March 2025]**

Any entity that identifies itself as a market participant, under Article 2(7) of REMIT, should register as such with the relevant NRA, in line with the provisions of Article 9(1) of REMIT. Article 2(7) of REMIT defines that “market participant” may be any person, including transmission system operators, distribution system operators, storage system operators and LNG system operators, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.’

If the market participant intends to report directly its own data relating to OTC<sup>6</sup> (self-reporting), it should indicate this via CEREMP (Section 5 of the registration form) and be authorised as a registered reporting mechanisms (RRM) by the Agency in accordance with Article 9a of REMIT.<sup>7</sup>

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<sup>5</sup>Seventh Council Directive 83/349/EEC of 13 June 1983 based on Article 54(3)(g) of the Treaty on consolidated accounts.

<sup>6</sup> Reporting of records of transactions, including orders to trade, that are entered into, concluded or executed at OMPs shall be reported to the Agency, via RRM, by the OMP in accordance with Article 8(1a)(a) of REMIT

<sup>7</sup> By 8 May 2025, the European Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms.

A market participant who does not intend to self-report its data relating to OTC has to indicate which RRM service(s) it intends to use via CEREMP (CEREMP - Section 5).

**2.4.12. Does a market participant that only reports contracts in accordance with EMIR<sup>8</sup>/MIFIR<sup>9</sup> need to register? [last update 29 May 2015]**

Yes, any market participant according to Article 2(7) of REMIT has an obligation to register with the relevant NRA in line with Article 9(1) of REMIT.

**2.4.13. In the RRM Requirements document (Chapter 6.2.1) it is stated that ‘those market participants that do not wish to become RRMs, shall indicate in Section 5 of the registration form to whom they permanently delegate the reporting of data’. Could you please clarify if the decision on which RRM to use is “permanent”? [last update 12 March 2025]**

Market participants are not required to permanently delegate reporting of data to a particular RRM. If a market participant decides to change its RRM that market participant is required to update Section 5 of the registration form accordingly, in line with Article 9(5) of REMIT.

The term “permanently” only aims to distinguish between the delegation to third party RRMs and to the situations where one counterparty reports the details of a contract also on behalf of the other counterparty according to Article 6(7) of Commission Implementing Regulation (EU) No 1348/2014. In the latter case, the other market counterparty does not have to be identified as an RRM in Section 5 of the registration form.

Please be aware that Article 9a(6) of REMIT foresees that the European Commission will adopt a Delegated Act which will replace the current RRM Requirements document.

**2.4.14. Can a market participant change the RRM(s) it has selected in Section 5 of the registration form if they decide to use a different RRM to report? [last update 12 March 2025]**

Yes, market participants are free to change the RRM(s) through which they report the transactions that take place outside of an organised marketplace. However, if a market participant decides to change its selected RRM, Section 5 of the registration form should be updated to reflect this change.

**2.4.15. Does a market participant have to register twice within CEREMP if it has to report both electricity and gas data? [last update 29 May 2015]**

If it is the same market participant, then the market participant has to register within CEREMP only once as defined in Article 9(1) of REMIT.

**2.4.16. Does a market participant with multiple sites in Europe have to register within CEREMP in every country it trades/is active? [last update 12 March 2025]**

According to Article 9(1) of REMIT, market participants entering into transactions which are required to be reported to the Agency pursuant to Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. With regards to the registration, according to settled case law of the Court of Justice of the European Union, a legal or natural person can be

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<sup>8</sup> Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (EMIR).

<sup>9</sup> Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (MIFIR).

established in more than one Member State. The legal or natural person is established in the Member State(s) in which it pursues a professional activity on a stable and continuous basis<sup>10</sup>. If a market participant is established in more than one Member State, the Agency would normally expect market participants to register in the Member State in which they have their primary establishment. According to Article 9(1) of REMIT a market participant shall register only with one national regulatory authority. Member States shall not require a market participant already registered in another Member State to register again.

By 8 November 2024, market participants established or resident in a third country that are entering into transactions which are required to be reported to the Agency pursuant to Article 8(1) shall also comply with the obligations defined in the second paragraph of Article 9(1), by designating a representative in a Member State in which the market participant is active on the wholesale energy markets. It is the Agency's understanding that such market participants may choose in which Member State to designate their representative, as long as the market participant is active in that Member State and subsequently register themselves in the same Member State. This means the registration and designation of a representative must be in the same Member State, however, ACER considers it sufficient to be registered and have a designated representative in one Member State only for the whole of the European Union.

**2.4.17. Do different economic entities belonging to the same group/corporation (i.e. intra-group entities) have to register within CEREMP themselves? Even if they are not obliged to report? [last update 16 December 2022]**

The obligation to register within CEREMP under Article 9(1) of REMIT applies to market participants (natural or legal persons) entering into transactions which are required to be reported. Within a group of companies, all legal entities who enter into transactions that are required to be reported must register in CEREMP.

Market participants that only enter into intragroup contracts are still required to register, although such contracts are only reportable upon reasoned request of the Agency and on an ad-hoc basis, in line with Article 4 of Commission Implementing Regulation (EU) No 1348/2014<sup>11</sup>.

**2.4.18. Does the ACER code need to be changed if a market participant decides to change its address from one Member State to another Member State (e.g. headquarter for legal entity)? [last update 29 May 2015]**

Yes. In line with Article 9(5) of REMIT, the market participant has an obligation to communicate promptly to the NRA any changes which have taken place regarding the information provided in the registration form. In case the market participant changes its address from one Member State to another Member State (e.g. headquarter for legal entity), the ACER code changes. The old ACER code will be deleted and the market participant is required to submit a new registration with the new relevant NRA.

**2.4.19. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

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<sup>10</sup> See judgment in Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano, C-55/94, EU:C:1995:411, paragraph 24 and 25.

<sup>11</sup> Please note that the effectivity of the 'No-action letter' to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

**2.4.20. [merged on 22 October 2018]**

This question was merged with Q 3.2.24 on 22 October 2018.

**2.4.21. Section 2 of CEREMP requires the identification of related persons responsible for trading decisions. If a market participant has several employees working at the trading division, shall it include all traders in Section 2 of CEREMP? [last update 29 May 2015]**

No. Only the person responsible for trading decisions of the particular division for trading should be mentioned in Section 2 of CEREMP.

**2.4.22. Can a market participant have more than one ultimate controller? [last update 29 May 2015]**

Yes. In line with Section 3 of the Agency Decision No 01/2012, market participants can have one or more ultimate controllers.

The Agency regards a legal or natural person as an ultimate controller of a market participant if:

- It holds 10 % or more of the shares in the market participant or its parent OR
- It is able to exercise significant influence over the management of the market participant through a controlling interest in the market participant or its parent OR
- It is entitled to control or exercise control of 10 % or more of the voting power in the market participant or its parent OR
- It is able to exercise significant influence over the management of the market participant through their voting power in the market participant or its parent.

**2.4.23. Why do we need to register a contact person in CEREMP instead of solely the company? What are the responsibilities of such contact person? Is this contact person potentially subject to questioning/interrogation? What should we do if the contact person decides to leave the company? [last update 12 March 2025]**

Under Article 9 of REMIT and Section 2 of the Agency Decision No 1/2012, the market participant has an obligation to indicate data related to natural persons linked to the market participant.

Market participants established or resident in a third country, that enter into transactions that are required to be reported to the Agency pursuant to Article 8(1) of REMIT, also have to designate a representative in a Member State in which the market participant is active on the wholesale energy market.

The potential responsibility of a natural person related to a market participant has to be considered in line with the applicable national law.

It is the market participant's obligation to update this information in the national register of market participants (please see Article 9(5) of REMIT).

**2.4.24. If a supplier does not purchase electricity/gas directly in wholesale energy markets (for example at an organised marketplace) but its energy needs are purchased from a larger supplier through a bilateral contract, shall the smaller supplier be considered as market participant and be obliged to register with an NRA under Article 9(1) of REMIT? [last update 12 March 2025]**



In line with Article 2(4)(a) of REMIT, contracts for supply of electricity, hydrogen or natural gas, including LNG, where delivery is in the EU, or contracts for the supply of electricity which may result in delivery in the Union as a result of single day-ahead and intraday coupling, are considered as wholesale energy products. Furthermore, in line with Recital (5) of REMIT, wholesale energy markets encompass, among others, bilateral contracts. Therefore, the smaller supplier trading contracts under Article 2(4)(a) of REMIT will be considered as a market participant under REMIT.

In line with Article 9(1) of REMIT, market participants entering into transactions, which are required to be reported to the Agency pursuant to Article 8(1), shall register with the relevant NRA. If the bilateral contract is reportable to the Agency then the supplier will be obliged to register with the relevant NRA.

**2.4.25. Shall a final customer party to a contract as referred to in Article 3(1)(a)(vii) of Commission Implementing Regulation No 1348/2014 (i.e. supply to single consumption unit  $\geq$  600 GWh) be obliged to register? [last update 30 June 2015]**

If a supply contract fulfils the criteria under Article 3(1)(a)(vii) of Commission Implementing Regulation No 1348/2014, such contract should be reported to the Agency. Consequently, a final customer being counterparty will be obliged to register as a market participant in line with Article 9(1) of REMIT.

**2.4.26. What should the market participant insert in the market participant registration form field of the ultimate controller's VAT (No 316 of Agency Decision No 1/2012) if its ultimate controller has no VAT number or is a state/public authority? [last update 30 June 2015]**

In case of a market participant whose ultimate controller does not obtain a VAT number, "XXXXXXXXXX" (10 times X) should be put in the aforementioned field of the market participant registration form where the VAT number is required.

The state, municipality or other public entity should be registered as an ultimate controller by providing the name and the VAT number of the state or municipality or other public entity.

**2.4.27. Concerning Section 5 of the market participant registration form, should market participants select themselves as potential RRM in case they intend to report directly only part of the trade data (OTC contracts) and through third party RRM the remaining data (standard contracts on organised marketplaces)? [last update 12 March 2025]**

Yes if the market participant intends to report directly its own data relating to OTC (self-reporting), it should indicate this in section 5 of the registration form and be authorised as a registered reporting mechanisms (RRM) by the Agency in accordance with Article 9a of REMIT.<sup>12</sup>

A market participant who does not intend to self-report its data relating to OTC has to indicate which RRM service(s) it intends to use.

Data related to records of transactions, including orders to trade, that are entered into, concluded or executed at an organised marketplace (OMP) shall be reported to the Agency, via RRM, by the OMP in accordance with Article 8(1a)(a) of REMIT.

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<sup>12</sup> By 8 May 2025, the Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms.

**2.4.28. Concerning Section 5 of the market participant registration form, at what stage should the agreement between a market participant and an RRM be sent to ACER? [last update 12 March 2025]**

There is no requirement to send the contracts between a market participant and an RRM to the Agency. However, the Agency may, at any stage of the registration process and during the lifetime of the RRM's registration with the Agency, request from applicants and existing RRMs any information it deems necessary to assess compliance with the requirements as per Chapter 7 of the Requirements for the registration of Registered Reporting Mechanisms (RRMs) document. This information may include, in particular, the internal documentation, such as an agreement between a market participant and an RRM.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRMs. A new authorisation process is foreseen which will replace the current registration process.*

**2.4.29. How to identify market participants that play several roles (e.g. a TSO that has also a capacity trading platform)? Does the Agency allow one organisation to have several ACER codes? [last update 30 June 2015]**

The ACER code does not distinguish by roles, but aims at uniquely identifying market participants. A market participant with several roles will therefore still be identified by one unique ACER code.

**2.4.30. Should the BIC code be entered in the market participant registration form only if it belongs to the market participant i.e. the market participant is a Bank? Hence, it is not the BIC code where the market participant has a bank account? [last update 30 June 2015]**

According to Agency Decision No 01/2012, the definition of field 114 foresees that the BIC code should contain the Bank Identifier Code of the Market Participant (only if available). Please note that the BIC code can be attributed to financial and non-financial institutions. The list of BIC codes can be accessed via <http://www.swift.com/bsl/>. The BIC code of the bank where the market participant has its bank account is not a unique code issued for a market participant as it belongs to the bank (not to the market participant) and thus it should not be provided.

**2.4.31. The owners of underground storage participate as counterparties in the auctions related to the purchase of cushion gas. Shall the owners of underground storage companies register as market participants? [last update 12 March 2025]**

Yes, according to Articles 2(4)(e) and 2(7) of REMIT the owners of underground storage are counterparties of transactions related to wholesale energy products under REMIT that shall be reported to the Agency. Therefore, they will be required to register as market participants under REMIT.

Please also note that Article 3(1)(vi) of Commission Implementing Regulation (EU) No 1348/2014, refers to other contracts for the supply of natural gas with a delivery period longer than two days where delivery is in the European Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded.

**2.4.32. Could you please clarify the registration/reporting obligation under Article 4(1) and (2) of Commission Implementing Regulation (EU) No 1348/2014 in relation to contracts for the physical delivery of electricity produced by wind turbines? Which contracts for the physical delivery of electricity remain below the threshold of 10MW? [last update 31 July 2015]**

In line with Article 4(1)(b) of Commission Implementing Regulation (EU) No 1348/2014, contracts for the physical delivery of electricity produced by a single production unit with a capacity equal to or less

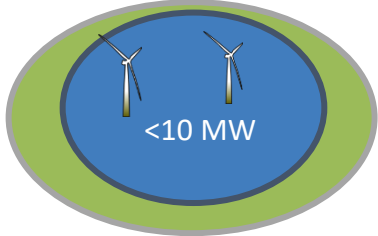
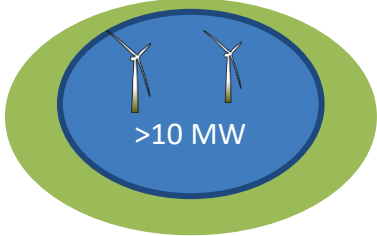
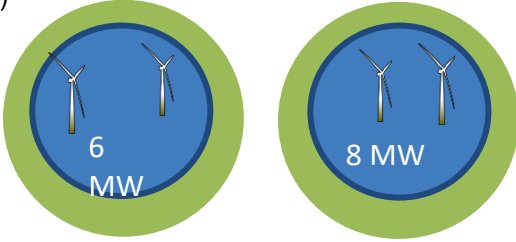
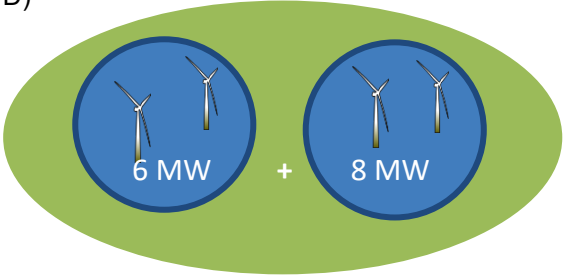


than 10MW or by production units with a combined capacity equal to or less than 10MW shall be reportable only upon reasoned request of the Agency, unless concluded on organised marketplaces. Thus, market participants who only complete such transactions do not have to register at the relevant NRA.

According to Article 2(13) of Commission Implementing Regulation (EU) No 1348/2014, production unit means a facility for generation of electricity made up of a single generation unit or of an aggregation of generation units. Thus, a production unit is not always a single production unit (e.g. one wind turbine) but it can also be a combination of units (e.g. several wind turbines). In defining a production unit the spatial proximity and the ownership structure are relevant. Thus, a production unit might be a part of a wind farm (e.g. 5 wind turbines) owned by one market participant.

That leads to the following specific examples for wind power plants (accordingly for other types of production):

- A) Contracts for the physical delivery of electricity of a wind farm (or parts of the wind farm) with a total production capacity of equal to or less than 10MW are reportable only upon reasoned request of the Agency and on an ad-hoc basis (diagram at the top left).
- B) Contracts for the physical delivery of electricity of a wind farm (or parts of the wind farm) larger than 10MW are reportable on a regular basis (diagram at the top right).
- C) If a market participant has more than one wind farm (or parts of a wind farm) at his disposal which are spatially separated and each of it has a production capacity of equal to or less than 10MW and which are marketed in different contracts, these contracts are not reportable (diagram at the bottom left).
- D) If a market participant has more than one wind farm (or parts of a wind farm) at his disposal which are spatially separated and each of it has a production capacity of equal to or less than 10MW and which are marketed in one common contract, this contract is reportable (diagram at the bottom right).

If the marketing of the production capacity is performed by a third-party – e.g. the operator of a wind farm – and the wind farm has got a total production capacity larger than 10MW, this third-party has to register as market participant and to report the corresponding contracts.

<p align="center"><b>No registration</b> <b>No continuous transaction reporting</b></p>	<p align="center"><b>Registration and transaction reporting compulsory</b></p>
<p>A)</p> 	<p>B)</p> 
<p>C)</p> 	<p>D)</p> 
<p>  Contract for the physical delivery of electricity   Production unit         </p>	

**2.4.33. In a consortium for the purchase of electricity and gas in the energy wholesale market, each associate member owns a share of 0,93% or less. None of these members is: i) able to exercise a significant influence over the management of the market participant through a controlling interest in the consortium or its parent undertaking; ii) entitled to control or exercise control of 10% or more of the voting power in the market participant or its parent undertaking; iii) able to exercise significant influence over the management of the market participant through their voting power in the market participant or its parent undertaking. Who is/are the beneficiary/ultimate controller(s)? How should the corresponding fields (compulsory) in the market participant registration form be filled in? [last update 31 July 2015]**

Please note that, where ownership of shares in a market participant is beneficially held by individuals who do not meet ultimate controller criteria, it is unlikely that the market participant will have an ultimate controller and therefore the company itself will be its own ultimate controller and shall be inserted as ultimate controller.

**2.4.34. Should final customers contracts traded at the organised market be reported? Should the final customer who is party to the contract traded at the organised market be required to register? [last update 12 March 2025]**

Market participants entering into transactions which are required to be reported to the Agency pursuant to Article 8(1) are required to register themselves with the relevant National Regulatory Authority.

It is the Agency's understanding that all contracts traded at organised marketplaces are reportable records of transactions of wholesale energy products and should be reported by the organised marketplace in line with Article 8(1a)(a) of REMIT. Therefore, final customers' contracts traded at organised marketplaces should be reported to the Agency and the final customer is required to register in line with Article 9(1) of REMIT.

Market participants entering into transactions which are required to be reported to the Agency pursuant to Article 8(1) are required to register themselves with the relevant National Regulatory Authority.

It is the Agency's understanding that all contracts traded at organised marketplaces are reportable records of transactions of wholesale energy products and should be reported by the organised marketplace in line with Article 8(1a)(a) of REMIT. Therefore, final customers' contracts traded at organised marketplaces should be reported to the Agency and the final customer is required to register in line with Article 9(1) of REMIT.

**2.4.35. Where can I find if a company is registered as market participant under REMIT? [last update 12 March 2025]**

Market participants that enter into transactions which need to be reported to the Agency, shall register with the National Regulatory Authority in the Member State in which they are established or resident. By 8 November 2024, market participants established or resident in a third country that enter into transactions that are required to be reported to the Agency shall designate a representative in a Member State in which the market participants are active, and shall register with the National Regulatory Authority of that Member State.

National Regulatory Authorities shall transmit the information in their national registers to the Agency. Based on that information, the Agency establishes a European register of market participants which is made public under: <https://www.acer-remit.eu/portal/european-register>. The information available in CEREMP reflects all currently registered market participants.

**2.4.36. In case of a market participant which is not established in Europe (for example in the USA), how should the market participant fill in the field “VAT number” of the registration form? [last update 31 August 2015]**

In case the market participant does not have a VAT number, it should insert in the data field “VAT number” its equivalent of the VAT number. If it does not have the VAT’s equivalent number, “XXXXXXXXXX” (10 times X) should be entered in the registration form.

**2.4.37. If a production site of electricity has an installed capacity of 12 MW, self-consumes most of this production, and sells the remaining electricity bilaterally through a contract, is this contract reportable under REMIT and should the contractual entity register and report the data? [last update 22 October 2018]**

If a contract for the physical delivery of electricity relates to the single production unit with a capacity above 10 MW (Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014, it should be reported to the Agency and the market participant entering into such contract should register with the relevant National Regulatory Authority in line with Article 9(1) of REMIT. Therefore, in this example, the bilateral contract should be reported and the contractual entity should register with the relevant National Regulatory Authority.

**2.4.38. During the market participant’s registration process with the NRA, by mistake, a company has flagged the box in Section 5 of the registration form indicating that ‘I intend to become a reporting entity’. However, the company does not want to register as an RMM. How can this mistake be corrected? [last update 23 July 2021]**

If a market participant has mistakenly ticked the ‘I intend to become a reporting entity’ option in Section 5 of the CEREMP registration form, they shall inform ACER that they do not wish to proceed with their registration as a reporting entity by sending a completed RRM Registration Termination Form to ACER. The dedicated form is available on the REMIT Documents page of the ACER’s website:

[https://www.acer.europa.eu/sites/default/files/REMIT/REMIT%20Reporting%20Guidance/RRM%20Registration/RRM\\_registration\\_termination\\_form.docx](https://www.acer.europa.eu/sites/default/files/REMIT/REMIT%20Reporting%20Guidance/RRM%20Registration/RRM_registration_termination_form.docx).

Based on the information provided in the form, ACER will terminate the market participant’s application to become an RRM, and thus enable them to select the RRM to which they wish to delegate their reporting responsibility.

**2.4.39. When does a company that only engages in intragroup trading need to register by? [last update 30 September 2015]**

Market participants who engage in intragroup trading via an organised marketplace shall register by 7 October 2015. Unless concluded on an organised marketplace, intragroup contracts shall be reportable only upon reasoned request of the Agency and on an ad-hoc basis.

While the Agency has provided time-limited no-action relief from the requirement to report upon reasoned request for such contracts until 31 December 2016<sup>13</sup>, market participants are required to submit the registration form to the national regulatory authority prior to entering into a transaction that is required to be reported to the Agency in accordance with Article 8(1) of REMIT.

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<sup>13</sup> Please note that the effectivity of the ‘No-action letter’ to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

As such, market participants that only engage in intragroup trading outside of an organised market place should register by 7 April 2016, in line with the start of transaction reporting for any contracts which have been concluded outside an organised market place.

**2.4.40. If a party enters into a contract that falls under both Article 4(1)(a) [intragroup contract] and Article 4(1)(b) [contract for physical delivery of electricity produced by single production unit with a capacity equal to or less than 10MW etc.] of Commission Implementing Regulation (EU) No 1348/2014, would that party be required to register as a market participant under REMIT? [last update 30 September 2015]**

According to Article 4(2) of Commission Implementing Regulation (EU) No 1348/2014, market participants only engaging in transactions in relations to the contracts referred to in Article 4(1)(b) and (c) shall not be required to register with the NRA. The Agency considers that this applies irrespective of whether the contract is intragroup or not. Therefore, the party only entering into intragroup transactions in relation to a contract under Article 4(1)(b) or (c) shall not be required to register.

**2.4.41. [removed on 12 March 2025]**

The Question has been removed as it is no longer relevant.

**2.4.42. Is there any record keeping obligation on market participants beyond what is already required from RRM? If so, please clarify the exact scope, e.g. period of record keeping? [last update 8 January 2016]**

As for the record keeping obligations by market participants, please note that the obligation on record keeping as laid down in the RRM Requirements document applies only to the RRM. However, there can be other obligations arising from national or other applicable legislation that the market participants may want to consider for their overall compliance.

**2.4.43. I am no longer a REMIT market participant with a reporting obligation and will not enter into any further wholesale energy transactions pursuant to REMIT. Can I de-register from the National Register of market participants? [last update 16 February 2016]**

Should a market participant no longer enter into reportable transactions and should its reporting obligations pursuant to REMIT and Commission Implementing Regulation (EU) No 1348/2014 have been completely fulfilled (i.e. its contracts have been delivered and are no longer valid), the market participant can request the relevant NRA to delete its registration from the National Register of market participants.

**2.4.44. What obligations does a market participant have under REMIT if the market participant owns or controls multiple sites as a single economic entity, each of which has a consumption capacity less than 600GWh, but which have a total technical capability to consume 600GWh or more? [last update 12 March 2025]**

Pursuant to Article 2(4) of REMIT, any contract for the supply and distribution of electricity, hydrogen or natural gas, including LNG, or contracts for the supply of electricity which may result in delivery in the Union as a result of a single day-ahead and intraday coupling to a final customer is considered as a wholesale energy product, so the final customer entering into these contracts is a market participant.

In this example there is no obligation for the market participant to report contracts for the supply of energy to its consumption sites. The final customer contracts that are reportable to the Agency are those under Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014 where the contract is for the supply to a single consumption unit with a technical capability to consume of

600GWh/year or more, or the market participant trades these contracts on an organised market place, or the market participant enters into sale contracts outside an organised market place.

In the case where the market participant only buys these contracts for consumption outside an organised marketplace, the market participant will not have to register with the relevant NRA as the market participant is not entering into transactions which are required to be reported to the Agency in accordance with Article 8(1) of REMIT. However, such a final customer as a market participant may still be subject to REMIT, including the obligation to publish inside information according to Article 4 of REMIT and the prohibition of market manipulation, including attempted market manipulation, according to Article 5 of REMIT.

**2.4.45. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**2.4.46. Is an operator of a refuelling station of natural gas for vehicles obliged to register in CEREMP? [last update 24 March 2016]**

ACER's view is that the provision of fuel to individual vehicles at a retail level is not a contract for the supply of energy in the scope of REMIT.

If an operator of a refuelling station of natural gas for vehicles enters only into a bilateral contract for the supply of natural gas for its refuelling station, it is obliged to register with its national regulatory authority only if this contract meets the criteria of Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014. However, if the operator of a refuelling station of natural gas for vehicles enters into other reportable contracts listed in Article 3(1) of Commission Implementing Regulation (EU) No 1348/2014 (e.g. including but not limited to contracts for the supply of energy traded on an organised marketplace or derivative contracts), then it is obliged to register with the relevant National Regulatory Authority.

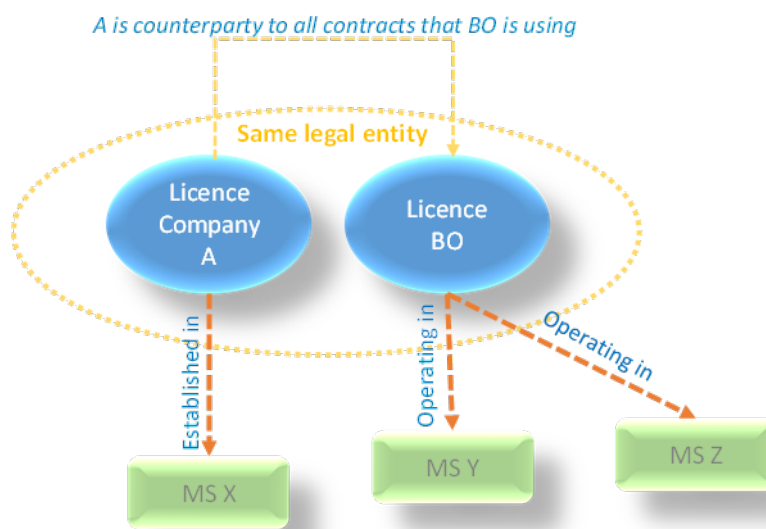
**2.4.47. I am a market participant with reporting obligations pursuant to Article 8(1) of REMIT. However, I failed to register with the NRA of the Member State in which I am established before 7 April 2016 when the reporting obligations started. What should my actions be? [last update 12 March 2025]**

In accordance with Article 9(1) of REMIT, market participants entering into transactions which are required to be reported to the Agency pursuant to Article 8(1) of REMIT are obliged to register with the NRA in the Member State in which they are established or resident. Market participants established or resident in a third country shall designate a representative in a Member State in which the market participants are active and register with the NRA of that Member State.

Market participants shall submit their registration form to the relevant NRA prior to the first day on which they enter into transactions which are required to be reported to the Agency.

Consequently, the Agency considers that any person who enters into a transaction which is required to be reported, and without having submitted the registration form to the relevant NRA, is in breach of Article 9 of REMIT.

- 2.4.48. Company 'A' from Member State X creates a branch office ('BO') in Member State Y. The BO obtains a licence to operate in Member State Y and Member State Z (licence is in the name of BO, not A). The BO is still the same legal entity as the mother company A, however, BO and A hold two distinct energy licences granted by the NRA. The BO operates in Member State Y and Member State Z and is an interface towards the NRAs and TSOs in these Member States. However, at the same time, A is the counterparty to all BO's framework agreements. Which entity should register as a market participant under Article 9(1) of REMIT: (i) company A, (ii) BO or (iii) both companies A and BO? [last update 31 August 2016]**



The obligation to register with the relevant NRA under Article 9(1) of REMIT applies to market participants (natural or legal persons) entering into transactions which are required to be reported pursuant to Article 8(1) of REMIT. Within a group of companies, all legal entities who enter into transactions that are required to be reported must register with the relevant NRA(s). In the present case, provided that the company A is always party to the contract used by the BO, only the company A has an obligation to register with the relevant NRA pursuant to Article 9(1) of REMIT.

- 2.4.49. I am a REMIT market participant and I have a question in relation to my registration in the national register of REMIT market participants. Who should I contact? [last update 31 August 2016]**

The registration of market participants is done on a national level. The Agency does not provide direct support to market participants for questions related to their registration in the national register of REMIT market participants. Market participants who have questions in relation to their registration, e.g. change/expiration of password, how to receive the ACER code, etc. should contact their relevant NRA. The contact details are available at: <https://www.acer-remit.eu/portal/ceremp>.

- 2.4.50. I am a market participant and I am facing issues with my RRM in relation to reporting of my data to the Agency which can result in the potential breach of my reporting obligations under Article 8 of REMIT. Who should I contact? [last update 12 March 2025]**

In line with the Agency's current internal procedures, all technical issues in relation to data reporting should be addressed to the Agency's Central Service Desk by the RRM reporting data on behalf of the market participant. The RRM should apply the ARIS Contingency Plan if necessary. A market



participant facing IT issues with its RRM's data reporting may therefore request the RRM to revert to the ARIS Contingency Plan. An RRM must fulfil its obligations under Article 9a of REMIT.<sup>14</sup>

The relations between the market participant and their respective RRM should be regulated between these entities without the involvement of the Agency, for instance in a service contract or other form of an agreement. However, as the Agency is tasked with the authorisation and supervision of RRMs, market participants are urged to inform the Agency about any potential incompliance with Article 9a of REMIT by an RRM. A notification may be submitted via the Suspicious Transaction Report (STR) form available at the Agency's **Notification Platform**: <https://www.acer-remit.eu/np/str>.

Regarding potential breaches of Article 8 of REMIT, depending on the nature of the case, it could be investigated by the relevant NRA(s) themselves or in cooperation with the Agency as foreseen in Article 13 REMIT. It is therefore advisable that the market participant inform both the relevant NRA(s) and the Agency of any potential issues that would hinder the market participant to fulfil its reporting obligations under Article 8 of REMIT. A notification may be submitted via the Suspicious Transaction Report (STR) form available at the Agency's **Notification Platform**: <https://www.acer-remit.eu/np/str>.

**2.4.51. A company in the housing industry procures gas and transforms it into heat for the supply to end consumers. Are these contracts from the perspective of the utility subject to reporting obligations under Article 8 of REMIT? Is the company a REMIT market participant? [last update 31 August 2016]**

The Agency considers that transforming gas into heat does not qualify as a wholesale energy product under Article 2(4) of REMIT, thus, it is not reportable under REMIT. However, the Agency is of the view that this company in the housing industry is a final customer. If this company has a technical capability to consume 600 GWh/year or more, then the contract for the supply of natural gas is reportable pursuant to Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014. In that latter case, this company is a market participant entering into transactions which are required to be reported to the Agency under Article 8(1) of REMIT and shall register with the competent NRA pursuant to Article 9(1) of REMIT. Please note that final customers with a consumption capacity lower than 600 GWh/year should report all the contracts which are traded on an organised marketplace.

**2.4.52. Do the services provided by a Flexibility Service Provider (FSP) fall under the reporting obligation of Article 8 of REMIT? More specifically, if a customer has a contract with its electricity supplier to provide demand response services (e.g. an interruptible client) not related to balancing services (e.g. on day-ahead basis), does this contract have to be reported under Article 8 of REMIT? If it is the case, could you provide the legal basis? [last update 16 December 2022]**

The Agency considers that the contract for the provision of demand response services qualifies as a wholesale energy product pursuant to Article (2)(4)(a) of REMIT and it has to be reported.

Pursuant to Article 3(1)(a)(ii) of Commission Implementing Regulation (EU) No 1348/2014, contracts involving a customer providing demand response services to a supplier and/or an aggregator should be reported on a continuous basis.

Pursuant to Article 4(1)(d) and Articles 2(9) and 2(11) of Commission Implementing Regulation (EU) No 1348/2014, contracts involving a customer providing demand response services to a TSO (i.e. balancing services) are reportable upon reasoned request of the Agency and on an ad-hoc basis. If a supplier or aggregator sells demand response volume they contracted from customers to the TSO, this

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<sup>14</sup> By 8 May 2025, the Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms.

contract between supplier or aggregator and TSO should be reported upon reasoned request of the Agency on an ad hoc basis<sup>15</sup>.

**2.4.53. A gas production facility with a production capacity higher than 20 MW is owned by different shareholders. Each of the shareholders holds a net capacity of less than 20 MW, based on their individual share interests. Each partner in the facility has individual gas sale agreements with third parties. Are these contracts reportable at the request of the Agency pursuant to Article 4(1)(c) of Commission Implementing Regulation (EU) No 1348/2014? [last update 23 July 2021]**

Please note that Article 4(1)(c) of Commission Implementing Regulation (EU) No 1348/2014 applies to contracts for the physical delivery of natural gas produced by a single natural gas production facility with a production capacity equal to or less than 20 MW, unless concluded on organised marketplaces. In case of a power plant, the threshold set out in Article 4(1)(b) of Commission Implementing Regulation (EU) No 1348/2014 applies. Therefore, if the production capacity of a single natural gas production facility is above 20 MW, the contracts for the physical delivery of natural gas produced by this single production unit have to be reported on a continuous basis, as specified in Article 3 of Commission Implementing Regulation (EU) No 1348/2014. It follows that for compliance with the data reporting obligation, the total production capacity of a facility/unit is relevant, regardless of whether or not the share of each shareholder, individually seen, is below the threshold set out in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014.

However, if the production capacity of a single natural gas production facility is equal to or below 20MW, unless concluded on organised marketplaces, the contracts for the physical delivery of natural gas produced by this single production facility are reportable only upon reasoned request of ACER and on an ad hoc basis.

In addition, please be informed that ACER provided a time-limited no-action relief from the requirement to report contracts and details of transactions in relation to the contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of ACER, in the ACER Annual Work programme 2020. The document is available at [Work programme \(europa.eu\)](#).

**2.4.54. An electricity production unit produces and consumes internally (within the same facility) a capacity above or below 20 MW. This is used to deliver power to the internal grid only and there is no export to an external public grid. In case of an outage of the internal electricity production, a back-up contract is in place to get power from the public grid. Is the internal production and consumption of electricity a wholesale energy product? [last update 14 November 2016]**

It is the Agency's understanding that the production of electricity by a production unit which is consumed within the same production facility does not constitute a wholesale energy product pursuant to Article (2)(4)(a) of REMIT. However, the back-up contract with the public grid in case of an outage of the internal electricity production is a contract for the supply of electricity and is reportable pursuant to Article 3(1) of Commission Implementing Regulation (EU) No 1348/2014. Finally, the Agency considers the electricity production unit as a market participant who has to fulfil their obligations in relation to the disclosure of inside information pursuant to Article 4(1) of REMIT.

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<sup>15</sup> Please note that the effectivity of the 'No-action letter' to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remiit-documents/guidance-remiit-application>.

**2.4.55. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**2.4.56. Is it correct, that in case of Article 3 (3) of REMIT there is no obligation within the TSO to establish "Chinese Walls" between TSO employees who procure energy products and those who manage the operation with these products? Is it also permissible that the short-term procurement of balancing energy products can be carried out by control room personnel, while in compliance with any publication duties and other obligations from REMIT? [last update 30 June 2020]**

According to Article 3(3) of REMIT, Article 3(1)(a) and (c) of REMIT shall not apply to transmission system operators when purchasing electricity or natural gas in order to ensure the safe and secure operation of the system in accordance with their obligations under points (d) and (e) of Article 40 of Directive (EU) 2019/944 or Article 39 of Directive (EU) 2024/1788.

The stipulations of the directives referred to in Article 3(3) of REMIT entail that TSOs have to ensure a secure network operation and exchange the information necessary to fulfil that obligation with connected TSOs. In this light, whenever the exception of Article 3(3) of REMIT is applicable, the fact that the actual purchase is carried out directly by the control room staff is compliant with REMIT. The general purpose of REMIT is to prevent market manipulation and insider trading, without unnecessarily increasing the complexity of the TSO's operational business.

**2.4.57. When registering on CEREMP, how shall market participants fulfil the mandatory field named "publication inside", dedicated to the web address of the platform used by the MP to publish its inside information? [Last update 12 March 2025]**

In accordance with Article 4(1) of REMIT, the disclosure of inside information by market participants should occur on an Inside Information Platform (IIP) authorised by ACER in accordance with Article 4a of REMIT.<sup>16</sup>

When filling the mandatory section "Publication inside" in CEREMP, the website of the IIP chosen for the disclosure of inside information should be provided in the main box. However, as of 1 January 2022, market participants have the possibility to declare that they find it unlikely to hold inside information by flagging the option "Do not expect to possess any inside information to disclose under Article 4(1) of REMIT". In such a case, the box referring to the IIP address can be left blank or filled with "na" (not applicable).

Please note that, even if the market participant does not expect to possess any inside information and flags this option in CEREMP, the responsibility to disclose inside information under Article 4(1) of REMIT remains. In case circumstances change and the market participant finds itself possessing inside information, they need to disclose this information on an IIP and they should promptly modify the field "Publication inside" in CEREMP by indicating the website of the IIP chosen for the disclosure of inside information.

**2.4.58. With which NRA should a Norwegian market participant participating in the electricity market coupling designate their representative and register in? [Last update 12 March 2025]**

In accordance with Article 9(1) of REMIT, third country market participants shall designate a representative resident or established in a Member State in which the market

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<sup>16</sup> By 8 May 2025, the Commission shall adopt a delegated act further detailing the authorisation and supervision of inside information platforms.

participants are active on the wholesale energy markets and subsequently register with the NRA of the same Member State. A Norwegian market participant, or any other 3rd country market participant, participating in the EU electricity market coupling may designate a representative in any EU Member State that is part of the market coupling, and register with the NRA of the same Member State. When such a market participant participates in the market coupling and also trades other wholesale energy products, it is recommended that the designation/registration is done in the Member State where the other wholesale energy products are traded.

## **2.5. Timeline of the implementation**

### **2.5.1. When did REMIT come into force and into application? [last updated 12 March 2025]**

REMIT was published in the Official Journal of the EU on 8 December 2011. On 28 December 2011, the prohibitions of insider trading and market manipulation, the obligation for market participants to publish inside information and the obligation for persons professionally arranging transactions to establish and maintain effective arrangements to detect market abuse and to notify reasonable suspicious cases to national regulatory authorities entered into force.

Within 6 months of the entry into force of REMIT, i.e. by 28 June 2012, the Agency determined a format for the registration of market participants, and within 18 months, i.e. by 28 June 2013, Member States should have assigned investigatory and enforcement powers to NRAs and put in place rules on penalties applicable to infringements of REMIT.

On 17 April 2024, Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market (Regulation amending REMIT) was published in the Official Journal of the EU. The Regulation amending REMIT entered into force on 7 May 2024.

The amended provisions in Article 9(1) and 15(2) started applying as of 8 November 2024.

Articles 7a to 7e started applying as of 1 January 2025.

According to the Regulation amending REMIT, within 12 months of the entry into force of the Regulation, i.e. by 8 May 2025, the Commission should also adopt delegated acts further detailing the authorisation and supervision of inside information platforms and registered reporting mechanisms as per Articles 4a and 9a of REMIT.

By 8 May 2025 the Commission should also adopt implementing acts specifying the further details regarding the operation of Article 8(1a) of REMIT.

### **2.5.2. [merged on 22 October 2018]**

This question was merged with Q 2.5.3 on 22 October 2018.

### **2.5.3. When did the data reporting start? [last update 12 March 2025]**

The data reporting obligation of market participants is specified in more detail by the Commission Implementing Regulation (EU) No 1348/2014. Depending on the transactions that the market participants were entering into, the reporting was divided into two phases with two different timelines.

The first phase of data collection started nine months following the entry into force of the Commission Implementing Regulation (EU) No 1348/2014, i.e. on 7 October 2015<sup>17</sup>. The first phase concerned the reporting of reportable wholesale energy contracts admitted to trading at organised marketplaces and of fundamental data from the ENTSOs central information transparency platforms.

The second phase of data collection started 15 months following the entry into force of Commission Implementing Regulation (EU) No 1348/2014, i.e. on 7 April 2016<sup>18</sup>. The second phase concerned the reporting of the remaining reportable wholesale energy contracts (OTC standard and non-standard supply contracts; transportation contracts) and of reportable fundamental data from TSOs, LSOs and SSOs.

For more information about the implementation after of the adoption of the Commission Implementing Regulation (EU) No 1348/2014, please see section 3 of this Q&A.

Regulation (EU) 2024/1106 (Regulation amending REMIT) entered into force on 7 May 2024 and introduced several new or revised provisions which expanded the scope of who should report and what should be reported to the Agency. As an example, storage contracts were added to the definition of wholesale energy products in Article 2(4) of REMIT, bringing storage into the scope of REMIT. Also, on 4 August 2024 Article 83 of Regulation (EU) 2024/1789<sup>19</sup> entered into force and brought hydrogen into the scope of REMIT.

However, ACER understands that the reporting of certain contracts or information, not currently foreseen in the Commission Implementing Regulation (EU) No 1348/2014, needs to be incorporated before reporting of this data can commence. The data reporting will thus continue based on the Commission Implementing Regulation (EU) No 1348/2014, until the Implementing Regulation has been revised. The revision of the Commission Implementing Regulation (EU) No 1348/2014 is expected within 12 months from the entry into force of the Regulation amending REMIT, i.e. by 8 May 2025, as per Article 8(1a) of REMIT.

#### **2.5.4. When and where do market participants have to register? [last update 12 March 2025]**

According to Article 9(4) of REMIT, market participants shall submit the registration form to the national regulatory authority prior to entering into a transaction which is required to be reported to the Agency in accordance with Article 8(1).

Also, by 8 November 2024 and according to Article 9(1) of REMIT, certain obligations must be observed by market participants established or resident in a third country that enter into transactions that are required to be reported to the Agency.

#### **2.5.5. What happened in the interim phase between REMIT's entry into force until the adoption of the REMIT implementing acts? [last update 12 March 2025]**

Since the monitoring activities under REMIT are based on the collection of trade and fundamental data in accordance with Article 8 of REMIT and the Commission Implementing Regulation (EU) No 1348/2014, the Agency's market monitoring activities in the interim phase – i.e. until the entry into application of the Commission Implementing Regulation (EU) No 1348/2014 – relied on notifications of

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<sup>17</sup> For more details please see Article 12(2) of Commission Implementing Regulation (EU) No 1348/2014.

<sup>18</sup> Ibid.

<sup>19</sup> Regulation (EU) 2024/1789 of the European Parliament and of the Council of 13 June 2024 on the internal markets for renewable gas, natural gas and hydrogen, amending Regulations (EU) No 1227/2011, (EU) 2017/1938, (EU) 2019/942 and (EU) 2022/869 and Decision (EU) 2017/684 and repealing Regulation (EC) No 715/2009 (recast)

suspected breaches of REMIT from NRAs and from persons professionally arranging transactions and on public sources.

NRAs were able to request wholesale energy data in ad-hoc cases on the basis of the record-keeping obligations for market participants. This was particularly the case if a potential infringement of the prohibitions of market abuse signalled by a person professionally arranging transactions according to Article 15 of REMIT or by a market participant. NRAs had to inform the Agency about any such cases signalled to them.

Regulation (EU) 2024/1106 (Regulation amending REMIT) entered into force on 7 May 2024 and introduced several new or revised provisions which expanded the scope of who should report and what should be reported to the Agency under REMIT. The data reporting will however continue based on the Commission Implementing Regulation (EU) No 1348/2014, until the Implementing Regulation has been revised.

**2.5.6. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

## 3. Questions and Answers (Q&A) on the Implementation of REMIT and Commission Implementing Regulation (EU) No 1348/2014

The section contains frequently asked questions about Commission Implementing Regulation (EU) No 1348/2014 and the Agency's answers to those questions.

*Please note that by 8 May 2025, the European Commission is expected to revise the Commission Implementing Regulation (EU) No 1348/2014 as indicated in Article 8(1a) and adopt delegated acts for inside information platforms and registered reporting mechanisms based on Articles 4a and 9a of REMIT. This may affect the questions and answers provided in this section.*

### 3.1. Background Information

This section contains answers providing introductory information on Commission Implementing Regulation (EU) No 1348/2014.

#### 3.1.1. [removed on 22 October 2018]

The question has been removed as it is no longer relevant.

### 3.2. Reporting through Registered Reporting Mechanisms (RRMs)

This section contains answers providing information related to the registration process of Registered Reporting Mechanisms (RRMs) and the reporting through them.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM which might affect the answers provided in this section.*

#### 3.2.1. I have encountered a technical problem during the RRM registration process. What should I do?

In case of technical problems using ARIS applications the Central Service Desk should be contacted: [servicedesk@support.acer-remit.eu](mailto:servicedesk@support.acer-remit.eu)

#### 3.2.2. How can I become a Registered Reporting Mechanism (RRM)? [last update 31 July 2015]

To become a Registered Reporting Mechanism (RRM), the Agency has set up two distinct processes for potential applicants being either (i) market participant RRM or (ii) third-party RRM.

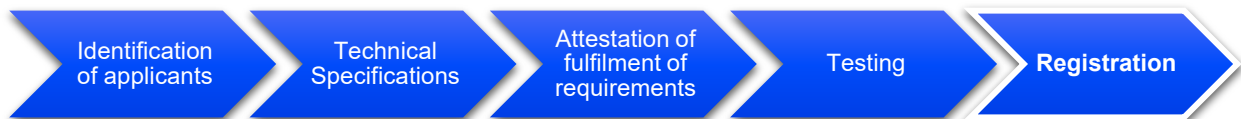
The major difference between market participant and third-party RRM registration lies in the fact that the first step of the Identification stage is handled via a separate path.

- A. If applicants who are not market participants wish to establish themselves as RRM, then they shall perform a third-party registration via the RRM Registration module that ACER has made available on the REMIT Portal. The registration is initiated through: <https://www.acer-remit.eu/portal/firstStepOfRegistration> where the RRM Applicant will have to complete the first identification step and submits it for ACER's approval.

B. Market participants shall first proceed with a market participant's registration through their respective NRA. In the majority of cases, this is done via CEREMP. In certain cases this is done via other systems the NRAs have established to manage their market participants registrations under Article 9 of REMIT. At the last step of the market participants registration, the market participants have the option to either select to which RRM they delegate the responsibility of reporting on their behalf, or to indicate their 'Intention to become a Reporting Entity' (for self-reporting purposes and/or to offer reporting services to others), or both. In the case of CEREMP, this is done in Section 5 of the registration process.

As soon as the NRA approves this first Identification step in CEREMP, the market participants who have indicated their intention to become RRM will receive an invitation to proceed to the 2<sup>nd</sup> step of the Identification stage.

From that point onwards all steps for the registration process are similar for all RRM applicants (market participants and third-parties). Please see a below diagram:



The Agency will ensure a proportionate treatment of the different categories of reporting parties throughout the registration process. This is especially the case for the attestation stage during which all reporting entities wishing to become RRM shall submit documentation describing the procedures aimed at ensuring the timely transmission of data and their business continuity plan. When assessing compliance with these requirements, market participant RRM applicants are relieved from providing certain documents as specified in Section 5 of the RRM Requirements document.

More information on the RRM registration process can be found here: <https://www.acer-remit.eu/portal/rrm-registration-doc>.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

### **3.2.3. When can an RRM applicant start testing the submission of data? [last update 08 January 2016]**

The first identification and attestation stages have to be passed by the RRM applicant before the testing can start.

The Requirements for the registration of Registered Reporting Mechanisms (RRMs) - ([RRM Requirements](#)) contain a detailed description of the registration process in this regard.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

### **3.2.4. Does the Non-Disclosure Agreement with ACER need to be signed before the start of RRM registration? Can the Agency provide this document by e-mail?**

All the relevant documentation, including Technical Specifications for RRM document and the Non-Disclosure Declaration can only be provided during the registration phase and only via the RRM registration tool.

In order to access and to sign the NDD, you need to go through the RRM registration process available on the REMIT Portal under: <https://www.acer-remit.eu/portal/rrm-registration-doc>.



**3.2.5. We would like to apply for the registration as RRM for standard contracts and maybe later for non-standard contracts as well. Can we start now the registration only as RRM for standard contracts and later extend the registration for non-standard contracts?**

This is possible. If you decide to report other types of data in the future, you will be required to conduct tests relevant to the corresponding schemas. In addition, ACER may potentially request additional information. However, you will not be obliged to restart your registration process or re-apply for a new RRM status.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.6. What kind of system should we have in order to do reporting on behalf of customers?**

ACER has put in place a system that supports three interfaces (WebGUI, Web Services, and SFTP). RRM has the option to establish connections with one or more of these interfaces. Within the RRM registration process and after signing a non-disclosure declaration, the candidate RRM can access a document that describes all the technical information necessary (namely "Technical Specifications for RRM").

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.7. Do we need to have a valid ISO 27001 certificate if we want to register as a third party RRM?**

There is no requirement to acquire a valid ISO 27001 certificate. Nevertheless, nothing prevents RRM from doing so. It can be proven useful when demonstrating compliance to the technical and organisational requirements.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.8. Will both technical compliance checks and content/business compliance checks be done at the time of report submission and will both (technical and content/business) receipts will be available at that time? If not, how long after submission of the report should we expect the content/business receipts to be available?**

Whenever a file is submitted, it will undergo several rounds of validation.

A first batch of validation is under the name of "technical validation", this includes:

- name compliance
- decryption & signature validation
- xml validation against xsd schema
- additional validation dependent on the source of submission

A second batch of validation is under the name of "business/content validation", this includes:

- uniqueness of the data, if required based on the content
- compliance of data

- completeness of data
- application of business rules

The receipt availability instead follow a hierarchical structure, meaning only the highest level of "receipt" will be made available, so:

- if there is no error, the only available receipt for download will be a business/content validation receipt;
- if there is a business/content error, only the business/content validation receipt will be available for download;
- if there is a technical error, only the technical validation receipt will be available for download.

Typically you can expect the receipt to be available within maximum 30-35 minutes in case of large files, although you can expect the process to take less depending on your time of submission (if your system submits data in a peak "time slot", there might be a queue before handling your data, but this will be a transparent process for the end-user) or your submission size (if for example you submit a small file containing just corrections to a previously submitted file, the elaboration time will be much smaller than a fully-fledged max size submission file).

### **3.2.9. [merged on 12 March 2025]**

This question was merged with Q 3.2.4 on 12 March 2025.

### **3.2.10. What is the role of the RRM Administrator as regards the carrying out of all activities related to the functions of an RRM Administrator? I.e. what should we write in the power of attorney template, thus limiting the power given to the RRM Administrator?**

The RRM Administrator oversees the RRM registration process and ensures the completion of all necessary steps. After successful registration, this person administers the RRM's users. This also includes the creation of other RRM Administrators, if the need arises. In such a case, any new RRM Administrators are always subject to ACER approval.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM's. A new authorisation process is foreseen which will replace the current registration process.*

### **3.2.11. We would like to register as an RRM. Is the registration process connected with any kind of fees? [last update 16 December 2022]**

According to Article 4(3) of the REMIT Fee Decision<sup>20</sup>, in case an entity applies to become a registered reporting mechanism (RRM), ACER shall send the entity an invoice amounting to 50 % of the flat enrolment fee component pursuant to point (a) of Article 5(1) of the REMIT Fee Decision and only accept the application once the invoice is paid. Where ACER rejects the application because the entity does not comply with the requirements pursuant to Article 11 of Commission Implementing Regulation (EU) No 1348/2014, the entity is not entitled to a reimbursement of the paid fee.

After registration of an entity as RRM, ACER shall send the entity an invoice over the remaining fee consisting of 50 % of the flat enrolment fee component pursuant to point (a) of Article 5(1) of the REMIT Fee Decision and, unless the RRM declares that it will solely report fundamental data, the transaction

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<sup>20</sup> Commission Decision (EU) 2020/2152 of 17 December 2020 on fees due to the European Union Agency for the Cooperation of Energy Regulators for collecting, handling, processing and analysing of information reported under Regulation (EU) No 1227/2011 of the European Parliament and of the Council.

records-based component pursuant to Article 6(4). For more information, we invite you to consult the [Q&As on REMIT fees](#).

**3.2.12. How can I access the technical documentation as regards RRM registration?**

In order to access the Technical Specifications for RRM, you need to initiate the RRM registration process via the REMIT Portal and pass a number of steps in the registration process during the identification phase, as well as electronically sign a Non-Disclosure-Declaration. The RRM registration tool is available here: <https://www.acer-remit.eu/portal/rrm-registration-doc>.

You can also receive access to the Technical Specifications for RRM via a client or a customer when applicable under the conditions stipulated in the Non-Disclosure-Declaration.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.13. We are an ETRM provider and need to support our clients with their reporting obligations by developing a direct interface to connect with the ARIS system. We would therefore need the technical documentation although we are not an RRM. How can we receive the relevant documentation? [last update 29 May 2015]**

There are two possible ways to receive the RRM technical specification documentation as an ETRM provider:

Firstly, service providers have the possibility to receive relevant documentation from their clients/customers within the limitations of the Non-Disclosure Declaration. In order to get access to the relevant documentation, a client/customer has to register to become an RRM.

Secondly, the ETRM provider could initiate its own RRM registration until the stage of the RRM technical specification documentation is reached, following the signature of a Non-Disclosure Declaration, and then inform the Agency about the cancellation of the registration.

From the Agency's point of view, the first alternative seems to be the more advisable one.

**3.2.14. What will happen if at the time of registration a market participant has not yet decided on the delegated party for reporting on behalf of the market participant (concrete RRM)? Is there any chance not to fill Section 5 of the registration form at the first time of registration but only at a later stage? [last update 29 May 2015]**

Yes. It is not necessary to provide information in Section 5 of the registration form if it is not available yet. It can be updated at a later stage.

**3.2.15. If a TSO plans to report transactions as well as fundamental data on its own, does it still need to be registered as an RRM? If yes, by when would the TSO need to be registered as RRM (is there any deadline)? [last update 29 May 2015]**

Any reporting entity that submits data to the Agency has to be registered as an RRM. Registration should be completed before the reporting obligation applies at the latest.

**3.2.16. How long does the Agency expect that the registration of a reporting entity (e.g. a market participant or a TSO) as an RRM will take? [last update 12 March 2025]**

Regulation (EU) 2024/1106 (Regulation amending REMIT) introduced a new authorisation process for RRM in Article 9a. According to Article 9a of REMIT, the Agency shall authorise an entity to operate as an RRM within a reasonable period of time and, to the extent possible, within three months of the receipt of the complete application. The time to complete the application may vary depending on the applicant.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.17. During the RRM Registration process, which form should be filled out and uploaded when requesting a digital certificate from the Agency? [last update 08 January 2016]**

In case where the certificate is requested for a physical person (e.g. for registering the RRM Admin account), the ACER-PO.pdf form must be used.

When a certificate is requested for the purposes of authenticating a machine communication (e.g. when establishing a WebService or SFTP interface with ARIS), the ACER-PSN.pdf form should be used.

Both forms are available on REMIT Portal: <https://documents.acer-remit.eu/category/remit-reporting-user-package/>

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.18. It is possible to cancel an already started RRM registration if the requirements described in the Technical Specifications for RRM cannot be met? Is there a formal format for how to request for cancelation and where is it available? [last update 24 March 2016]**

If the RRM applicant would like to cancel/stop its registration process before it is completed, an RRM Administrator has to notify the Agency by filling the [RRM Registration Termination Form](#) and following the instructions described therein. The Agency will then terminate the registration process for the RRM applicant. However, all requirements laid down in the Non-Disclosure Declaration (NDD) will still apply.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.19. Regarding the documentation expected from the RRM applicants to attest that they have mechanisms in place to fulfil the technical and organisational requirements for the submission of data: In what format should documents be submitted to the Agency (e.g. scanned copies of originals signed by the official executive representative of the RRM applicant)? [last update 29 May 2015]**

The Agency assumes that documents submitted during the RRM registration process by the RRM applicant are valid. Documents can be submitted as electronic copies of the relevant documents.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.20. Are the requirements to become a Registered Reporting Mechanism the 13 specified requirements in the official document “RRM Requirements” (Section 5), or are there some other requirements (e.g. cost related)? [last update 29 May 2015]**

The RRM requirements are defined in Section 5 of the RRM Requirements document. The RRM technical specification documentation provides additional information on how to meet these requirements, which is available to the RRM applicant after the signing of the Non-Disclosure Declaration. This additional information is relevant to security and data validation.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.21. Regarding the testing phase, could you detail this part of the registration process? What kind of data is supposed to be sent to the Agency? [last update 12 March 2025]**

This information is available on the REMIT Portal in the RRM Requirements document and also in the RRM Technical Specifications documentation made available to RRM applicants after online acceptance of the Non-Disclosure Declaration. Please refer to the aforementioned documents.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.22. In the RRM requirements document, the Agency states that it may give a precise time slot for the testing of an RRM applicant. Will the date for the IT testing be proposed by the market participant or does the Agency plan to give an exact time slot for testing (e.g. some concrete period)? [last update 12 March 2025]**

The testing is part of the RRM registration process and will be mainly automated. Therefore, no additional communication with ACER will be necessary. Only in exceptional circumstances, the Agency may allocate specific time slots to a particular RRM. In such a case, the Agency will communicate this to the relevant RRM applicant in advance.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.23. During the RRM registration we have to specify whether we will be reporting trade data, fundamental data, or both. In case we indicate both, but in the end our customers do not request fundamental data reporting, could we revoke this decision to avoid the testing of this kind of reports? [last update 12 March 2025]**

The selected interfaces and schemas during the registration process will be those which will have to be tested in the testing phase during the RRM registration process (Testing Framework). Upon successful results, and all other required steps being successfully fulfilled, the applicant may be approved as an RRM. If in the future, the RRM wishes to modify previous choices or add additional interfaces and/or schemas to its profile then this will be accommodated by the system via a profile update. However,

before being able to use the additional interfaces/schemas, it is mandatory that testing via the Testing Framework is run successfully. Access to the Testing Framework remains permanently available to the RRM.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

### **3.2.24. Which RRMs need to be identified in Section 5 of the market participant registration form in CEREMP? [updated on 12 March 2025]**

The market participant is requested to identify appointed RRM(s) in Section 5 of the market participant registration form when the market participant reports:

- records of transactions concluded outside organised marketplaces (OMPs);
- any updates to transactions concluded on OMPs that does not take place on the OMP (i.e. modification or cancellation occurring outside the OMP)

The indication of the RRM in Section 5 of the registration form is not required for data reported by:

- the OMP on which the transaction was concluded and/or the RRM reporting on behalf of the OMP;
- the counterparty to the transaction, if the delegation applies only to reporting of that particular transaction;
- a TSO in charge of reporting transportation data pursuant to Article 6(2) of Commission Implementing Regulation (EU) No 1348/2014;
- ENTSO-E as regards the data referred to in paragraphs (1) and (2) of Article 8 of Commission Implementing Regulation (EU) No 1348/2014;
- ENTSO-G as regards the data referred to in Article 9(1) of Commission Implementing Regulation (EU) No 1348/2014;
- a TSO in charge of reporting data referred to in Article 8(3) and 9(2) of Commission Implementing Regulation (EU) No 1348/2014;
- a LNG system operator as regards the data referred to in Article 9(5) of Commission Implementing Regulation (EU) No 1348/2014;
- a storage system operator as regards the data referred to in Article 9(9) of Commission Implementing Regulation (EU) No 1348/2014.

### **3.2.25. Are market participants allowed to register as RRM (e.g. via subsidiary companies) and report their own standardised contracts executed at organised marketplaces? [last update 12 March 2025]**

Market participants cannot report details of transactions concluded at organised marketplaces by themselves, regardless of whether they register as an RRM or not. It follows from Article 8(1a) of REMIT that it is the organised marketplace that should report such details.

The exception being TSOs whom can be both market participants and organised marketplaces. A TSO could be registered as an RRM and thus report the transactions stemming from e.g. a capacity auction it is hosting as an organised marketplace to which the TSO would also be a party to the transaction.

### **3.2.26. Article 6(1) of Commission Implementing Regulation (EU) No 1348/2014 defines that organised marketplaces shall, at the request of the market participant, offer a data reporting agreement. If market participants wish to report data through the organised marketplaces, do organised marketplaces necessarily have to become a RRM or would they be allowed to delegate the actual data reporting to a third-party? [last update 12 March 2025]**

With the entry into force of Regulation (EU) 2024/1106<sup>21</sup> (Regulation amending REMIT) on 7 May 2024 an obligation was introduced in Article 8(1a) on organised marketplaces to report details of their order book(s) on behalf of all market participants active at the organised marketplace, thereby fulfilling the market participants reporting obligations.

This provision overrides the provision in Article 6(1) of Commission Implementing Regulation (EU) No 1348/2014 (REMIT IR), in line with the EU hierarchy of norms.<sup>22</sup> It is up to the individual organised marketplace to decide how to implement Article 8(1a), some may choose to conclude data reporting agreements with all market participants active on their platform and some may choose to incorporate the data reporting into their general service agreement.

Nevertheless, there is no obligation for the organised marketplace itself to become an RRM. The organised marketplace can delegate the reporting of the data to a third-party (which must be an RRM following Article 8(1) of REMIT).

*Please note that, by 8 May 2025, the Commission shall revise the REMIT IR and adopt a delegated act on the authorisation and supervision of registered reporting mechanisms which may affect the answer to this question.*

**3.2.27. Would it be permitted for an RRM to offer “holiday fees” on the REMIT service to its customers (market participants) during an initial period, having those costs subsidized by other incomes of the RRM? [last update 31 August 2015]**

Please note that the Agency has no power to review or approve the fees that RRM will apply for reporting of data to the market participants. However, the Agency would like to stress that RRM's pricing policy applied should comply with the requirements of competition law.

**3.2.28. Could you please explain how to fill in the information under Section 5 of the registration form (public list of RRM)s? E.g.: If a market participant ‘A’ wants to report data on behalf of other market participants belonging to the same group, would this market participant ‘A’ appear in the public list of RRM)s (Section 5 of the registration form) for selection to all market participants? [last update 12 March 2025]**

As a general rule, a market participant should have a contractual agreement in place with an RRM for delegation of data reporting before it selects this RRM in Section 5 of the registration form (public list of RRM)s. Moreover, market participant should be aware that selecting an RRM in Section 5 of the registration form does not confer any legal obligation on that RRM to report on its behalf.

The Agency wants to bring the market participants' attention to the fact that not all reporting parties will be made available for selection to all market participants in Section 5 of the registration form (e.g.: ENTSO-E, ENSOG). However, in case where an RRM is considered as an intra-group RRM, i.e. reporting data only on behalf of a market participants in the same group (definition of group to be found in the Directive 2013/34/EU), this intra-group RRM will all the same appear for selection to all market participants in Section 5 of the registration form (public list of RRM)s. Indeed no difference will be made in the public list between third-party RRM)s and intra-group market participant RRM)s.

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<sup>21</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market

<sup>22</sup> <https://eur-lex.europa.eu/EN/legal-content/glossary/eu-hierarchy-of-norms.html>

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.29. What if the RRM wants to revoke the power of attorney submitted to the Agency during the RRM registration process at a later stage? [last update 12 March 2025]**

RRM applicants or registered RRM are obliged to inform the Agency on any revocation of their power of attorneys and to submit the valid power of attorneys together with the updated application forms without any delay.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.30. The RRM Application Form requests the details of a person responsible for compliance of the RRM. What are the responsibilities of this person and is he/she personally liable e.g. for any RRM failures to comply with REMIT? [last update 12 March 2025]**

With regard to the person responsible for the RRM compliance, such person shall be responsible for the process of RRM registration and reporting. A potential personal liability of this person is governed by the relevant national law applicable for the RRM.

*Please note that, by 8 May 2025, the European Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.*

**3.2.31. The RRM Requirements document indicates the concept of reporting delegated chain as follows: “in case of a reporting delegation chain (e.g. counterparty A delegates the reporting to counterparty B, which, in turn, delegates the reporting to C), only the entities submitting data directly to the Agency (C, in the example above) shall register as a RRM”. There is a supplier X holding bilateral contracts with diverse suppliers (e.g. Y and Z, and these 2 suppliers only trade with supplier X bilaterally). The supplier X signs a data reporting agreement with RRM1 to report all those bilateral contracts by means of that RRM1. Therefore, the supplier X selects RRM1 in Section 5 of the registration form. However, the suppliers Y and Z do not sign any data reporting agreements with any RRM, because they delegate the reporting obligation to the supplier X. Therefore, the data reporting will fulfil the requirements with the data reporting agreement between X and RRM1. Do suppliers Y and Z have to select the RRM1 in their respective Section 5 of the registration form, even though they did not sign any agreement with the RRM1? [last update 30 November 2015]**

Yes, if suppliers Y and Z trade with X on a regular basis, they shall indicate the RRM1 in Section 5 of the registration form. Section 5 of the registration form should indicate the RRM that will ultimately report the market participant's data to the Agency. If, however, suppliers Y and Z trade with X only occasionally and without any “permanent” arrangement then this could be seen as reporting on behalf of the counterparty under Article 6(7) of Commission Implementing Regulation (EU) No 1348/2014 and would not require suppliers Y and Z to declare the RRM1 in the registration form as a reporting entity for their trades. For more information, please see also Section 6.2.1 of the RRM Requirements.



**3.2.32. In cases where data reporting under Article 6, 8 and 9 of Commission Implementing Regulation (EU) No 1348/2014 is delegated to a third party, who is responsible for the completeness, accuracy or timely submission of data: the person required to report the data or the third party reporting on the person's behalf? [last update 30 November 2015]**

In accordance with Article 11(2) of Commission Implementing Regulation (EU) No 1348/2014, if a person required to report data, reports those data through a third party, the person shall not be responsible for failures in the completeness, accuracy or timely submission of the data that are attributable to the third party. If the failure in data reporting is attributable to a third party e.g. if the third-party reports corrupted/incorrect data or data are reported with a delay, the third party will be responsible for that failure. If the failure is attributable to a person required to report the data e.g. the person provides incorrect data, or data with a delay to a third party, then the person required to report the data will be responsible for that failure. Responsibility for the failure in data reporting cannot be transferred by the data reporting agreement between persons required to report data and the third parties reporting data on their behalf.

From the Agency's point of view, in cases where an organised marketplace (OMP) has outsourced reporting to another RRM, the notion of 'person required to report data' in Article 11(2) of Commission Implementing Regulation (EU) No 1348/2014 includes the OMP itself. Otherwise, there would be a missing link in the reporting chain and it would not be possible to ensure data quality.

**3.2.33. What are the reasonable steps that the persons required to report data should take in order to verify the completeness, accuracy and timeliness of the data which they submit through third parties under Article 11(2) third subparagraph of Commission Implementing Regulation 1348/2014? [last update 12 March 2025]**

The Agency understands that in order to define the reasonable steps to verify the completeness, accuracy and timeliness of the data, as laid down in Article 11(2) third subparagraph of Commission Implementing Regulation 1348/2014, a different level of control/verification should be performed by the big, medium and small size market participants. The Agency suggests as guidance regarding the reasonable steps that market participants should undertake verification of data samples in the predefined time period at least on a quarterly basis. Depending on the market participant's size and/or volume of transactions in the relevant period a higher frequency of verification may be considered reasonable.

It is the Agency's understanding that market participants are responsible for the completeness, accuracy and timeliness of data provided to OMPs and of OTC data provided to RRM. OMPs are responsible for submitting complete, accurate and timely data from its platform to RRM and RRM are responsible for submitting the complete, accurate and timely data it receives to the Agency. Market participants and OMPs shall have procedures in place to ensure completeness, accuracy and timeliness of data that is submitted through RRM. Each entity is expected to be responsible for what is under its control based on its role and the information available to it in the data reporting process.

The Agency also understands that third-parties reporting on behalf of the market participant (OMP and/or RRM) should grant the market participant access to the data as reported by the third-party.

In accordance with Article 9a of REMIT, and to be further specified in delegated acts<sup>23</sup>, RRM shall have mechanisms in place allowing transaction reports to be effectively checked with regard to their completeness, to identify omissions and obvious errors caused by the market participant, and where such error or omission occurs, to communicate details of the error or omission to the market participant and to request receipt of a corrected version of such reports.

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<sup>23</sup> By 8 May 2025, the Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms.

RRMs shall also have systems in place to enable them to detect errors or omissions caused by them and to enable them to correct and transmit, or re-transmit as the case may be, correct and complete transaction reports to the Agency.

The Agency considers that RRM should grant access to data reported by the RRM to: (i) the market participant, (ii) a third party chosen by the market participant, or (iii) an organised marketplace reporting data on the basis of Article 8(1a) of REMIT. This access should be granted with consideration to the principle of transparency, fairness, non-discrimination and in line with competition law.

*Please note that, by 8 May 2025, the Commission shall revise the REMIT IR and adopt a delegated act on the authorisation and supervision of registered reporting mechanisms which may affect the answer to this question.*

**3.2.34. As an OMP, are we obliged to offer reporting services for the submission of “Non-Standard” Contracts? [last update 12 March 2025]**

According to the Agency’s understanding, the obligation in Article 8(1a) of REMIT for organised marketplaces to report details of their order book(s) does not relate to the reporting of non-standard contracts/contracts executed outside the organised marketplace. However, organised marketplaces may nevertheless assist the market participants with reporting of non-standard contracts/contracts executed outside the organised marketplace.

**3.2.35. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**3.2.36. What information is the RRM exactly required to keep; only the records transmitted to the ARIS system or also acknowledgement receipts or other communication received from the ARIS system? [last update 8 January 2016]**

Please note that the requirements regarding record keeping apply to the data submitted to the Agency. In order to assure the RRM compliance with other RRM requirements (e.g. information security, operational reliability.), the Agency strongly recommends that all receipts and other communications with the Agency are also kept by the RRM.

**3.2.37. A registered market participant would like to report its non-standard contracts. Does this entity need to register as an RRM and fulfil all criteria concerned in order to be able to report its contracts: (a) for itself and (b) on behalf of its counterparties? [last update 12 March 2025]**

If a market participant wants to report directly its non-standard contracts (for self-reporting purposes and/or to offer reporting services to others), it should indicate this in the electronic registration form when registering as a market participant with the competent NRA (Section 5 of the registration form ‘Intention to become a Reporting Entity’) and initiate the RRM authorisation process. Please note that the authorisation of RRM is outlined in Article 9a of REMIT and further details on the authorisation process and requirements on RRM are expected to be introduced in a Commission delegated act by 8 May 2025.

Please note that market participants are not required to become RRM for the purpose of reporting non-standard contracts as they can still use the services of third-party RRM.

**3.2.38. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**3.2.39. With regard to the reporting of data as of 7 April 2016, would the Agency recommend market participants to start the RRM registration process in order to report their own data or to use reporting services of already registered RRM? [last update 16 December 2022]**

Please note that all entities reporting data to the Agency should be registered as RRM. In order to decide whether to become an RRM and report its own data or use an already registered RRM the market participant should take into account the complex and detailed process of RRM registration and consider the application of REMIT fees according to the REMIT Fee Decision. Please note that the registration as an RRM is not a unique exercise, but being an RRM will require the market participant to comply with the Agency's RRM requirements on an ongoing basis and to adapt to future upgrades of the Agency's REMIT Information System and changes of the transaction reporting regime. Therefore, the Agency strongly recommends market participants to report their data through already registered RRM. The list of already registered RRM is accessible at <https://www.acer-remit.eu/portal/list-of-rrm>.

**3.2.40. What happens if an RRM cannot send transaction reports on time? [last update 12 March 2025]**

The Agency has established the ARIS Contingency Plan which is available to RRM in the documentation section of the RRM Admin Profile. The Contingency Plan provides all instructions on what RRM and market participants have to do in case of different scenarios that may impact the reporting.

As for the other obligations between the market participant and its RRM, the Agency points out that their data reporting agreement should take into account the ARIS Contingency Plan. Please note that if an RRM is not able to report its data according to the requirements set out by the Agency, the ARIS Contingency Plan is to be followed. All questions about the application of the Contingency Plan should be addressed by sending an email via the ARIS Central Service Desk.

Potential sanctions for the breach of reporting obligations as laid down in Article 8 of REMIT are defined at national level, pursuant to Article 18 of REMIT.

*Please note that, by 8 May 2025, the European Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms which may affect the answer to this question.*

**3.2.41. What happens if the reporting data are different between buyer and seller? [last update 16 February 2016]**

The data should be reported to the Agency following the normal procedure as defined by the respective documentation available on the REMIT Portal. However, ACER may request from RRM to investigate and correct such submissions, if necessary.

**3.2.42. What is the reporting procedure during force majeure, either declared by the RRM or by the market participant? [last update 12 March 2025]**

The Agency has established the ARIS Contingency Plan which is available to RRM in the documentation section of the RRM Admin Profile. The Contingency Plan provides all instructions on what RRM and market participants have to do in case of different scenarios that may impact the reporting.

As for the other obligations between a market participant and its RRM or between an OMP and its RRM, the Agency points out that their respective contractual agreements should take into account the ARIS Contingency Plan.

*Please note that, by 8 May 2025, the European Commission shall adopt a delegated act further detailing the authorisation and supervision of registered reporting mechanisms which may affect the answer to this question.*

**3.2.43. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**3.2.44. Reasonable steps that a market participant has to undertake are stipulated in Article 11(2), third subparagraph, of Commission Implementing Regulation (EU) No 1348/2014 in order to verify the completeness, accuracy and timeliness of data which they submit through third parties to the Agency. Do these reasonable steps differ depending on the reporting channel that the market participant selects – i.e. OMP, RRM, etc.? [last update 12 March 2025]**

It is the Agency's understanding that transactions executed at organised marketplaces, including matched and unmatched orders, should be reported by the organised marketplaces concerned, via RRM, in accordance with Article 8(1) and (1a) of REMIT. It is up to the OMP to decide which RRM to use for the reporting or if to become an RRM itself.

For the reporting of transactions taking place outside an organised marketplace it is the market participant who should report such transactions to the Agency, via an RRM. It is up to the market participant to decide which RRM to use for the reporting or if to become an RRM itself.

The RRM used by the OMP and the RRM used by the market participant can be different RRMs.

Against this background, the reasonable steps a market participant shall take to verify the completeness, accuracy and timeliness of the data, which they submit through third parties, have to be distinguished depending on the reporting channel selected:

- a) Reporting of wholesale energy products by the organised marketplace where the transactions were executed or the orders to trade were placed ('organised marketplace concerned') acting as RRM:

The organised marketplace concerned, as an RRM, will have responsibility for the completeness, accuracy and timely submission of the data to the Agency according to Article 11(2) of Commission Implementing Regulation (EU) No 1348/2014 itself. Since the organised marketplace concerned is the existing source, it is difficult to imagine any additional steps market participants could take to verify the completeness, accuracy and timeliness of the data which they submit through the organised marketplace concerned.

- b) Reporting of wholesale energy products through a third-party RRM selected by the organised marketplace concerned:

The same as above applies if the organised marketplace concerned selects a third party RRM and thereby outsources the data reporting in accordance with Article 8(1a) of REMIT. Since the organised marketplace concerned is the existing source, it is the organised marketplace concerned that will have to take reasonable steps to verify the completeness, accuracy and timeliness of the data which they submit through third party RRMs.

- c) Reporting of wholesale energy products through a third-party RRM selected by the market participant:

When a market participant reports its transactions executed outside an organised market place through a third-party RRM selected by the market participant, the market participant will have to ensure the following in order to comply with its obligation to take reasonable steps in order to verify

the completeness, accuracy and timeliness of the data which it submits through the third-party RRM to the Agency:

The market participant will be responsible for accuracy, completeness and timeliness of the data concerning (1) the transfer of the data from the market participant to the third-party RRM, (2) the handling of the data by the third-party RRM and (3) the transfer of the data from the third-party RRM to the Agency. Both transfers entail a significant risk to undermine the completeness, accuracy and/or timely submission of data to the Agency. Regarding the transfer of the data from the third-party RRM to the Agency, the market participant will not be responsible for failures in the completeness, accuracy or timely submission of the data in cases where these failures are clearly attributable to the respective third party RRM. Nevertheless, the market participants will have to prove to National Regulatory Authorities, on their request, that they have undertaken reasonable steps to verify the completeness, accuracy and timeliness of the data submitted to the Agency.

*Please note that, by 8 May 2025, the Commission shall revise the REMIT IR and adopt a delegated act on the authorisation and supervision of registered reporting mechanisms which may affect the answer to this question.*

### **3.2.45. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

### **3.2.46. Will TSOs be visible in Section 5 of the registration form in order for market participants to be able to select them? [last update 24 March 2016]**

Only TSOs selecting the below RRM types will be visible in Section 5 of the registration form:

- 'RRM type: MP reporting for the group' under the stage: Additional Information Submission; or
- 'RRM type: RRM services available to any market participant' under the stage: Additional Information Submission.

### **3.2.47. A holding, which is not itself a market participant, owns several entities that are renewable energy producers and thus are registered as market participants under REMIT. These renewable producers are only legal entities and do not have any employees. One of them will register as RRM and report data on behalf of the other market participants within the holding (intra group RRM). How should the intra group RRM fill in the documents required during the RRM registration process and who bears the legal responsibility for the data reporting? [last update 29 April 2016]**

As a general principle, the legal responsibility for data reporting is with the market participant. Therefore, if a market participant decides to delegate the data reporting to an RRM, Article 11(2) of Commission Implementing Regulations applies. It specifies how the responsibility for the reporting is divided between a market participant and an RRM.

If an intra group RRM applicant does not have any employees, it should clearly indicate who has the RRM Administrator and RRM Compliance roles in all documents which are submitted during the RRM registration process (e.g. RRM Application Form, Power of Attorney or Non-Disclosure Declaration).

### **3.2.48. If I am an already approved RRM or an RRM applicant in the registration process and would like to ask a question about the application of the Contingency Plan, who should I contact? [last update 29 April 2016]**

All questions about the application of the Contingency Plan should be addressed to the Agency's Central Service Desk: [servicedesk@support.acer-remit.eu](mailto:servicedesk@support.acer-remit.eu).

### **3.2.49. In which language have the documents to be submitted in the RRM application process, in the official language of the issuer of the document or in English? [last update on 12 March 2025]**

According to Article 44(1) of Regulation (EU) 2019/942, the provisions of Council Regulation No 1 shall apply to ACER, meaning documents can be submitted in any official language of the EU.

However, Article 44(2) of Regulation (EU) 2019/942 also provides that the Agency's Administrative Board shall decide on the internal language arrangements for the Agency and the Administrative Board decided that the internal working language of the Agency is English. Therefore, the working language for the examination of RRM applications by the Agency will be English. In this respect, the Agency strongly prefers to receive documentation in English, and the RRM applicant is thus invited to send its application in English as translating documents submitted in other EU languages may require additional time to process the application.

### **3.2.50. Could reportable wholesale energy contracts from market participants registered in one Member State be reported by an RRM in another Member State? [changed on 22 October 2018]**

Yes. The market participant can choose RRM(s) from a different Member State.

## **3.3. Transaction Reporting**

This section contains answers providing information on the reporting of transactions to the Agency according to Commission Implementing Regulation (EU) No 1348/2014.

### **3.3.1. Where can I find more information on data reporting under REMIT?**

In order to centralise the information on data reporting, the Agency has prepared the REMIT Portal: <https://www.acer-remit.eu/portal/home>. The REMIT Portal was launched on 8 January 2015 as the central point of entry to the Agency's REMIT Information System (ARIS) which consists of a number of applications for the use of Market Participants as well as National Regulatory Authorities.

The REMIT Portal allows, for instance, reporting parties to register themselves as Registered Reporting Mechanisms (RRMs) or to access the List of organised marketplaces.

Further, the Agency has made its supporting documentation available on the [REMIT Documents](#) page of the ACER's website, namely the Transaction Reporting User Manual (TRUM), the Manual of Procedures on transaction and fundamental data reporting (MOP), the Requirements for Registered Reporting Mechanisms (RRMs).

### **3.3.2. What are the rules on the transaction reporting? [last update 08 January 2016]**

The Agency has developed the Transaction Reporting User Manual (TRUM) in order to facilitate transaction reporting to the Agency and to ensure operational reliability according to Article 12(1) of REMIT.

The TRUM is intended to provide market participants with guidance to make informed decisions about their transaction reporting obligations. The TRUM explains the details of the reportable trade data by providing guidance on how to populate the data fields included in the Commission Implementing

Regulation (EU) No 1348/2014, including the formats and standards that apply to reporting. The TRUM is not intended to be a replacement of the Commission Implementing Regulation (EU) No 1348/2014.

The TRUM focuses on explaining the details of the reportable information related to transactions, including orders to trade, in relation to wholesale energy products executed at organised marketplaces. The TRUM also covers the records of transactions in transportation contracts and non-standard supply contracts.

TRUM is available on the REMIT Documents page of the ACER's website: <https://www.acer.europa.eu/remit-documents/remit-reporting-guidance>.

In addition, please note that further details on the transaction reporting such as details on the reporting channels and reporting schemas are included in the Manual of Procedures on Transaction and Fundamental Data Reporting (the 'MoP'). The MoP is available here: <https://www.acer.europa.eu/remit-documents/remit-reporting-guidance>.

### **3.3.3. What is the scope of contracts reportable at request of the Agency? [last update 16 December 2022]**

In line with Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014, the Agency can, upon a reasoned request and on an ad hoc basis, ask the market participants to report the following contracts and details of transactions, unless concluded on organised marketplaces:

- (i) Intragroup contracts.
- (ii) Contracts for the physical delivery of electricity produced by a single production unit with a capacity equal to or less than 10 MW or by production units with a combined capacity equal to or less than 10 MW.
- (iii) Contracts for the physical delivery of natural gas produced by a single natural gas production facility with a production capacity equal to or less than 20 MW.
- (iv) Contracts for balancing services in electricity and natural gas.

It is important to note that market participants only engaging in transactions in relation to the contracts referred to in points (ii) and (iii) above (contracts for the physical delivery equal to or less than 10MW for electricity and 20 MW for gas) shall not be required to register with the NRA pursuant to Article 9(1) of REMIT<sup>24</sup>.

### **3.3.4. [removed on 12 March 2025]**

The question has been removed as it is covered by the ACER Transaction Reporting User Manual Annex VI available [here](#).

### **3.3.5. Will ACER also collect disaggregated capacity allocations to be reported? [last update 12 March 2025]**

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<sup>24</sup> In relation to all four groups of contracts mentioned above under (i) to (iv), please note that the effectivity of the 'No-action letter' to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

ACER expects to collect capacity allocation data per market participant. For additional information please consult Annex II of ACER's Transaction Reporting User Manual available [here](#).

**3.3.6. How should I report standard contracts on a spreadsheet? [last update 12 March 2025]**

ACER has developed a guidance for OMPs on the List of Standard Contracts describing in detail how to report the reference data to ACER (available [here](#)).

For more information, please refer to the REMIT Portal here (<https://www.acer-remit.eu/portal/standardised-contract>).

**3.3.7. What level of detail will the receipts include other than a success or failure message. Will it contain the details of the trade?**

The receipt schema does not include details of the trade (e.g. price, etc.) but still provides enough information to identify the transaction reports to which it applies. The XML schema for ARIS receipts is available on ACER's website.

**3.3.8. Is bundling of all transactions for all units into one file or one single transaction allowed or are we obliged to send an individual transaction/file for each unit?**

Yes, batches are not only allowed but also preferred by the Agency. The maximum size of a file is 500 MB.

**3.3.9. The Table 1 schema for standard contracts contains placeholders for the order and the trade. Will the order section allow 480 rows as well as 1 match on each interval within the trade section (potentially 48)?**

The schema allows almost unlimited rows. The only limitation is the 500 MB maximum file size.

**3.3.10. Is there a special data format or protocol for the web feed (Article 10 of Commission Implementing Regulation (EU) No 1348/2014) how the data shall be provided to the Agency (e.g. email, .csv-file, etc.)? [last update 14 December 2021]**

The Agency has published Guidance on the implementation of web feeds for Inside Information Platforms (UMM Guidance) which covers the technical issues concerning inside information disclosure under Article 10(1) and (2) of Commission Implementing Regulation (EU) No. 1348/2014.

The UMM Guidance includes details of the standard web feed formats (RSS and ATOM) and the schema (.xsd) to be used. The UMM Guidance is published on the REMIT Documents page of the ACER's website: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

**3.3.11. As for the framework agreements or OTC physical purchase orders, could you please clarify the scope of reporting? Do we need to report framework contracts as well as all OTC physical purchase orders? [last update 24 March 2016]**

Yes. The framework agreements are considered non-standard contracts and all contracts to OTC physical purchase orders have to be reported to the Agency in line with Article 3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014.



**3.3.12. Should wholesale energy contracts concerning very small amounts of energy be reported to the Agency? [last update 16 December 2022]**

Wholesale energy contracts are to be reported to the Agency in line with Article 3(1) of Commission Implementing Regulation (EU) No 1348/2014. However, small contracts for the physical delivery of

- (i) electricity produced by production units with capacity of equal or less than 10 MW, or
- (ii) gas produced by production units with capacity of equal or less than equal or less than 20 MW,

shall be reportable only upon reasoned request of the Agency and on an ad-hoc basis, unless concluded on an organised marketplace. The Commission Implementing Regulation (EU) No 1348/2014 defines the reporting of small contracts in its Article 4(1)(b) and (c)<sup>25</sup>.

**3.3.13. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

**3.3.14. What is the definition of ‘trade reporting system’ under REMIT? [last update 29 May 2015]**

A “trade reporting system” according to Article 6(1) of Commission Implementing Regulation (EU) No. 1348/2014 is to be understood as a person who centrally collects and maintains the records of transactions, including orders to trade, of wholesale energy products in order to provide the service of reporting records of transactions to the Agency, including orders to trade, of wholesale energy products on behalf of market participants.

According to the Agency’s understanding this requires the trade reporting system to provide the third-party data reporting service as a regular occupation or business that shall treat all information collected in a non-discriminatory fashion and operate and maintain appropriate arrangements to separate different business functions from ancillary third-party services such as trade confirmation, trade matching, bringing together of multiple third party buying and selling interests or clearing services.

For REMIT purposes, it is important to ensure that a level playing field in the post-trade sector is not compromised by a possible natural monopoly in the provision of trade reporting services. Therefore, trade reporting systems are required to provide their reporting services on fair, reasonable and non-discriminatory terms, subject to necessary precautions on data protection.

**3.3.15. What is the definition of ‘trade matching system’ under REMIT? [last update 12 March 2025]**

It is the Agency’s understanding that a ‘trade matching system’ according to Article 6(1) of Commission Implementing Regulation (EU) No. 1348/2014 means a third-party electronic matching system to match orders to trade in wholesale energy products, including matching systems to match buy and sell orders into transactions in wholesale energy products. This includes e.g. third-party trade confirmation systems.

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<sup>25</sup> Please note that the effectivity of the ‘No-action letter’ to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remite-documents/guidance-remit-application>.

**3.3.16. Could you please define the 'single consumption unit' under Article 3(1)(a)(vii) of the Implementing Regulation in more details? [last update 12 June 2015]**

The single consumption unit is a single demand facility which consumes electricity or gas and is connected at one or more connection points to the network.

The Agency also understands electricity and gas distribution networks to be consumption units with regard to electricity or gas that is consumed in order to cover grid losses. Therefore, the Agency understands a DSO as a final customer and a market participant if the aforementioned grid losses are above the threshold of 600GWh per year.

**3.3.17. If a market participant owns a 5MW production unit and sells this output to a second market participant is that contract reportable (by either counterparty)? Furthermore, if the second market participant sells this output on to a third market participant under another contract, is that contract reportable? [last update 16 December 2022]**

Article 4 of Commission Implementing Regulation (EU) No 1348/2014 stipulates a list of contracts reportable at request of the Agency. Article 4(1)(b) and (c) of Commission Implementing Regulation (EU) No 1348/2014 defines certain thresholds for contracts reportable at request.

For electricity, only contracts where a counterparty can show that the electricity was produced by a single production unit with a capacity equal to or less than 10MW or by production units with a combined capacity equal to or less than 10MW would meet the definition set out in Article 4(1)(b) of Commission Implementing Regulation (EU) No 1348/2014, unless concluded on organised marketplace.

For example, if market participant A owns a 5MW production unit and sells this output to market participant B, this contract would fall under Article 4(1)(b) of Commission Implementing Regulation (EU) No 1348/2014 and only be reportable upon the reasoned request of the Agency and on an ad-hoc basis.

If market participant B sold this output to market participant C under another contract, then this contract would not fall under Article 4(1)(b) of Commission Implementing Regulation (EU) No 1348/2014 and therefore would be reportable.

The same principle applies to gas contracts under Article 4(1)(c) of Commission Implementing Regulation (EU) No 1348/2014<sup>26</sup>.

**3.3.18. Should contracts for delivery to multiple sites, one or more of which is over 600GWh capacity, be reported under Article 3(1)(a)(vii) of Commission Implementing Regulation No 1348/2014? [last update 30 June 2015]**

It is the understanding of the Agency that if a final customer has a contract for the supply of electricity or gas to multiple consumption units and one of those consumption units has a technical capability to consume 600GWh/year, that multi-site contract would be reportable under Article 3(1)(a)(vii) of the Implementing Regulation No 1348/2014.

It is also the Agency's understanding that if a final customer has separate contracts for each consumption unit and only one of their units has a technical capability to consume 600GWh/year, only

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<sup>26</sup> Please note that the effectivity of the 'No-action letter' to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

the contracts relating to that unit would need to be reported under Article 3(1)(a)(vii) of Commission Implementing Regulation No 1348/2014.

**3.3.19. The scope of trading activity that is being monitored according to REMIT and according to Commission Implementing Regulation (EU) No 1348/2014 includes transactions as well as orders to trade. Concerning the reporting obligation of trade data, is it correct that orders to trade have to be reported only (i) when the order was placed on an organised marketplace or (ii) in connection with proceedings on primary explicit capacity allocation? [last update 31 July 2015]**

Yes, Article 6 of Commission Implementing Regulation (EU) No 1348/2014 defines the reporting of orders to trade explicitly in paragraph 1 (for wholesale energy products placed at organised marketplaces) and paragraph 2 (for primary explicit capacity allocations placed at allocation platforms). Beyond that, there is no obligation to report orders to trade (see e.g. Article 6(3) of Commission Implementing Regulation (EU) No 1348/2014 for activities outside an organised marketplace). This is also in compliance with Recital 5 of Commission Implementing Regulation (EU) No 1348/2014 which clarifies the importance of monitoring orders to trade for an effective market monitoring but refers exclusively to those orders placed at organised markets.

**3.3.20. Commission Implementing Regulation (EU) No 1348/2014 requires contracts for the supply of electricity or natural gas to a single consumption unit with a technical capability to consume 600GWh/year or more to be reported to the Agency (Article 3(1)(a)(vii)). How can final customers assess “technical capability to consume”? [last update 12 March 2025]**

The Agency understands “technical capability to consume” to mean the maximum amount of energy that a final customer could consume in a year, i.e. if the customer were to run its facility fully at all times throughout the year.

The consumption relates to electricity, gas or hydrogen. The consumption of electricity, gas or hydrogen should be assessed separately to estimate whether it reaches the 600GWh/year when the facility is running fully at all times. This is because Article 2(5) of REMIT itself refers to the consumption of a final customer of ‘either electricity, hydrogen or natural gas’, meaning one or the other.<sup>27</sup>

In assessing ‘technical capability to consume’, the Agency is of the view that final customers should take into account the amount of energy that the single consumption unit consumes or has capacity to consume.

If a single consumption unit consumes 600GWh/year or more of either electricity, gas or hydrogen then it is clear that their “technical capability to consume” is also greater than 600GWh/year and therefore all contracts for the supply of either electricity, gas or hydrogen (the commodity which is  $\geq$  600GWh/year) to this single consumption unit are reportable. If a single consumption unit typically has an annual consumption of below 600GWh/year, final customers should make an assessment of the unit’s technical capacity to consume. To do this, consideration should be given to the consumption capability of the unit in the first instance i.e. the amount of energy that would be consumed if the single consumption unit was to run at its maximum output over a year.

If on this basis the single consumption unit has a consumption capability of over 600GWh/year, final customers may also consider the import capacity of the unit i.e. the maximum amount of energy (either

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<sup>27</sup> Hydrogen introduced via Article 83 of REGULATION (EU) 2024/1789 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 June 2024 on the internal markets for renewable gas, natural gas and hydrogen, amending Regulations (EU) No 1227/2011, (EU) 2017/1938, (EU) 2019/942 and (EU) 2022/869 and Decision (EU) 2017/684 and repealing Regulation (EC) No 715/2009 (recast)

electricity, gas or hydrogen) that can flow from the network into the unit. If this import capacity constrains the unit's technical capacity to a level below 600GWh/year, it is the Agency's view that the unit would not meet the 600GWh threshold.

Final customers should also be aware that if there is any change to the technical capability to consume of a single consumption unit, they should re-evaluate whether this unit meets the 600GWh threshold.

The Agency suggests caution around the use of historical consumption to estimate technical capability to consume as this does not relate to the actual capability of the unit and circumstances can change which might result in additional consumption. However, the Agency understands that there may be limited circumstances where this could be a reasonable approach.

### **3.3.21. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

### **3.3.22. Could you please explain how the final customer should notify its technical capability of the consumption unit to consume 600 GWh/year or more under Article 3(2), third subparagraph, of Commission Implementing Regulation (EU) No 1348/2014? [last update 30 September 2015]**

According to Article 3(2), third subparagraph, of Commission Implementing Regulation (EU) No 1348/2014, final customers who are parties to a contract for the supply of electricity or natural gas to a single consumption unit with a technical capability to consume 600 GWh/year or more (as referred in Article 3(1)(a)(vii)) of Commission Implementing Regulation (EU) No 1348/2014 are obliged to notify their counterparties if the consumption unit in question is technically capable to consume 600 GWh/year or more.

The Agency is of the view that the notification obligation can be included as a part of the contract for supply of electricity or natural gas to final customer. As for the outstanding contracts for supply of electricity or natural gas to final customers, the Agency anticipates that the final customers will notify their counterparties in a standard way as defined by the outstanding contracts. In order to raise awareness on the final customer's notification obligation, the Agency recommends the counterparties to the contracts for supply of electricity or natural gas to remind the final customers on their notification obligation under Article 3(2), third subparagraph, of Commission Implementing Regulation (EU) No 1348/2014.

### **3.3.23. Are contracts for the supply or transportation of biogas covered by the scope of REMIT? [last update 12 March 2025]**

In line with Article 2(1) of Directive 2024/1788, 'natural gas' means gas that primarily consists of methane, including biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system. Therefore, if biogas can technically and safely be injected into, and transported through, the natural gas system, it will: (i) meet all criteria to be treated as natural gas and (ii) REMIT will apply for the biogas supply/transportation contracts.

### **3.3.24. Are derivative contracts traded on platforms in the EU relating to electricity or natural gas delivered outside the EU within the scope of REMIT? [last update 12 March 2025]**

Pursuant to Article 2(4)(b) of REMIT, the definition of wholesale energy product includes 'derivatives relating to electricity, hydrogen or natural gas produced, traded or delivered in the Union, or derivatives relating to electricity which may result in delivery in the Union as a result of single day-ahead and intraday coupling. Therefore, a derivative contract relating to electricity, hydrogen or natural gas delivered in the Union is not the only criterion. The scope of REMIT also includes derivatives relating to

electricity, hydrogen or natural gas *produced or traded* in the Union. Such contracts are wholesale energy products irrespective of whether the related electricity, hydrogen or natural gas is delivered in the Union. However, the scope of REMIT and its prohibitions (e.g. prohibition of insider trading or market manipulation) and obligations (e.g. obligation to publish inside information) is wider than the scope of the reporting obligation under 8(1) of REMIT in connection with Commission Implementing Regulation (EU) No 1348/2014. Article 3(1)(a)(viii) of Commission Implementing Regulation (EU) No 1348/2014 specifies that 'options, futures, swaps and any other derivatives of contracts relating to electricity or natural gas produced, traded or delivered in the Union' are reportable.

Furthermore, the first sentence of Article 3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014 limits the scope of reporting to the contracts that are wholesale energy products in relation to the supply of electricity or natural gas 'with delivery in the Union'.

Therefore, from the group of derivatives of contracts related to electricity/natural gas (a) produced, (b) traded or (c) delivered in the Union, only those that also relate to the supply of electricity/natural gas with delivery in the Union shall be reported to the Agency pursuant to Article 3(1)(a)(viii) of Commission Implementing Regulation (EU) No 1348/2014.

In conclusion, if a derivative contract (i.e. wholesale energy product) is traded on a platform in the Union, but it relates to the supply of electricity or gas with delivery outside the Union, the above condition 'with delivery in the Union' is not fulfilled. For this reason, the market participant has no obligation to report this derivative contract to the Agency pursuant to Article 3(1)(a)(viii) of the Commission Implementing Regulation (EU) No 1348/2014. However, the Agency highlights that such contracts fall under the scope of REMIT and therefore other REMIT obligations remain applicable.

### **3.3.25. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

### **3.3.26. Could you please explain the concepts of 'intragroup contracts' and 'consolidation on a full basis' mentioned in Article 2(6) of Commission Implementing Regulation (EU) No 1348/2014? [last update 30 October 2015]**

Pursuant to Article 2(6) of Commission Implementing Regulation (EU) No 1348/2014, an 'intragroup contract' is a contract on wholesale energy products entered into with a counterparty which is part of the same group provided that both counterparties are included in the same consolidation perimeter on a full basis.

Article 2(5) of Commission Implementing Regulation (EU) No 1348/2014 defines that the concept of group to be taken into consideration is the one included in Article 2 of Directive 2013/34/EU on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings.

Article 2(6) of Commission Implementing Regulation (EU) No 1348/2014 details that 'consolidation on full basis' is the relevant criterion to assess if the contracts are intragroup. If a company 'consolidates on a full basis', its assets, liabilities, income and expenses are all shown in full in the consolidated financial statements of the parent company, with the exclusion of the ones related to intercompany transactions that are eliminated in the consolidation process.

Further details on the rules and interpretations can be found in Directive 2013/34/EU and its implementing laws in the relevant Member State(s).

### **3.3.27. Could you explain what country's calendar i.e. "working day" shall be used for the reporting purposes under Article 7 of Commission Implementing Regulation (EU) No 1348/2014? [last update 12 March 2025]**

According to Article 6(1) of Commission Implementing Regulation (EU) No 1348/2014, the market participant has an obligation to report its data. The timing for reporting under Article 7(1) in Commission Implementing Regulation (EU) No 1348/2014 refers to the 'working day following the conclusion of the contract or placement of the order'. Therefore, it is not the calendar in use in the country of the RRM that should be used, but the calendar of the relevant market participant's country. Please note that the public holidays of the EU Member States are published in the Official Journal of the European Union.

In addition, the Agency points out that the market participants have the obligation to report the contract on the 'working day following the conclusion of the contract or placement of the order'. The Agency would also welcome the reporting of data by the market participant before the actual date of fulfilling this obligation.

The Agency will not consider as public holidays the ones at federal state/regional level that are not listed to the above mentioned list.

**3.3.28. Concerning the threshold of 600GWh/year under Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014: is only burning of gas considered an end-use, or should purchases for other industrial processes also be included in the calculation of this threshold (e.g. natural gas used as feedstock, etc.)? [last update 30 November 2015]**

The 600GWh/year threshold in Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014 relates to the consumption of gas or electricity, irrespective of the purpose of this consumption. If a single consumption unit has a technical consumption capability greater than 600GWh/year, then contracts for the supply of electricity or gas to that unit are reportable, irrespective of whether the purpose is burning gas or using it for other purposes.

**3.3.29. How to report when a continuous explicit intraday cross border capacity allocation method is in place? [last update 30 November 2015]**

In case the relevant allocation rules define that the allocated intraday cross border capacity is automatically nominated with no possibility of intervention from the market participant and that the amounts of allocated and nominated intraday cross border capacity are equal, then there is no need for the relevant TSOs or third party acting on their behalf to submit both allocated and nominated information. Only the nominated cross border capacity will be reported to the Agency by the reporting party.

In case the relevant allocation rules allow the market participant to nominate a different amount of cross border capacity to the allocated amount, then both the allocated and the nominated reports will have to be submitted to the Agency.

**3.3.30. Should gas storage nominations be reported as trades? [last update 12 March 2025]**

With the entry into force of Regulation (EU) 2024/1106<sup>28</sup> (Regulation amending REMIT) on 7 May 2024, storage contracts and related derivatives are considered as wholesale energy products and reportable under REMIT. However, details for the reporting of storage contracts and related derivatives are currently not included in the Commission Implementing Regulation (EU) No 1348/2014 (REMIT Implementing Regulation), these details must thus be included in the REMIT Implementing Regulation before the reporting can commence.

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<sup>28</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market

The reporting of storage as fundamental data on the basis of Article 9 of the REMIT Implementing Regulation will continue until the REMIT Implementing Regulation has been revised.

**3.3.31. If a market participant is short or long relative to their notified position to the TSO, they will be exposed to the cash out price. For example, if they ‘spill’ additional electricity onto the network, the market participant receives the cash out price for this electricity. Is this a reportable contract under REMIT? [last update 16 December 2022]**

Yes, but it is the Agency’s current view that such payments are part of the process for balancing and would fall under Article 4(1)(d) of Commission Implementing Regulation (EU) No 1348/2014 and are only reportable upon reasoned request of the Agency on an ad-hoc basis<sup>29</sup>.

**3.3.32. What contracts are final customers required to report? [last update 16 February 2016]**

Final customers with a single consumption unit with a consumption capacity of 600 GWh/year or more should report all their contracts for the supply of energy, derivatives and transportation which fall under Article 3(1) of Commission Implementing Regulation (EU) No 1348/2014.

The Agency currently considers that final customers with a single consumption unit with a consumption capacity lower than 600 GWh/year should report all the contracts for the supply of energy they traded on an organised marketplace and, if traded outside an organised marketplace, they should report only contracts for the sale of energy (considering that this energy is therefore not for consumption use). In addition, final customers with a single consumption unit with a consumption capacity lower than 600 GWh/year should report all their contracts for transportation and derivatives as such contracts are not considered as contracts for the supply and distribution of electricity or natural gas for the use of final customers.

**3.3.33. Are transfers of transport capacity between a market participant and an end user with a site which does not have the capacity to consume more than 600 GWh/year to be reported, although the gas delivery contracts themselves are not to be reported? [last update 22 October 2018]**

The Agency believes that usually for a consumption unit with a maximum technical capability to consume less than 600 GWh/year a supply contract will normally be a contract with a single delivery point to the customer and without any transfer of transport capacity. Please note that the threshold of 600 GWh/year refers to the supply contracts pursuant to Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014 and not to the transportation contracts.

If the market participant and the end user, in addition to the supply contract, agree on the transfer of transport capacity, this contract has to be reported as a wholesale energy product pursuant to Article 3(1)(b)(i) or (ii) of Commission Implementing Regulation (EU) No 1348/2014.

**3.3.34. Are contracts for the supply of liquefied natural gas (LNG) with delivery in the Union covered by the scope of REMIT? [last update 12 March 2025]**

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<sup>29</sup> Please note that the effectivity of the ‘No-action letter’ to provide time-limited no-action relief from the requirement to report contracts and details of transactions in relation to those contracts listed in Article 4(1) of Commission Implementing Regulation (EU) No 1348/2014 upon reasoned request of the Agency expired on 31 December 2017. The No-action letter is available here: <https://www.acer.europa.eu/remit-documents/guidance-remit-application>.

According to Article 2(4)(a) of REMIT, “contracts for the supply of electricity or natural gas, **including LNG**, where delivery is the Union, or contracts for the supply of electricity which may result in delivery in the Union as a result of single day-ahead and intraday coupling” are considered wholesale energy products and therefore are covered by the scope of REMIT.

**3.3.35. A final customer has a single consumption unit with: (i) a technical capability to consume 600GWh/year of gas, but (ii) a technical capability to consume less than 600GWh/year of electricity; is it necessary to report contracts concluded outside an organised marketplace for the supply of electricity to that unit? And vice-versa? [last update 26 h 2016]**

If final customers have a single consumption unit with a technical capability to consume 600GWh/year or more of gas, but a technical capability to consume less than 600GWh/year of electricity, they are required to report: (i) all transactions concluded on an organised marketplace (both gas and electricity), and (ii) if trading outside an organised marketplace, all their contracts for gas.

Similarly, if final customers have a single consumption unit with a technical capability to consume 600GWh/year of electricity, but a technical capability to consume less than 600GWh/year of gas, they are required to report (i) all transactions concluded on an organised marketplace (both gas and electricity), and (ii) if trading outside an organised marketplace, all their contracts for electricity.

**3.3.36. What constitutes delivery of LNG into the European Union? [last update 12 March 2025]**

Article 3(1) of the Commission Implementing Regulation (EU) No 1348/2014 provides a list of reportable contracts, according to which contracts in relation to the supply of electricity or natural gas with delivery in the European Union shall be reported to the Agency.

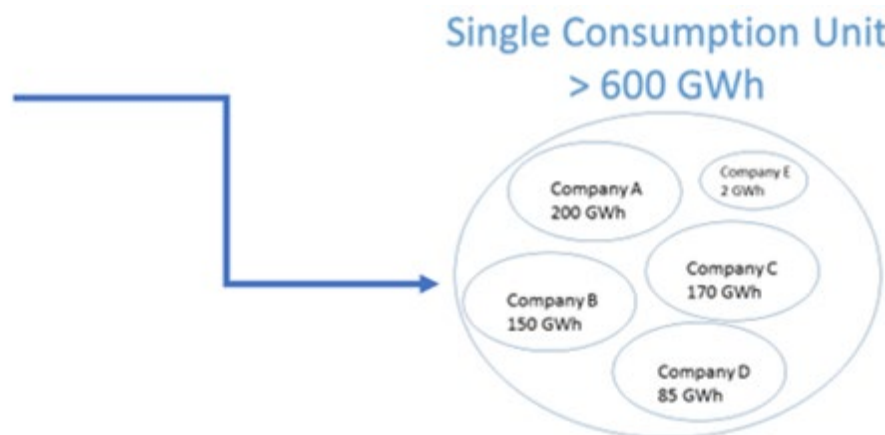
As far as liquefied natural gas (LNG) contracts are concerned, the Agency considers any importation or offloading of liquefied natural gas in any LNG facility (including flanges that connect the LNG vessel to the LNG terminal) as ‘delivery in the Union’ as far as the delivery of the product takes place in the European Union.

In the situation described above, assuming the delivery of the liquefied natural gas is in the European Union, both parties to the contract will need to register with the relevant National Regulatory Authority/ies as the contract is reportable to the Agency.

Contracts for re-gasification at a terminal in the Union are reportable. Reload-contracts at a regasification terminal or at a vessel where the delivery of the product is not the European Union are not reportable.



- 3.3.37. Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014 identifies contracts for the supply of single consumption units with a technical capability to consume 600 GWh/year or more as reportable under REMIT. How are these terms to be understood in a context where a number of different legal entities share one connection to the grid, if they once were one “single consumption unit”, but each individual legal entity (company A, B etc.) has now individual contracts for the purchase of electricity? For example, a formerly integrated industrial site now is separated into different companies and legal entities. All entities still share a common grid connection and the site as a whole exceeds the 600 GWh-threshold, however no single entity is close to the threshold. How should this situation be treated in terms of transaction reporting and registration of market participants under REMIT? [last update 24 March 2016]**



As each company holds individual contracts for the purchase of electricity, the yearly capability of each individual company to consume at this site should be taken into consideration by the companies. Reporting and registration obligations under REMIT would only apply to those companies which have a single consumption unit with a technical capability to consume above the 600 GWh-threshold, provided that they are not trading other wholesale energy products (e.g. including but not limited to contracts for the supply of energy traded on an organised marketplace or derivative contracts).

- 3.3.38. I am uncertain whether I am a market participant and whether I am obliged to report transactions or not. What shall I do? [last update 12 March 2025]**

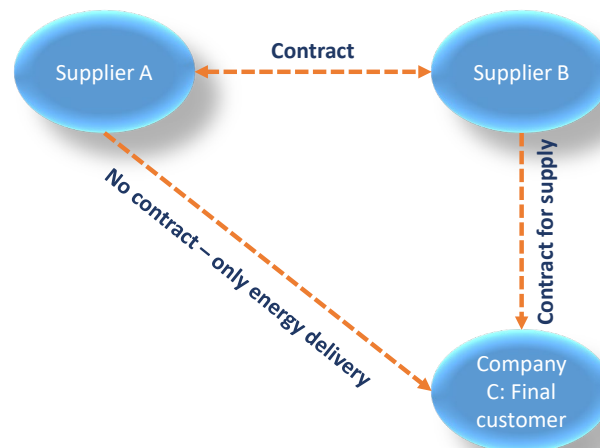
A market participant is any person who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets. Market participants shall provide the Agency with a record of wholesale energy market transactions, including orders to trade, following the detailed requirements in the Commission Implementing Regulation (EU) No 1348/2014 and further specifications in the Agency's Transaction Reporting User Manual (TRUM)<sup>30</sup>.

If you are uncertain about if a specific transaction is reportable, you can send a message via the [ACER REMIT Query Form](#).

- 3.3.39. Company A and company B are market participants. Company B has a contract for supply of electricity with a final customer C. In order to provide electricity to the final customer C, company B has a contract**

<sup>30</sup> <https://www.acer.europa.eu/remit-documents/remit-reporting-guidance>

with A, according to which A supplies electricity to B at the delivery point of the final customer C (metering point of the final customer’s premises). There is no contractual relationship between company A and the final customer C. Is the contract between A and B subject to the reporting obligation pursuant to 3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014? [last update 29 April 2016]



It is the Agency’s understanding that the contract between the companies A and B is the supply contract that is reportable to the Agency pursuant to Article 3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014.

**3.3.40. Is the upstream transport capacity for gas covered by the reporting obligation under Article 3(1)(b) of Commission Implementing Regulation (EU) No 1348/2014? [last update 8 June 2016]**

Article 3 of Commission Implementing Regulation (EU) No 1348/2014 defines a list of contracts reportable to the Agency.

As for the wholesale energy products in relation to the transportation of electricity or natural gas in the Union (Article 3(1)(b) of Commission Implementing Regulation (EU) No 1348/2014), the following contracts are reportable to the Agency:

- (i) Contracts relating to the transportation of electricity or natural gas in the Union between two or more locations or bidding zones concluded as a result of a primary explicit capacity allocation by or on behalf of the TSO, specifying physical or financial capacity rights or obligations,
- (ii) Contracts relating to the transportation of electricity or natural gas in the Union between two or more locations or bidding zones concluded between market participants on secondary markets, specifying physical or financial capacity rights or obligations, including resale and transfer of such contracts,
- (iii) Options, futures, swaps and any other derivatives of contracts relating to the transportation of electricity or natural gas in the Union.

The question whether upstream transport capacity contracts for gas are covered by the reporting obligation under Article 3(1)(b) of Commission Implementing Regulation (EU) No 1348/2014 refers to the capacity of gas upstream pipeline networks specified under Article 2(16) of Directive 2024/1788 as ‘any pipeline or network of pipelines operated and/or constructed as part of an oil or gas production

project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal’.

It is the Agency’s current understating that the list of reportable contracts in relation to the transportation of gas as laid down in Article 3(1)(b) of Commission Implementing Regulation (EU) No 1348/2014 does not include gas transport capacity contracts related to upstream pipeline networks. This means that although such contracts are covered by the scope of Article 2(4) of REMIT, they are currently not reportable to the Agency according to Article 8(1) of REMIT in connection with Commission Implementing Regulation (EU) No 1348/2014.

**3.3.41. Is a market participant obliged to report transactions for the supply of natural gas with delivery point at offshore platforms, located on a continental shelf in the EU, to the Agency? The transactions in question are between gas producers (sellers) and shippers (buyers) who resell the gas in the wholesale market or to final customers. [last update 31 August 2016]**

Pursuant to Article 2(4)(a) of REMIT, ‘wholesale energy products’ means the following contracts and derivatives, irrespective of where and how they are traded: (a) contracts for the supply of electricity or natural gas where delivery is in the Union [...].

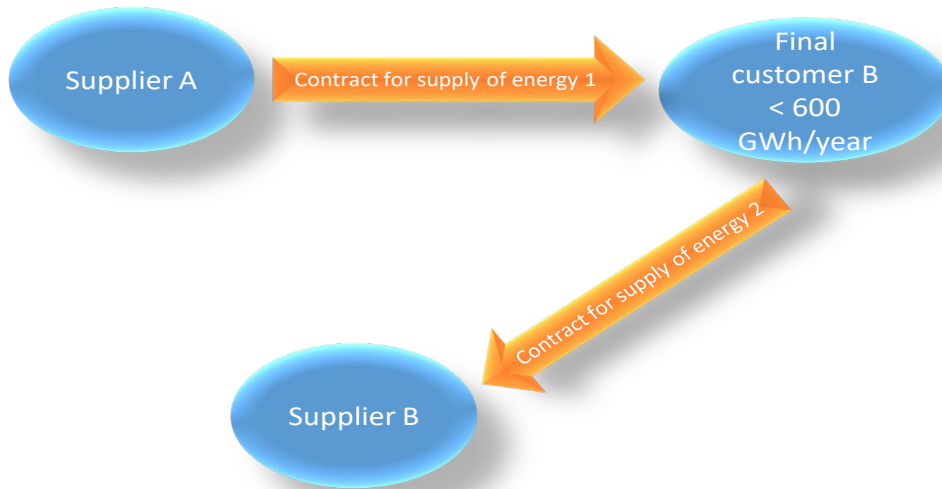
Therefore, contracts for the supply of natural gas where delivery is at the offshore platforms situated on a continental shelf in the EU are contracts reportable under Article 3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014.

**3.3.42. What are the reporting obligations of a final customer with a single consumption unit with a technical capability to consume less than 600 GWh/year if the energy bought by the final customer is not for its consumption use? [last update 22 October 2018]**

In order to reply to the above question, the Agency analysed and designed the three following examples. Please note that the examples present the Agency’s current understanding and form a non-exhaustive list.

Furthermore, it is to be noted that final customers with a single consumption unit with a consumption capacity of less than 600 GWh/year should report all the contracts they trade on an organised marketplace.

**SCENARIO I**



Scenario I: Energy was purchased by the final customer but not consumed. The final customer sells the energy under a different contract to a different Supplier B (i.e. the final customer becomes a supplier). In this case, the final customer is a market participant entering into transactions which are required to be reported to the Agency under REMIT. Therefore, the final customer is required to report both contracts for supply of energy 1 and 2.

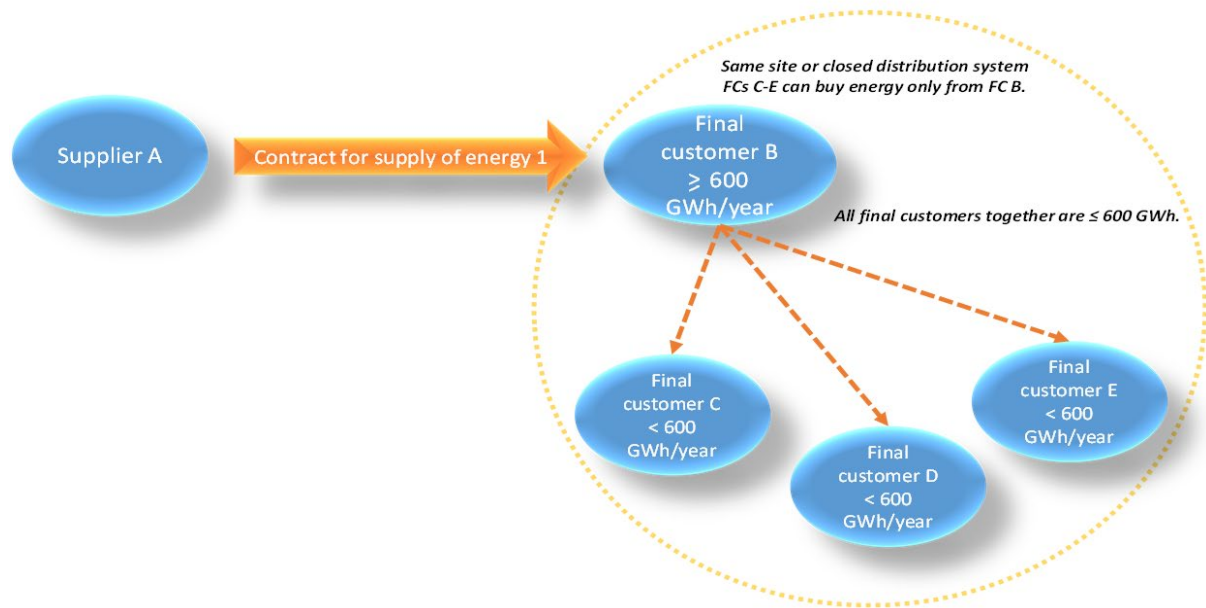
**SCENARIO II**



Scenario II: Energy was purchased by the final customer from the Supplier A, but not consumed because there is a volume optionality for the execution of their non-standard supply contract. The energy has not been physically delivered yet. In this case, the contract for supply of energy is not reportable and the final customer is not a market participant entering into transactions which are required to be reported to the Agency under REMIT regarding such contracts. However, it can still be subject to REMIT with regard to the prohibition of market manipulation, including attempted market manipulation, according to Article 5 of REMIT, with regard to insider trading, according to Article 3 of REMIT and with regard to the obligation to publish inside information according to Article 4 of REMIT.

Finally, please note that this scenario does not apply if Supplier A resells the energy in the wholesale energy market on behalf on the final customer. In such case, the final customer is a market participant entering into transactions which are required to be reported to the Agency under REMIT.

## SCENARIO III



Scenario III: Energy was purchased by the final customer B. However, the final customer B consumes only a part of the energy and the rest of it is provided to other final customers (C, D, E) that are all within the same closed distribution system or on the same site (e.g. shopping mall, airport). In addition, it is important to note that (i) the final customers C to E can buy the energy only from the final customer B (for example, energy is bought as a part of the tenancy agreement) and (ii) the overall technical capability to consume of final customer B to E is below 600 GWh/year.

In this case, the contracts between (i) supplier A and the final customer B and (ii) final customer B and final customers C to E are not reportable. In addition, final customer B is not considered a market participant entering into transactions which are required to be reported to the Agency under REMIT regarding such contracts. However, if the overall technical consumption capability of final customers B to E is 600 GWh/year or more, then the contract for supply of energy between supplier A and final customer B will be reportable and they will both have to be considered market participants.

### 3.3.43. What does the notion of production capacity under Article 4(1)(b) and (c) of Commission Implementing Regulation (EU) No 1348/2014 mean? [last update 31 August 2016]

In line with the understanding provided in the Manual of Procedures (MoP) on data reporting, the production capacity pursuant to Article 4(1)(b) and (c) of Commission Implementing Regulation (EU) No 1348/2014 means:

- For electricity production units: Installed capacity means the maximum electrical power the production unit can produce continuously under normal conditions and relevant security standards. If the production capacity is equal to 10 MW, the production unit would be able to produce a maximum daily amount of 240MWh per day (24h\*10MW).
- For gas production units: Technical capacity means the maximum net sustained (flow) capacity that the production unit can produce continuously under normal conditions, and relevant security standards. If the production capacity is equal to 20 MW, the production unit would be able to produce a maximum daily amount of 480MWh per day (24h\*20MW).

**3.3.44. Are Virtual Trading Points (VTPs) considered as organised marketplaces (OMPs) under Article 2(4) of Commission Implementing Regulation (EU) No 1348/2014? If not, is the contract for the supply of natural gas to a single consumption unit with a technical capability to consume below 600 GWh/year concluded on the VTP reportable to the Agency? [last update 12 March 2025]**

The Agency is of the view that, as long as the VTP serves merely as a virtual entry/exit point that enables grid users to transfer energy within the market area or entry/exit system without the need to book capacity and does not offer services that are characteristic to organised marketplaces it is not to be considered an OMP. Hence, an assessment needs to be made to verify whether the VTP fall under the definition of organised marketplace as defined by Article 2(20) of REMIT, in which case they should be included in the list of organised marketplaces. Please refer to Annex IX of the TRUM for further information about the criteria of organised marketplaces.

If the VTP does not qualify as organised marketplace, market participants are required to analyse if their contracts for supply of natural gas fall under Article 3(1)(a)(vii) of Commission Implementing Regulation (EU) No 1348/2014, i.e. contracts for the supply of electricity or natural gas to a single consumption unit with a technical capability to consume 600 GWh/year or more. If the technical capability to consume is below 600 GWh/year the contract for the supply of natural gas to such single consumption unit will not be reportable.

**3.3.45. Is balancing contract reference data also to be reported to ACER? [last update on 22 October 2018]**

ACER will currently not be collecting reference data for balancing contracts as Article 3(2) of Commission Implementing Regulation (EU) No 1348/2014 only applies to the standard contracts according to Article 3(1) of the same Implementing Regulation.

**3.3.46. Could you please clarify when considering REMIT obligations if we should refer to the AC or DC capacity, i.e., do we have to consider the total capacity the site could produce or the actual capacity generating onto the grid network?**

Neither REMIT nor the Commission Implementing Regulation (EU) No 1348/2014 make any distinction about the specific type of production capacity to be considered in terms of compliance with REMIT obligations. For contractual purposes, it is the installed capacity, i.e. the capability of an installation to produce electricity at any given moment, that is taken into account. Hence, when considering REMIT obligations, it is the total installed capacity of a production unit (or the total combined installed capacity of production units) that should be considered, as indicated in Q&A 3.3.43.

When considering RES production units, where the installed capacity typically refers to the production capacity in DC, which is to be then converted in AC via an inverter in order to allow the injection to the grid, the reference value for REMIT obligations should also be the installed capacity in DC. Pursuant to Article 4(1) of the Implementing Regulation, contracts for the physical delivery of electricity produced by a single production unit with a capacity equal to or less than 10 MW or by production units with a combined capacity equal to or less than 10 MW shall be provided by market participants to ACER, in application of Article 8 of REMIT, only upon ACER's reasoned request and on an ad hoc basis, unless concluded on organised market places.

**3.3.47. Are gas and electricity transportation contracts for export from the EU and import to the EU reportable according to REMIT? If so, are the contracting parties of such contracts considered REMIT Market Participants, even if they can only accept / deliver energy on the NON-EU side of the border, where they are registered in?**

Article 2(4)(c) of REMIT defines wholesale energy products as contracts relating to the transportation of electricity or natural gas in the Union, irrespective of where and how they are traded.

In ACER's understanding, as long as the contract for transportation of electricity or natural gas entails transportation in the Union (i.e. transportation between EU and EU, transportation between EU and non-EU, transportation between non-EU and EU) and as long as there is delivery in the EU at a given time, the concerned transportation contract is a REMIT reportable wholesale energy product.

According to Article 2(7) of REMIT, a market participant is any person who enters into transactions in one or more wholesale energy markets. This applies irrespective of the location of the person. Accordingly, persons from non-EU and non-EEA countries are also covered by REMIT, provided that they enter into transactions in wholesale energy markets. Hence, parties to the above mentioned transportation contracts (either concluded in primary explicit capacity allocation or on secondary markets) are REMIT market participants regardless of whether or not they are located outside the Union.

EU TSOs or third parties acting on their behalf shall report details of contracts referred to in Article 3(1)(b)(i) of the Commission Implementing Regulation (EU) No 1348/2014. The only exception concerns the gas transport capacity contracts related to upstream pipeline networks which are wholesale energy products but out of the reporting scope according to the interpretation given in Q&A 3.3.40.

**3.3.48. According to REMIT, shall natural gas storage contracts (other than “Virtual gas storage” ones) determining a volume, a price and a contractually agreed period by the end of which a returning obligation of the contracted volume is activated, be reported to the Agency? [last update 12 March 2025]**

With the entry into force of Regulation (EU) 2024/1106<sup>31</sup> (Regulation amending REMIT) on 7 May 2024, storage contracts and related derivatives are considered as wholesale energy products and reportable under REMIT. However, details for the reporting of storage contracts and related derivatives are currently not included in the Commission Implementing Regulation (EU) No 1348/2014 (REMIT Implementing Regulation), these details must thus be included in the REMIT Implementing Regulation before the reporting can commence.

**3.3.49. The reporting of storage as fundamental data on the basis of Article 9 of the REMIT Implementing Regulation will continue until the REMIT Implementing Regulation has been revised. Based on the national strategy for supporting renewable resources (RES), there are institutional entities that act as RES aggregator or as responsible entity for the remuneration of RES producers via incentives (e.g. Feed-in-Premium - FIP). The RES aggregator might coincide with the entity for remuneration. In this regard, RES Producers sign a contract with responsible entity for the FIP remuneration, as well as a contract with the aggregator that is in charge of buying the energy from the RES producers and sell it on the organised marketplace. The remuneration under FIP contract is usually calculated ex post on a monthly basis and it is based on the difference between the fixed tariff and the average electricity market price in the respective month. RES producers receive payments from their participation in the wholesale energy market through the RES Aggregator and, in addition, they receive monthly payments from the responsible entity for the FIP remuneration under**

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<sup>31</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market

**the framework of a FIP contract. In this framework, which of the above mentioned contracts are reportable under REMIT? [last update 12 March 2025]**

Article 2 of REMIT defines market participant as “any person, including transmission system operators, distribution system operators, storage system operators and LNG system operators, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets;”.

Since there is no specific exception in the above-mentioned definition for “institutional” market participants, this means that as long as a company (e.g. the RES Aggregator) is active in the wholesale energy market, despite solely implementing the national regulation, it is considered a market participant under REMIT and is subject to obligations set out in Article 8 and Article 9 of REMIT.

As stated in Article 4 of Commission Implementing Regulation (EU) No 1348/2014, all contracts concluded between the RES producers and the RES aggregator are reportable only upon the Agency’s request for a single production unit with a capacity equal to or less than 10 MW or by production units with a combined capacity equal to or less than 10 MW, unless the contract is concluded on an organised marketplace.

On the other hand, the contract in place between the RES producer and the responsible entity for the FIP remuneration does not refer to a wholesale energy product under REMIT, but rather to the recognition of an incentive. As a result, such a contract is not reportable.

**3.3.50. Are contracts for the guarantees of origin to be reported under REMIT data reporting obligation?**

Contracts related to the guarantees of origin are assimilable to contracts related to green certificates. As indicated in the ACER Guidance on the application of REMIT, it is ACER’s understanding that such contracts are not considered to be related to wholesale energy products, as they do not fulfil the requirements set out in Article 2(4) of REMIT and are thus not reportable under REMIT. The same applies to contracts related to emission allowances.

**3.3.51. If a company is using a battery storage, are contracts related to the battery storage reportable under REMIT? [last update 12 March 2025]**

With the entry into force of Regulation (EU) 2024/1106<sup>32</sup> (Regulation amending REMIT) on 7 May 2024, storage contracts and related derivatives are considered as wholesale energy products and reportable under REMIT. However, details for the reporting of storage contracts and related derivatives are currently not included in the Commission Implementing Regulation (EU) No 1348/2014 (REMIT Implementing Regulation), these details must thus be included in the REMIT Implementing Regulation before the reporting can commence.

**3.3.52. What are the reporting obligations under REMIT of electric vehicle charging stations?**

In ACER’s present understanding, electric vehicle charging stations (power charging stations) should be assimilated to fuelling stations and consequently excluded from data reporting under REMIT, insofar as the consumption capacity of the single charging station is below 600 GWh/y (see also Q&A 3.3.42).

**3.3.53. Is the contract between market participant and the Transmission System Operator (TSO), concluded as a result of the auction run in the**

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<sup>32</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union’s protection against market manipulation on the wholesale energy market



## **framework of a capacity mechanism based on Reliability Options, reportable to ACER?**

Pursuant to Article 3(1)(a) of the Commission Implementing Regulation (EU) No 1348/2014, contracts in relation to the supply of electricity or natural gas with delivery in the Union should be reported to ACER on a continuous basis.

Furthermore, the ACER Guidance on the application of REMIT indicates that 'Contracts for the supply of electricity and any derivative related to electricity resulting from generation capacity markets, capacity remuneration mechanisms, and flexibility markets where applicable, shall be considered wholesale energy markets according to REMIT' (Section 2.2.1(13) of ACER Guidance on the application of REMIT).

Reliability options represent capacity mechanisms where the Transmission System Operator (TSO) concludes long-term contracts with the selected capacity providers by running periodic auctions years ahead of the delivery date. Based on the contract in place between the TSO and the capacity providers, the latter are required to make an offer of supply of electricity in the spot market, with the underlying obligation of a physical delivery in the Union.

Under these circumstances, it is ACER's understanding that the contracts concluded between the TSO and the capacity providers within the reliability option capacity mechanisms qualify as wholesale energy products in relation to the supply of electricity with delivery in the Union as per Article 3(1)(a) of the Commission Implementing Regulation (EU) No 1348/2014, and are therefore reportable to ACER.

### **3.4. Fundamental Data reporting**

This section contains answers providing information on the reporting of fundamental data to the Agency according to Commission Implementing Regulation (EU) No 1348/2014.

#### **3.4.1. How can I report fundamental data? [last update 08 January 2016]**

The legal basis for the fundamental data reporting is laid down in Article 8 and 9 of the Commission Implementing Regulation (EU) No 1348/2014. While Article 8 defines the rules for reporting of fundamental data on electricity, Article 9 specifies the rules for reporting of fundamental data on gas including also data on LNG and gas storage.

In order to explain the details of reporting, the Agency has prepared the Manual of Procedures on transaction and fundamental data reporting (MoP). The MoP is available here: <https://www.acer.europa.eu/remit-documents/remit-reporting-guidance>.

The Agency's intention with the MoP is to provide advice for reporting entities concerning the reporting of fundamental and transaction data. The MoP explains the details of procedures, standards and electronic formats for reporting of fundamental data. In particular, the document includes information on the data submission channels, the data validation rules and the XML-schemas to be used for the reporting.

#### **3.4.2. Are RRM's allowed to report fundamental data directly to ACER on behalf of market participants for "Unloading and Reloading of LNG" and for "Amount of gas stored" or, on the contrary, are the TSOs and SSOs the only entities that can delegate their reporting of this kind of data to another RRM? [last update 29 May 2015]**

In line with Article 9(5) 9(7) and 9(9) of Commission Implementing Regulation (EU) No 1348/2014, the market participants can delegate the reporting obligation to LSO/SSOs respectively or to any other registered RRM.

**3.4.3. Could you please specify who should report different types of fundamental data defined in Articles 8 and 9 of Commission Implementing Regulation (EU) No 1348/2014, and when? [last update 29 May 2015]**

The following tables illustrate the reporting of different types of fundamental data and relevant reporting timelines:

Reporting of electricity fundamental data					
	ENTSO-E on behalf of MPs	TSOs	Third-party RRM	MPs	When?
Transparency platform data	✓				9 months following the Implementing Regulation's entry into force (7 October 2015), but not before the platform is operational
Electricity nominations		✓	✓		15 months following the Implementing Regulation's entry into force (7 April 2016)

Reporting of gas fundamental data							
	ENTSO-G on behalf of MPs	TSOs	LSOs	SSOs	Third-party RRM	MPs	When?
Central platform data	✓						9 months following the Implementing Regulation's entry into force (7 October 2015)
Gas nominations		✓			✓		15 months following the Implementing Regulation's entry into force (7 April 2016)
Availability of LNG facilities			✓		✓		
Unloading and reloading of LNG			✓		✓	✓	
Availability of storage facilities					✓		
Amount of gas stored					✓	✓	

**3.4.4. Should the TSOs report fundamental data to the Agency directly, or through the ENTSOs' platforms? Is there an overlap between data sent by TSOs directly to the Agency and through ENTSOs? [last update 29 May 2015]**

Article 8(5) of REMIT indicates that the reporting obligations on market participants shall be minimised by collecting the required information or parts thereof from existing sources where possible. For this reason, fundamental data is reported to the Agency through:

- (i) ENTSO-E in line with Article 8(1) and (2) of Commission Implementing Regulation (EU) No 1348/2014; and
- (ii) ENTSG in line with Article 9(1) of Commission Implementing Regulation (EU) No 1348/2014.

TSOs are required to report the fundamental data defined in Articles 8(3) and 9(2) of the same Implementing Regulation.

Taking into consideration the above division of reporting, there should be no overlap between data sent by TSOs directly to the Agency and through ENTSOs.

**3.4.5. Who reports the nomination data in case a single point nomination mechanism exists between two bidding zones under the jurisdiction of two TSOs? [last update 30 November 2015]**

In order to avoid double reporting ACER will accept one report for the nomination data from one of the TSOs reporting on behalf of both, or by a third party RRM reporting on their behalf. ACER must be informed of the preferred reporting method already during the RRM registration process.

**3.4.6. Article 9(9) of Commission Implementing Regulation (EU) No 1348/2014 mentions that: "Market participants or Storage System Operators on their behalf shall report to the Agency and, at their request, to national regulatory authorities the amount of gas the market participant has stored at the end of the gas day. This information shall be made available no later than the following working day." How shall the market participants (e.g. a TSO) using gas storage facilities report the information about the gas quantities stored in the facility/ies? [last update 24 March 2016]**

The amount of gas that the market participant has stored at the end of the gas day, as defined in Article 9(9) of Commission Implementing Regulation (EU) No 1348/2014, could be reported to ACER by the following means:

- through the SSO (if mutually agreed between the parties: SSO and market participant being a storage user);
- by the market participant itself, if registered as RRM; or
- by a third party RRM, authorised by the market participant being a storage user.

**3.4.7. In some Member States, there are no nominations required for gas deliveries to national exit points. This means allocation is based on metering data. In this case:**

- 1) Does the TSO have the obligation to report to ACER primary allocation? If so, which data should be reported?
- 2) Does the TSO have the obligation to report to ACER day-ahead nominations and final re-nominations of booked capacities? If so, which data should be reported?

According to Article 3(1)(b)(i) of the Commission Implementing Regulation (EU) No 1348/2014, contracts relating to the transportation of electricity or natural gas in the Union between two or more locations or bidding zones concluded as a result of a primary explicit capacity allocation by or on behalf of the TSO, specifying physical or financial capacity rights or obligation, have to be reported to ACER on a continuous basis. It is ACER's understanding that in Member States where there are no nominations for gas deliveries to national exit points, the capacity is allocated implicitly via the conclusion of supply contracts. In such a case, given the absence of an explicit allocation, the obligation to report the primary allocation does not apply.

With regard to the obligation to report day-ahead nominations and final re-nominations of booked capacities as set out in the fundamental data reporting, ACER considers that the gas TSO can fulfil the obligation set in Article 9(2) of the Commission Implementing Regulation (EU) No 1348/2014 by reporting day-ahead nomination and final re-nomination based on metering data.

## **3.5. List of organised marketplaces**

This section contains answers providing information on the list of organised marketplaces (OMPs) compiled by the Agency in accordance with Article 3(2) of the Commission Implementing Regulation (EU) No 1348/2014.

### **3.5.1. Where can I find a list of organised marketplaces?**

In order to facilitate reporting, the Agency has drawn up a list of organised marketplaces which the Agency will keep up to date, it is available here: <https://www.acer-remit.eu/portal/organised-marketplaces>.

The list will enable market participants to identify relevant organised marketplaces as reporting channels for transaction reporting. It will also facilitate organised marketplaces' submission of identifying reference data for each wholesale energy product, which the organised marketplaces admit to trading, in order to assist the Agency to comply with its obligation to draw up and maintain a public List of Standard Contracts: <https://www.acer-remit.eu/portal/standardised-contract>.

For detailed information, please see Article 3(2) of the Commission Implementing Regulation (EU) No 1348/2014.

### **3.5.2. How can a new organised marketplace (OMP) be listed in the Agency's list of OMPs in line with Article 3(2) first and second subparagraph of Commission Implementing Regulation (EU) No 1348/2014? [last update 12 March 2025]**

The new OMP should get in touch with the Agency well in advance before taking up business. Please see below the steps to be taken by the new OMP in order to be listed in the Agency's list of OMPs:

- Contact [OMPlists@acer.europa.eu](mailto:OMPlists@acer.europa.eu) well in advance of the intended start date of the OMP operation;
- Read through the concise information on ACER's [REMIT portal and REMIT Documents](#);
- Fill out the Agency's [OMP registration form](#) and provide at least one of the following codes which are relevant for transaction reporting: Legal Entity Identifier (LEI) code or Market Identifier Code (MIC);
- Provide a list of standard contracts admitted to trading on your marketplace. More information: [REMIT portal Standard contracts](#);

- Provide a third-party Registered Reporting Mechanism (RRM), which reports transactions on your behalf or apply to be authorised as an RRM yourself.<sup>33</sup>

### **3.5.3. Do you consider a person professionally arranging transactions in wholesale energy products as an organised marketplace? [last update 12 March 2025]**

Under Article 8(4)(d) of REMIT: “for the purposes of paragraph 1, information shall be provided by: [...] (d) an organised market, a trade-matching system or other person professionally arranging or executing transactions;.”

In line with the above provision of REMIT, organised marketplaces fall under the definition of persons professionally arranging or executing transactions. Thus, all organised marketplaces are to be considered as persons professionally arranging or executing transactions, this however does not mean that all persons professionally arranging or executing transactions are organised marketplaces.

Please consult Annex IX of the TRUM for additional information on what constitutes an organised marketplace under REMIT.

## **3.6. List of Standard Contracts**

This section contains answers providing information on the list of standard contracts compiled by the Agency and on the obligations of organised marketplaces (OMPs) to submit and update identifying reference data for each wholesale energy product they admit to trading to the Agency in accordance with Article 3(2) of the Commission Implementing Regulation (EU) No 1348/2014.

### **3.6.1. Where can I find a list of mandatory reportable contracts? [last update 08 January 2016]**

*Please note that this answer does not take into consideration the recent changes to the definition of wholesale energy products brought by Regulation (EU) 2024/1106 (Regulation amending REMIT) as the revision of the Commission Implementing Regulation (EU) No 1348/2014 is still pending*

The scope of the mandatory reportable contracts is laid down in the Article 3(1) of the Commission Implementing Regulation (EU) No 1348/2014. Mandatory reportable contracts form two groups:

- (i) contracts on the wholesale energy products in relation to the supply of electricity or natural gas with delivery in the Union, including derivatives relating to electricity or natural gas produced, traded or delivered in the Union; and
- (ii) contracts on the wholesale energy products in relation to the transportation of electricity and natural gas in the Union, including derivatives relating to the transportation of electricity or natural gas in the Union.

Under the Commission Implementing Regulation (EU) No 1348/2014, the Agency is required to draw up and maintain a public list of standard contracts and update that list in a timely manner. The purpose of the list of standard contracts is to specify the supply contract types for which the standard reporting form is applicable. The creation of the list of standard contracts does not mean that there would be an intention to assign unique identifiers to the contracts listed, nor will the information collected be used

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<sup>33</sup> Please note that, by 8 May 2025, the Commission is expected to adopt a delegated act further detailing the authorisation and supervision of RRM. A new authorisation process is foreseen which will replace the current registration process.

for matching against the transaction reports. The only purpose of the public list of standard contracts is to display the characteristics of each contract type for which the standard reporting form is applicable.

For detailed information please see Article 3(1) and (2) of the Implementing Regulation here: <https://www.acer.europa.eu/remit-documents>.

The list of standard contracts is available here <https://www.acer-remit.eu/portal/standardised-contract>.

### **3.6.2. [Question number changed to Q 3.3.45 on 22 October 2018]**

The question number has been changed to Q 3.3.45.

## **3.7. Inside Information**

This section contains answers providing information on the obligation to disclose inside information in accordance with REMIT and Commission Implementing Regulation (EU) No 1348/2014 (REMIT IR).

*Please note that, by 8 May 2025, the Commission shall revise the REMIT IR and adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to the questions in this section.*

### **3.7.1. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

### **3.7.2. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

### **3.7.3. By when shall a market participant inform the Agency on their web feeds where the market participant will be disclosing inside information? [last update 12 March 2025]**

In line with Article 4(1) of REMIT, market participants shall disclose inside information through IIPs. Market participants have to provide information on where they intend to publish inside information when they register as market participant with the competent NRA according to Article 9(1) of REMIT and the Agency Decision No 1/2012 (see field 120 of the registration format in Annex I of the Agency Decision No 1/2012).

The information is mandatory and has to be provided within the deadline for the registration as market participant according to Article 9(4) of REMIT, i.e. prior to entering into a transaction which is required to be reported to the Agency in accordance with Article 8(1) of REMIT.

*Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.*

### **3.7.4. [merged on 12 March 2025]**

This question was merged with Q 3.7.8 on 12 March 2025.

### **3.7.5. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**3.7.6. If a third party is delegated, through a data reporting agreement, to disclose inside information on behalf of another market participant, who is responsible for breaches of this obligation to disclose inside information? [last update 16 February 2016]**

Pursuant to Article 4(1) of REMIT, market participants are responsible for the disclosure of inside information which they possess in respect of business or facilities which the market participant concerned, or its parent undertaking or related undertaking, owns or controls or for whose operational matters that market participant or undertaking is responsible, either in whole or in part.

As per Article 11(2) of Commission Implementing Regulation (EU) No 1348/2014 a market participant shall not be responsible for failures in the effective and timely disclosure of inside information that are attributable to the third party service provider acting on behalf of the market participant if the market participant has taken reasonable steps to verify that the third party service provider is capable of disclosing inside information on the market participant's behalf in an effective and timely manner.

**3.7.7. [removed on 12 March 2025]**

The question has been removed as it is no longer relevant.

**3.7.8. Certain transparency platforms which are used to disclose inside information pursuant to Article 4(1) of REMIT use disclaimers which exclude any liability of the transparency platform for incorrect or incomplete information. Is the use of such disclaimers in line with obligations deriving from REMIT? [last update 12 March 2025]**

Inside information platforms are normally not liable for the completeness and correctness of the content of the urgent market message that they receive and disclose on behalf of the market participant.

However, inside information platforms should accept responsibility for any data error that has taken place after the market participant submitted the urgent market message to the platforms. In particular, inside information platforms should have mechanisms in place allowing inside information reports to be quickly and effectively checked with regard to their completeness, to identify omissions and obvious errors, and to request receipt of a corrected version of such reports.

*Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.*

**3.7.9. I am a REMIT market participant with information relevant to emission allowances which [I believe] qualifies as inside information only under REMIT. How should I fulfil my disclosure obligations under REMIT? [last update 12 March 2025]**

The Agency notes that Article 4(1) of REMIT obliges market participants to disclose inside information in a timely and effective manner using inside information platforms. In the Agency's Guidance on the application of REMIT, Chapter 4.2.1 details the disclosure mechanisms the Agency views as meeting these requirements as well as the definition of what constitutes inside information.

The Agency actively encourages market participants to use the inside information platforms which are identified on the REMIT Portal and meet the minimum quality requirements outlined in Chapter 4.2.2.

*Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.*

**3.7.10. There has been an outage of a gas-fired power plant. What is the market participant's obligation? [last update 16 June 2017]**

According to Article 4 of REMIT it is the market participant's obligation to publish inside information. The market participant should make an assessment on price sensitivity for either market (electricity and gas). If the outage of the gas-fired power plant is considered inside information relevant for the electricity market and the gas market, the information should be published in both markets, i.e. as an outage of an electricity production unit and as an outage of a gas consumption unit. ACER's Guidance on the application of REMIT (Chapter 4.2.2) and MoP on data reporting (ANNEX VII) include data fields for inside information reporting which may help the market participants decide which information should be published as part of an Urgent Market Message.

### **3.7.11. Do final customers need to include the name and location of an asset when publishing inside information notifications? [last update 12 March 2025]**

As the disclosure obligation according to Article 4(1) of REMIT falls on market participants, final customers should first assess if they qualify as market participants according to REMIT considering the threshold set in Article 2(5) of REMIT.

The market participants shall publish inside information pursuant to Article 4(1) of REMIT. Chapter 4.2.2 of the ACER Guidance on the application of REMIT describes the minimum quality requirements for effective disclosure of inside information that includes the disclosure of the name and location of the asset concerned.

However, Article 4(4) of REMIT stipulates that the publication of inside information, including in aggregated form, in accordance with Regulation (EU) 2019/943 of the European Parliament and of the Council or Regulation (EC) No 715/2009, and with guidelines and network codes adopted pursuant to those Regulations shall constitute effective disclosure but not necessarily timely and public disclosure within the meaning of paragraph 1 of Article 4.

Further detail on the concept of timely disclosure may be found in Chapter 4.3 of the ACER Guidance on the application of REMIT.

### **3.7.12. How can a market participant (Company A) fulfil its obligations under Article 4 of REMIT and comply with the prohibition under Article 3 of REMIT when:**

**(i) Company A holds an inside information relating to Company B's facility (Company B is NOT a market participant);**

**(ii) Company A holds an inside information on the asset of another market participant (Company C). Company C does not consider the information to be inside information. However, Company A considers that this information meets the definition of inside information pursuant to Article 2(1) of REMIT, wherein the companies are not parent/related undertakings. [last update November 2024]**

According to the ACER Guidance on the application of REMIT (Section 4.1), 'the obligation to disclose inside information does not apply to a person or a market participant who possesses inside information in respect of another market participant's business or facilities, in so far as that owner of this inside information is not a parent or related undertaking. Notwithstanding this, persons holding information in such circumstances will need to consider their compliance with Article 3 and in particular whether they hold such information as one of the persons listed in Article 3(2).'

Therefore, if a piece of information qualifies as inside information, Company A will need to consider its compliance with Article 3 of REMIT (prohibition of insider trading). In particular, Company A could hold such inside information as one of the persons listed in Article 3(2) of REMIT (e.g. persons with access to the information through the exercise of their employment, profession or duties under Article 3(2)(c) of REMIT).



In relation to this, the Agency encourages persons holding such information from third market participants to promptly inform the relevant market participant(s) in order to promote effective and timely compliance with Article 4(1) of REMIT.

Company A should also consider whether the inside information received from Company B has or will have a material impact on its own business or facilities that is likely to significantly impact the prices of wholesale energy products. If so, Company A holds inside information related to its business and facilities (this is different information from the one originally received, as it results from Company A's own assessment of the consequences for its business and facilities) and shall publish it in an effective and timely manner in compliance with Article 4(1) of REMIT.

### **CASE (i)**

Regarding case (i), provided that the inside information is not published by Company B (which is not a REMIT MP with obligations under Article 4(1) of REMIT), Company A will not be allowed to trade using such inside information as this would cause a potential breach of Article 3 of REMIT (insider trading).

This situation can happen, for example, when Company A (REMIT MP) is buying/importing energy from Company B that is: (a) an energy producer located outside EU and not a REMIT MP, and the potential inside information relates to its facility/asset; (b) an LSO/SSO located outside EU and not a REMIT MP; or (c) an LSO/SSO located in the EU but not a REMIT MP.

Given the constraints that the situation is imposing on Company A's trading activities, Company A can explore the following possibilities:

- Invite Company B to voluntarily disclose the information (at least the component of the information that is precise and likely to significantly impact the prices of wholesale energy prices). That would constitute a voluntary disclosure (not mandatory under REMIT given the fact that Company B is not a REMIT market participant). Once that information is public, Company A can trade based on it.
- Assess whether the inside information received from Company B has or will have a material impact on its own business or facilities that is likely to significantly impact the prices of wholesale energy products. If so, Company A will be able to disclose the inside information related to its business and facilities in compliance with Article 4(1) of REMIT (this is different information from the one originally received, as it results from Company A's own assessment of the consequences for its own business) and will therefore be able to trade based on that information.

### **CASE (ii)**

Concerning case (ii), provided that the inside information is not published by Company C (REMIT MP), Company A will not be allowed to trade using such inside information as this would cause a potential breach of Article 3 of REMIT (insider trading).

Therefore, Company A shall promptly inform Company C that it qualifies the information received as inside information and advise Company C to disclose it.<sup>34</sup>

The Agency considers that Company A should also assess (with the information provided by Company C) if it holds any other information concerning Company A's own business or facilities that could qualify as inside information. If so, Company A should also publish its own inside information pursuant to Article 4(1) of REMIT. Such information can, for instance, cover the amount of energy not being imported as originally foreseen; its own energy not being produced due to the shortage of imported energy from Company C; a certain facility not being available; or a certain supplier experiencing issues or declaring a force majeure situation.

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<sup>34</sup> Information can be shared through contractual arrangements between the two companies, e.g. via a specific agreement or clause in the contract existing between both companies or on ad-hoc request basis.

Once inside information is disclosed, trading based on that information will be allowed for both market participants.

## **OTHER CONSIDERATIONS**

### *Sharing of inside information among companies - Company B or C:*

In their assessments, NRAs shall also evaluate whether the disclosure of inside information from Company B/C (the owner of the impacted asset) to Company A was done in the normal course of the exercise of the employment, profession or duties as per Article 3(1)(b) of REMIT. If so, the disclosure can be exempted from the prohibition of disclosure of inside information to any other person (Company A). Otherwise, such disclosure represents a breach of Article 3(1)(b) of REMIT.

### *Contractual causes that impose restriction on the public disclosure of information*

It is a common standard that contracts for the supply of electricity/gas incorporate some confidentiality clauses. When signing these contracts, market participants should consider whether those clauses include areas for which there is a mandatory legal regime imposing the disclosure of inside information under EU law or other national laws. If so, such confidentiality clauses will be considered null and should therefore be appropriately amended in order to comply with all the existing legal requirements that govern these relationships.

### **3.7.13. Market participants comply with the obligation to publish inside information by using inside information platforms. However, some platforms have put on their websites legal disclaimers against the rights of users to the contents of the platform. Such disclaimers prohibit users from copying, transferring, dissemination and publishing of the website's contents without additional permission. The disclaimers do not specify whether the prohibition extend also to the published inside information. Is the limitation against the use of the platform contents compliant with REMIT? [last update 12 March 2025]**

According to Article 4(1) of REMIT and the ACER Guidance on the application of REMIT (Chapter 4 thereof), specifically concerning the requirements for effective disclosure of inside information which shall be fulfilled by inside information platforms; inside information shall be made publicly available. Inside information platforms should therefore impose no limitations on the rights of its users.<sup>35</sup>

This requirement is without prejudice to Art. 8 of the Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, according to which the maker of a database which is made available to the public in whatever manner may not prevent a lawful user of the database from extracting and/or re-utilising insubstantial parts of its contents, evaluated qualitatively and/or quantitatively, for any purposes whatsoever.

This above guidance is without prejudice to any of the disclaimers that the platforms may place on their websites in relation to the contents thereof, under the applicable copyright law.

### **3.7.14. Do I need to publish a ramping up / down of the power plant event as inside information? [last update 30 June 2020]**

Ramping situations that qualify as inside information as per Article 2(1) of REMIT (i.e. a ramping situation of a precise nature which has not been made public, which relates, directly or indirectly, to one

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<sup>35</sup> Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.

or more wholesale energy products and which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products) should be disclosed under Article 4 of REMIT.

### **3.7.15. Do virtual power plants (VPP) have the obligation to disclose inside information under REMIT? [last update 30 June 2020]**

A VPP is an aggregator that pools the capacities of various decentralised electricity resources to enter into transactions in the wholesale energy markets.

Virtual power plants typically do not own generation facilities. But, in certain arrangements, the VPP may control or be responsible for the operational matters of the facilities pooled under the VPP. Depending on the business case, a VPP may fall under Article 4 obligations of REMIT.

In case the VPP's IT platform breaks down (responsible for pooling and dispatching resources), the responsibility to assess the need to disclose this information under Article 4 of REMIT always lies with the VPP.

### **3.7.16. If an external factor limits the production of a unit (e.g., a weather event or a congestion on the network), should the limitation be made public? [last update on 16 December 2022]**

The production of a unit may be affected either by factors internal to the operating company (e.g. labour shortages, equipment malfunction, suspension of operations for economic reasons, safety concerns) or factors external to the operating company. The present Q&A focuses on the impact of external factors.

Due to external factors, it may be strictly impossible for the producer to run the unit at full power (e.g. fuel shortage, dust on solar panels) or it may cause the producer to make the decision to limit the production of the unit in order to either preserve the equipment (for instance, if there is accumulation of ice on the surface of wind turbines), comply with environmental rules (for instance, if the operation of a hydropower plant must be suspended to keep the height of the surface of a river below a certain level or if a thermal unit must be stopped to maintain the temperature of the river below a certain threshold), or maintain network stability. Such limitations may be considered inside information, even if the external factors are already public, because precise information about their impact may not be public.

The external origin of the cause of such limitations may give the impression that these situations leave a discretion margin to the operators to produce or not. However, this is generally not the case, since situations where external factors prevent or limit the production are very often determined by extraordinary and compelling circumstances. Consequently, decisions based on such circumstances are not part of the market participant's own plans and strategies for trading.

At any event, if the limitation qualifies as inside information, the content of the publication needs to indicate that the limitation is caused by external factors. This distinction must be considered to correctly populate the field 'reason' (e.g. 'other', 'external factors') and should be further elaborated if there is a possibility for a more precise description (e.g. free text). Market participants must consult the handbook of the inside information platforms that they are using to ensure that the publication contains all relevant information.

Due to their fluctuating characteristic, the precise impact of the external factors (storms, avalanches, floods, icing, etc.) may be hard for the market participants to assess and predetermine, even in the event where data about the external factors are publicly available. Therefore, as soon as the producer becomes aware of any new relevant information, the description of the impact shall be updated accordingly.

Please find some indicative examples below, keeping in mind that an *ad hoc* case-by-case examination remains necessary to determine if the information concerned qualifies as inside information):

- (i) A possible scenario could refer to a pumped storage power plant where the downstream river is affected by a flood. Any decision to reduce or stop the production due to environmental reasons qualifies as inside information. It is irrelevant whether the internal decision was taken upon the request of environmental or other authorities or was based on an internal assessment.
- (ii) The ice accretion on wind turbines is another plausible scenario. If a wind power plant is affected by icing and there is an internal decision to reduce or stop the production because of the icing, such information needs to be published according to Article 4(1) of REMIT. (The potential risk of icing, made available through local weather reports, does not amount to public information about the limitation of a specific wind farm.)
- (iii) Other weather events could have a similar impact on production assets, including, but not limited to, dust laid by wind on solar panels and heat waves that raise the temperature in rivers used for cooling thermal units.

**3.7.17. Is there a need for an inside information publication according to Article 4 of REMIT- if a power plant is permanently shut down? [last update 30 June 2020]**

The information about a power plant which is shut down and therefore the capacity which is not going to be allocated on the wholesale energy market anymore, is regarded as information which is required to be made public.

**3.7.18. How should a power plant be reported if it is contracted for congestion management and therefore withheld from the market? And how shall market participants publish this information according to article 4 of REMIT? [last update 16 December 2020]**

If a specific power plant is contracted for congestion management by a TSO, certain capacity is no longer available for the wholesale energy market. As a result, this information could be regarded as inside information (i.e. it is 'information' and it fulfils the four cumulative criteria of Article 2(1) of REMIT) and therefore needs to be made public in an effective and timely manner. Depending on the relevant contract, the power plant might be withheld for the contract duration or during specific time windows. The TSO and/or power plant operator have to indicate the respective duration of unavailability for the wholesale energy market accordingly. Once the TSO and/or power plant operator decide that the power plant is not available to the market but is instead reserved for congestion management (e.g. for the next month), the TSO and/or power plant operator have to inform the market that the power plant will not be available during the upcoming month. For this example, an event start time of 1st of Month 00:00 and end time of 30th of Month 24:00 are appropriate. The information needs to be made publicly available in a timely manner and as soon as the relevant decision is made. It is considered misleading to indicate that this information is related to 'maintenance' or 'outage'. Such disclosure shall include information relevant to the concerned capacity of the power plant.

**3.7.19. In line with Chapter 4 of the ACER Guidance, should the Inside information platforms make sure that they provide the functionality of downloading of UMM published on their websites? [last update 30 June 2020]**

According to Chapter 4 of the ACER Guidance on the application of REMIT, the functionalities allowed by an inside information platform's website should, as per REMIT, feature unlimited access to the published inside information, as well as the possibility to download this information. Any limitation imposed by the platform that prohibits market participants from the efficient use of inside information is not compliant with REMIT. The platforms shall therefore enable selecting any text and using the copy-paste functionality for single data items on the website. They should also preferably allow the in-bulk downloading of the available information. Lastly, the platforms shall make sure that any legal disclaimers put on the platforms website which limit access to that website's contents do not extend to the inside information published thereon.

**3.7.20. Can an Inside Information Platform, based on their business model as a PPAT, limit the scope of the inside information published? For example: publishing only inside information of market participants participating in auctions organised by that PPAT? [last update 30 June 2020]**

Neither REMIT nor the ACER Guidance on the application of REMIT specifically prescribe that an inside information platform should provide for the widest possible scope of inside information publication.

Therefore, the platform may choose, as its business offer, to only publish certain types of inside information, for instance only the inside information of MPs participating in auctions organised by that PPAT, in compliance with the ACER Guidance on the application of REMIT.

**3.7.21. I received a live balancing reserve activation from the TSO for my power plant, can I use this information to trade on wholesale energy products, or even sell this information to other interested market participants? [last update 30 June 2020]**

In a situation where asset owners receive live balancing reserve activations from a TSO before the details of these activations are made public to the market, and where the intraday market is still open, these asset owners should abstain from using the information they received to trade in wholesale energy products until this information is made public, as this could amount to inside trading prohibition of Article 3(1)(a) of REMIT. The details of the activation of balancing bids give asset owners valuable information regarding the direction of the system's imbalance and might therefore constitute inside information according to Article 2(1) of REMIT. The asset owners should also refrain from disclosing or selling the information they received from the TSO to other market participants – this behaviour could amount to an unlawful disclosure prohibited by Article 3(1)(b) of REMIT.

**3.7.22. Assuming that a market participant uses the own company website as backup for the publication of inside information. What are the minimum data quality requirements for effective disclosure of inside information which apply in this case (for the backup solution)? [last update 12 March 2025]**

According to Article 4(1) of REMIT, market participants shall publicly disclose inside information which they possess in an effective and timely manner using inside information platforms.

ACER believes that in order to achieve effective disclosure according to Article 4 of REMIT, the information shall be disclosed using an inside information platform that complies with the minimum quality requirements listed in Chapter 4.2.2 of the ACER Guidance on the application of REMIT.

In case an inside information platform is temporarily unavailable, market participants shall refer to the backup solution provided by the IIP, as indicated in Chapter 4.2.2 of the ACER Guidance on the application of REMIT. Market participants using a backup solution shall provide information on the backup solution during registration, according to Article 9(5) of REMIT.

Market participants may, only in addition, use other channels, including market participants' websites, to disclose inside information.

*Please note that, by 8 May 2025, the Commission shall adopt a delegated act on the authorisation and supervision of inside information platforms which may affect the answer to this question.*

**3.7.23. How shall electricity TSOs, in accordance with Article 4 of REMIT, publish inside information that also fulfils the requirements of Articles 9, 10, 11, 12, 13 and 17 of Regulation (EU) No 543/2013?**

As a preliminary point, it shall be reiterated that independently of whether or not the information related to the future changes to the transmission infrastructure (Article 9 of Regulation (EU) No 543/2013), the information relating to the unavailability of transmission infrastructure (Article 10 of Regulation (EU) No 543/2013), the estimation and offer of cross-zonal capacities (Article 11 of Regulation (EU) No 543/2013), the use of cross-zonal capacities (Article 12 of Regulation (EU) No 543/2013), the congestion management measures (Article 13 of Regulation (EU) No 543/2013), and the system balancing (Article 17 of Regulation (EU) No 543/2013) is qualified as inside information under REMIT, this information has to be published on the ENTSO-E Transparency Platform according to Regulation (EU) No 543/2013.

According to Chapter 4.2.1 of the ACER Guidance on the application of REMIT, in order to achieve effective disclosure according to Articles 4 and 4a of REMIT, the information shall be disclosed using a platform for the disclosure of inside information (Inside Information Platform or IIP).

Taking into consideration that:

- (i) the information covered under Articles 9, 10, 11, 12, 13 and 17 of Regulation (EU) No 543/2013 is of special complexity;
- (ii) the ENTSO-E Transparency Platform takes that complexity into account and provides access to the respective information;
- (iii) the existing ACER format for the provision of this information is less granular than the one provided by the transparency platform; and
- (iv) ENTSO-E Transparency Platform is not yet an IIP,

then, it can be considered that in order to publish inside information of these categories effectively under REMIT, electricity TSOs can use the ENTSO-E Transparency Platform, considering that disclosure should still be timely and public in order to fulfil the meaning of Article 4(1).

The TSOs that decide to use this option have to specify in CEREMP the ENTSO-E Transparency Platform as a place where they publish this type of inside information.

### **3.7.24. Under which conditions does an information relating to a facility located outside the EU relate directly or indirectly to a WEP according to REMIT? [Last update 12 March 2025]**

Pursuant to Article 2(1) of REMIT, inside information means information of a precise nature which has not been made public and which relates, directly or indirectly, to one or more wholesale energy products (WEPs) and which, if it were made public, would be likely to significantly affect the prices of those WEPs.

Hence, only information that relates to a WEP according to REMIT can be qualified as inside information.

According to Article 2(4) of REMIT, WEP means the following contracts and derivatives, irrespective of where and how they are traded:

- (i) contracts for the supply of electricity or natural gas, including LNG, where delivery is in the Union, or contracts for the supply of electricity which may result in delivery in the Union as a result of single day-ahead and intraday coupling;
- (ii) derivatives relating to electricity or natural gas produced, traded or delivered in the Union, or derivatives relating to electricity which may result in delivery in the Union as a result of single day-ahead and intraday coupling;
- (iii) contracts relating to the transportation of electricity or natural gas in the Union;

(iv) derivatives relating to the transportation of electricity or natural gas in the Union.

(v) contracts relating to the storage of electricity or natural gas in the Union;

(vi) derivatives relating to the storage of electricity or natural gas in the Union.

REMIT does not apply to supply and distribution contracts for end customers, except for end customers with a consumption capacity of more than 600 GWh per year.

With respect to information relating to a facility located outside the EU, this information can be qualified as inside information if it fulfils the four cumulative criteria of Article 2(1), i.e. if it relates to a WEP as defined by Article 2(4) of REMIT. Indeed, if the information does not relate to a WEP pursuant to Article 2(4) of REMIT, there is no inside information according to REMIT.

For example, information relating to a facility located outside the EU can relate to a WEP according to REMIT when it concerns a contract for the supply of electricity or natural gas, irrespective of where and how it is traded, provided that there is a delivery in the Union, or when it concerns a derivative relating to electricity or natural gas, provided that it is produced, traded or delivered in the Union.

Consequently, information relating to a facility located outside the EU relates to a WEP according to REMIT if it concerns a contract for the supply of electricity or natural gas produced or generated outside the EU but delivered within the EU borders, or a derivative relating to electricity or natural gas if it is traded or delivered within the EU borders.

Further information on the application of the obligation to disclose inside information can be found in Chapter 4 of the ACER Guidance on the application of REMIT.

## **3.8. Other Questions**

This section contains answers providing information related to REMIT and to Commission Implementing Regulation (EU) No 1348/2014 covering topics that are not addressed in the previous sections.

### **3.8.1. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

### **3.8.2. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

### **3.8.3. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

### **3.8.4. [removed on 22 October 2018]**

The question has been removed as it is no longer relevant.

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