

# REMIT Quarterly

ACER guidance on the application of REMIT and transaction reporting

Issue No. 27 /Q4 2021

Assessment of the operation of different categories of market places and ways of trading	The 5th REMIT Forum	Overview of contingency reports opened by RRM
p.1	p. 11	p. 13
Latvian NRA issues decision on a breach of obligation to publish inside information	Updates on the collection of inside information	Recent updates of REMIT documentation
p. 8	p. 11	p. 13
Virtual Roundtable meetings in November 2021	Inside information platforms: market coverage in the EU-27	298 REMIT breach cases under review at the end of the fourth quarter
p. 10	p. 12	p. 14

## Assessment of the operation of different categories of market places and ways of trading

In accordance with Article 7(3) of Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT), the European Union Agency for the Cooperation of Energy Regulators (ACER) shall annually assess the operation and transparency of different categories of organised market places (OMPs) and ways of trading. The assessment is based on information derived from REMIT databases, i.e. ACER's REMIT Information System (ARIS).

In 2021, two important changes occurred that directly affected REMIT data collection<sup>1</sup>. Firstly, registered reporting mechanisms (RRMs) optimised their operations and reporting behaviour as a result of the introduction of the REMIT fees. Secondly, Brexit induced changes in all aspects of REMIT (changes in the collected contracts, changes in market participant activity, organised market places moving their operations from the UK to the EU). Consequently, data collection in 2021 displayed a growth rate of 8%, which is significantly lower than the roughly 100% growth in previous years.

### Trends in data reporting, market participants (MPs) and registered reporting mechanisms (RRMs)

The growing trend in the amount of collected data, which has been present since the launch of REMIT data reporting in 2015, continued in 2021 as well, however only with a small, 8% increase of collected records compared to 2020. Overall, the ARIS system collected and managed around 2,662 million records of transactions, including orders to trade, in 2021. As in previous years, the increase was mainly driven by records related to orders placed on OMPs, which continue to represent around 90% of all collected records.

<sup>1</sup> While the European gas crisis caused an increase of wholesale energy prices and changed trading operations for many market participants and OMPs, its impact has been excluded from the analysis, as this report focuses mainly on the number of collected reports.

Table 1: Transaction reporting trends over the last 5 years (MPs, RRM)s

		MPs						RRMs					
		2017	2018	2019	2020	2021	Δ	2017	2018	2019	2020	2021	Δ
Entities	Registered	12,895	13,971	14,655	15,587	15,186	-3%	117	119	122	118	104	-12%
	Table 1-4							108	111	114	111	97	-13%
	Active	8,977	9,344	9,601	10,060	9,928	-1%	99	100	97	95	92	-3%
Records	Median	28	29	29	26	27	4%	14,482	13,946	13,051	13,130	17,094	30%
	Average	62,682	94,125	126,640	245,661	268,168	9%	6 M	9 M	10 M	26M	29M	12%
	Top 5	207 M	334 M	473 M	1,012M	0,972M	-4%	437 M	728 M	1,036 M	2,204M	2,389M	8%
	All	563 M	879 M	1,216 M	2,471M	2,662M	8%	563 M	879 M	1,216 M	2,471M	2,662M	8%
	% Top 5	36.8%	38.0%	38.9%	40.0%	36.5%	-9%	77.6%	82.8%	85.2%	89.2%	89.7%	1%

Source: ACER (2022).

At the end of 2021, the number of market participants registered in the European Register of Market Participants (CEREMP) was 15,186, which is 3% less than in 2020, mainly as a consequence of Brexit. Nevertheless, the ratio between those actively reporting and all registered market participants (65%) remained approximately the same as in 2019 and 2020 (Table 1). The gap between registered and reporting MPs may indicate non-compliance with REMIT reporting for some entities. Furthermore, there may be entities that are considered market participants under REMIT but fail to register with their national regulatory authority as outlined in Article 9(1) of REMIT. ACER will therefore continue screening data and cooperating with national regulatory authorities and organised market places in order to further mitigate the risk of non-compliance with the data reporting obligation of Article 8 of REMIT.

After the implementation of the REMIT fees, the number of registered RRM)s decreased from 118 to 104 in 2021. In terms of RRM)s registered for the reporting of supply and transportation records of transactions (Table 1–Table 4 data), the number decreased from 111 RRM)s to 97 RRM)s. However, the number of RRM)s reporting Table 1–Table 4 data to ACER decreased only by 3%, from 95 to 92 RRM)s. The large drop in the number of all RRM)s compared to the small drop in the number of active RRM)s clearly indicates that mostly inactive RRM)s deregistered after the REMIT fee implementation. In 2021, ACER also resumed its RRM) registration process; one new RRM) was registered, while five RRM)s previously operating in the UK were deregistered and reregistered.

### Collected records of valid Table 1 transactions – statistics per contract type and commodity

The number of valid Table 1 records of transactions reported in 2021 increased by 18% compared to 2020, amounting to a total of 2,590 million records. The statistics are presented in Figure 1 and Figure 2.

While the growth rate of 18% is still rather substantial, it is significantly lower than previous years when the number of records was doubling on a yearly basis. The reasons behind the lower growth rate of numbers of reported records are various; on the one hand, the lower growth rate could indicate certain market features, and on the other hand, as mentioned previously, it may be linked to the introduction of the REMIT fees, which triggered an optimisation of reporting styles.

The growth rate of valid Table 1 records was roughly three times lower for EL (14%) than NG (44%). Considering the relative contribution of records related to different contract types, not much has changed from the previous year. By far the overall largest contributor remain records referring to EL continuous (CO) markets, followed by records referring to EL auction (AU), NG futures (FU) and NG continuous (CO) contract types. The share of other contract types remains negligible, with the exception of NG options of futures (OP\_FU). While these contract types were barely traded in 2019, they now represent 3% of the overall mix.

Figure 1: Relative shares of collected records of transactions – statistics per contract type and energy commodity

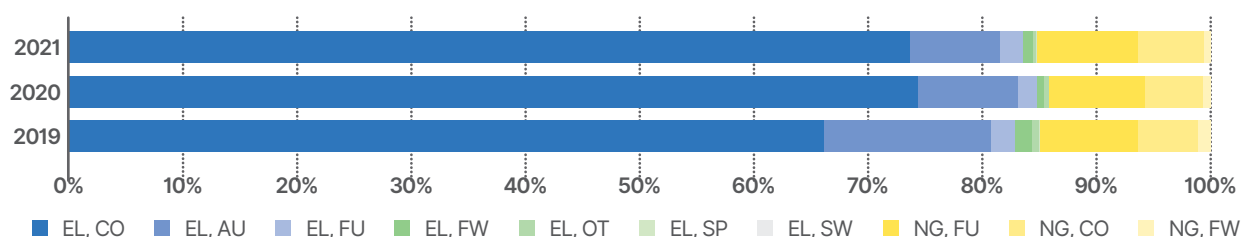


Figure 2: Absolute numbers of collected records of transactions – statistics per contract type and energy commodity

	AU	CO	FU	FW	OP	OP_FU	OP_FW	OP_SW	OT	SP	SW	Total
<b>2021</b>												
Electricity	196,613,780	1,850,605,122	52,115,193	21,266,851	698	1,159	709	6	7,919,221	97,305	193,855	2,128,813,899
Gas	247,267	146,130,982	223,618,540	14,657,966	2,814	77,054,094	789	8	11,379	309,292	126,867	462,159,998
<b>2020</b>												
Electricity	190,748,593	1,618,772,480	35,293,209	14,668,994	698	1,151	702	6	7,769,216	176,784	222,066	1,867,653,899
Gas	199,302	110,399,045	183,647,861	15,431,310	2,810	11,053,889	768	8	7,543	535,896	124,432	321,402,864
<b>2019</b>												
Electricity	162,998,825	735,597,788	23,034,482	16,333,243	1,370	1,088	1,023	5	7,656,662	145,636	165,894	945,936,016
Gas	110,273	59,361,354	95,449,447	11,962,401	5,164	16,800	1,576	109	21,487	373,806	91,194	167,393,611

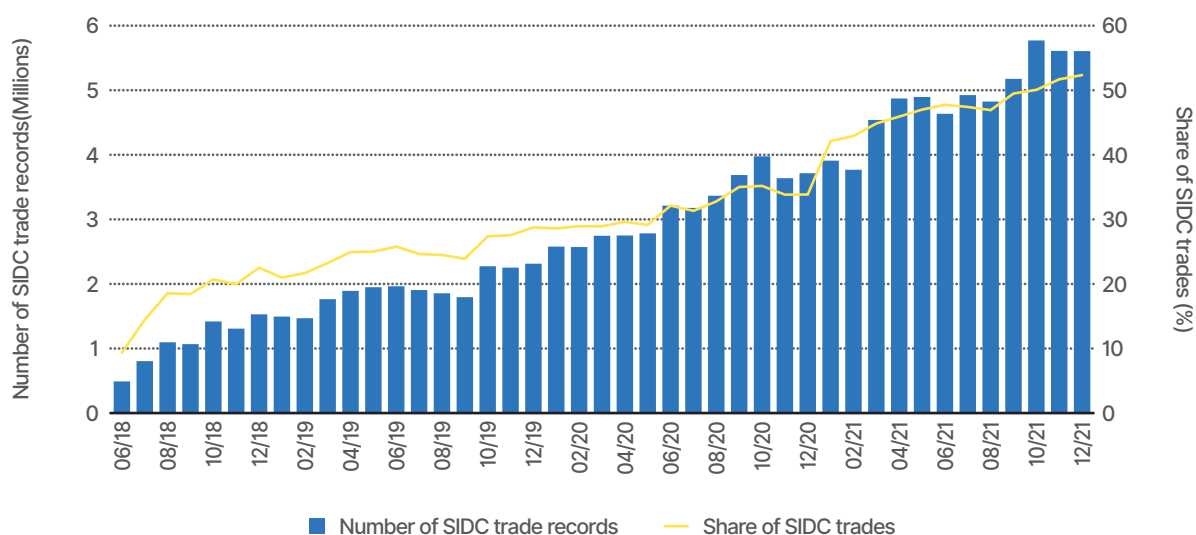
Source: ACER (2022).

Notes: Abbreviations EL and NG denote electricity and natural gas commodity, respectively. Different contract types are indicated as follows: AU for auction, CO for continuous, FU for futures, FW for forwards, OP for options, OP\_FW for options on forwards, OP\_SW for options on swaps, SP for spread, SW for swap and OT for other types of contracts. The numbers used in the chart are expressed in percentages and are based on the number of valid reported records of transactions. Types of contracts representing close to 0% of all records are excluded from the chart.

Another potential reason behind the lower growth rate of the number of valid Table 1 records may also be the stabilisation of market changes on continuous EL markets. After the large first and second waves of Single Intraday Coupling (SIDC) in the past years, which covered 22 markets altogether, the third wave only included one market (Italy), so the marginal impact of the increased liquidity despite a large new delivery

area is smaller than in previous years. Moreover, the majority of market participants have probably already integrated SIDC trading into their trading practices (algorithmic trading, shifting from local CO trading to SIDC, etc.). Nevertheless, the liquidity of the SIDC market segment remains on the rise, as suggested by the increasing numbers of collected SIDC trades per month (see Figure 3).

Figure 3: Total number of SIDC trades collected per month between June 2018 and December 2021. The evolution of SIDC incidence over collected electricity trades is reported on the secondary axis.



Source: ACER (2022).

In 2021, SIDC trades represented on average nearly 47% of all electricity trades executed on OMPs, with an increasing trend. This result is in line with both the growing interest of market participants to trade as close as possible to the delivery, as well as the geographical extension of SIDC.

The reporting of different contract types across different

OMPs in 2021 is presented in Table 2. Except for the rare non-reporting of contract types observed for the data sent via the parallel reporting channel, all recent data contains the mandatory contract type information. It should be noted that there are certain contract types that are not expected to be reported as traded bilaterally, for example AU and CO contract types.

Table 2: Overview of reported contract types per OMP

NAME	AU	CO	FU	FW	OP	OP_FU	OP_FW	OP_SW	OT	SP	SW
42 Financial Services			x	x						x	
ARRACO Global Markets LTD			x	x							x
ARRACO Ireland Limited			x	x							
Aurel BGC SAS			x	x							
Balkan Gas Hub EAD		x		x							
BGC Brokers L.P.				x							
Borsa Italiana S.p.A., IDEM - IDEX segment		x									
BSP d.o.o.	x	x		x							
Bulgarian Energy Trading Platform AD		x		x							
bursa Romana De Marfuri Sa Romanian Commodities Exchange		x		x							
Cavendish Markets B.V.				x			x	x			
CEEGEX Ltd.		x	x								
Corretaje e Información Monetaria y de Divisas Sociedad de Valores SOCIEDAD ANONIMA, CIMD SV (OTF)			x	x							
Croatian Power Exchange Ltd.	x	x									
Enterprise Commodity Services Limited			x	x		x	x				
EPEX SPOT SE	x	x		x							
ETPA B.V.		x									
European Energy Exchange AG (OTF)			x								
European Energy Exchange AG Regulated Market	x	x	x			x					
Evolution Markets Limited				x							
EXAA Abwicklungsstelle für Energieprodukte AG	x										
FGSZ Kereskedési Platform Kft		x							x		
Gestore dei mercati energetici spa (GME)	x	x		x							
GFI Brokers Limited			x	x	x					x	x
GFI EU, a trading name of Aurel BGC			x	x	x		x			x	x
Griffin Markets Europe SAS			x	x						x	x
Griffin Markets Limited				x							
HENEX SA	x		x								
HPC SA			x	x							
HUPX Ltd.	x	x	x								
ICAP Energy AS			x	x						x	x
ICAP Energy Limited			x	x	x					x	
ICE Endex Gas Spot Ltd.		x									
ICE Endex Markets BV		x	x	x		x					
ICE Futures Europe			x								
Independent Bulgarian Energy Exchange	x	x		x							
Marex Spectron Europe Limited			x	x	x						x
Marex Spectron International Limited			x	x							
MEFF Sociedad Rectora del Mercado de Productos Derivados, S.A.			x								
MIBGAS	x	x									
MIBGAS DERIVATIVES S.A.	x	x	x								

NAME	AU	CO	FU	FW	OP	OP_FU	OP_FW	OP_SW	OT	SP	SW
N2EX/Nord Pool Spot AS	x										
Nasdaq OMX Oslo ASA			x			x					
New York Mercantile Exchange, Inc.			x							x	
Nord Pool AS	x	x		x							
OKTE, a.s.	x	x									
OMIP - Pólo Português, S.G.M.R., S.A.			x								x
OMI-Polo Español S.A. (OMIE)	x	x									
Operatorul Pieteii De Energie Electrica Si De Gaze Naturale "OPCOM" Sa	x	x		x							
OTE, a.s.	x	x									
Polish Power Exchange	x	x		x					x		
Power Sprinter GmbH				x							
Route4Gas B.V.				x							
SEMO	x	x									
Shard Capital Partners LLP				x			x				
SPX, s.r.o.				x							
TP ICAP (Europe) S.A.			x	x	x					x	x
Tradition Financial Services Ltd			x	x	x		x				x
TSAF OTC			x	x		x	x				x
Tullett Prebon (Europe) Limited	x		x	x	x					x	x
UAB GET Baltic		x									
XBIL (bilateral records)	x	x	x	x	x	x	x	x	x	x	x

Source: ACER (2022).

## Long-term contract volume shares in 2021

While this quarterly report predominantly focuses on the reported records, ACER also took a look into the reporting of volumes indicating different types of OMPs (brokers and exchanges). The analysis focused on long-term contracts, meaning that volumes of spot contracts traded for electricity were not considered (NEMO OMPs).

The two figures below show the shares of gas and electricity trading volumes by OMP type in 2021. The numbers indicate that the exchange-traded contracts are increasing their share for both commodities; this behaviour is even more prominent for gas trading starting after the summer. This behaviour could be a reflection of recent market developments, indicating market participants' requirements to decrease counterparty risk and thus focus mainly on cleared trades.

Figure 4: Gas trading Broker vs. Exchange OMP in 2021

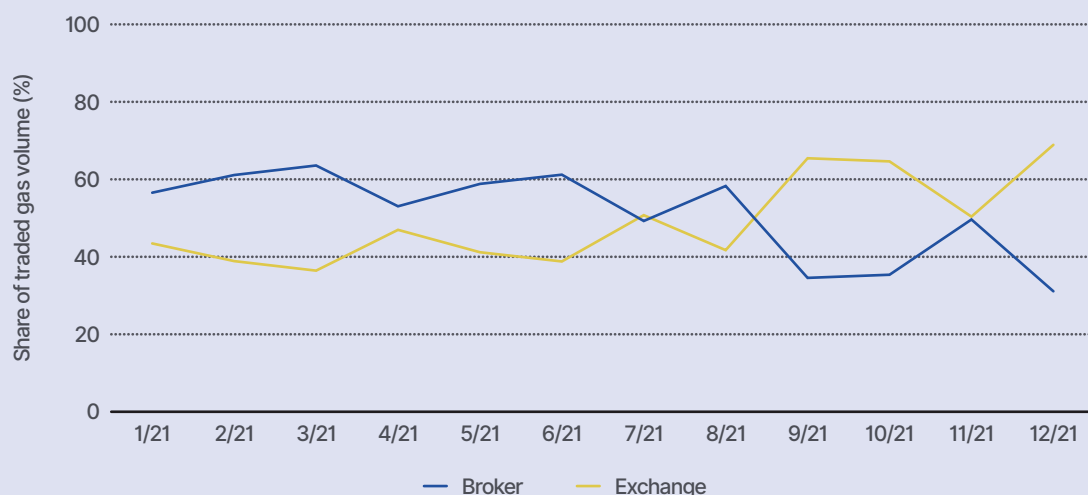
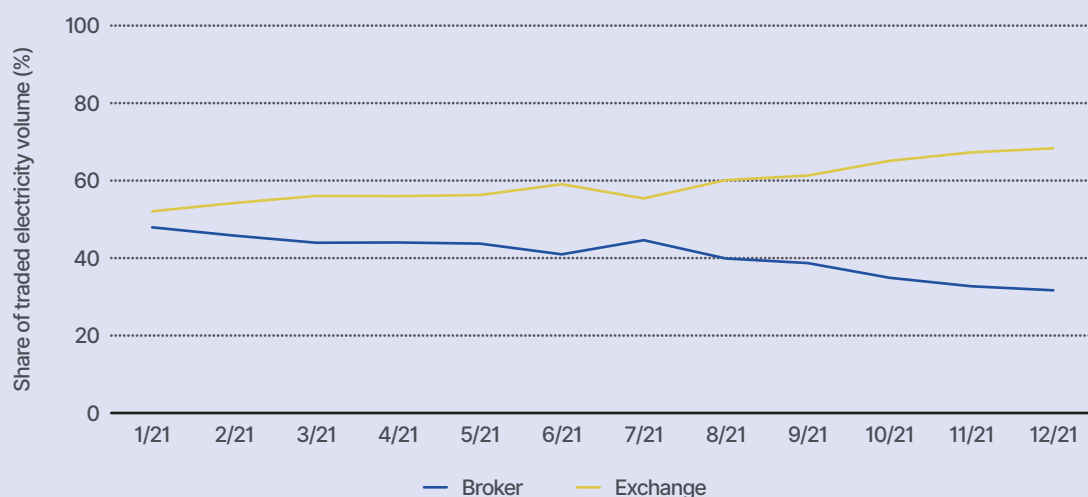


Figure 5: Electricity trading Broker vs. Exchange OMP in 2021



Source: ACER (2022).

**DISCLAIMER:** This analysis uses data as reported by reporting parties under REMIT. The REMIT data may not be complete, fully accurate and/or reported in a timely manner. ACER thus reserves the right to update the figures and outcomes of the analysis in the event of newly identified data quality issues.

## List of Organised Market Places

By regularly updating the List of Organised Market Places (hereinafter OMP List), ACER aims to improve the transparency of the energy market and allow reporting parties, national regulatory authorities (NRAs), and ACER analysts to consistently identify the OMPs where orders are placed and trades concluded.

In 2021, there were several changes to the OMP List, however the total number of listed OMPs remained practically the same. The OMP List included 80 OMP listings in January 2021 and 79 OMPs in January 2022. In the course of 2021, four OMPs were removed from the list, four were newly added, and one OMP was renamed. In addition, several

OMPs modified their OMP codes that are used for transaction reporting (Table 4).

- The removed OMPs are COMMERG B.V., European Energy Exchange AG (now operating under European Energy Exchange AG Regulated Market and European Energy Exchange AG (OTF)), LAGIE S.A., and Tavera Securities Limited.
- The newly added OMPs are ENGNSOL SAS, New York Mercantile Exchange, Inc. (NYMEX), Route4Gas B.V., and Tradition Financial Services Espana Sociedad de Valores SA.
- The OMP Tradition Securities & Futures SA's name changed to TSAF OTC.

Table 3: Changes in OMP codes

NAME	MIC	LEI	ACER code	Comment
ARRACO Global Markets LTD		5493004Z6DAT13X5DK60	A00067836.UK	removed ACER code
Enterprise Commodity Services Limited		213800FJ9BFQ7CM6XV47	A00010740.UK	removed ACER code
Griffin Markets Limited*	GRIF	549300F0T2H9MU7YDI50	B0000113U.UK	removed ACER code
ICAP Energy Limited*		213800CZM9YMSN4AL882	A0004751F.UK	removed ACER code
Marex Spectron International Limited*	SPEC	549300FR3U1PB1Y6LV13	A0012202S.UK	removed ACER code
SCB Associates Limited*		21380066NQ4N1WXR8I53	A0015219A.UK	removed ACER code
Shard Capital Partners LLP*		213800F19DFL9NQ7YL21	A0002779Z.UK	removed ACER code
ICE Endex Markets BV	NDEX, NDXS	549300CZW488L20NT866		added MIC
TSAF OTC*	TSAF	969500V058ZSY03FNX80		new LEI

Source: ACER (2022).

\* This change was already included in the REMIT Quarterly issue No. 24 / Q1 2021.

In regards to the OMP listings, ACER also noticed that several entities that used to be based in the UK moved their operations to markets specifically introduced to offer trading on

EU markets after Brexit. Previous markets therefore ceased to be relevant for REMIT reporting, yet they are still included in ACER's OMP list.

### The new OMP form

ACER encourages OMPs to request the delisting of the markets that they previously operated and only use their 'newly' established markets going forward.

By regularly updating the List of Organised Market Places, ACER aims to improve the transparency of the energy market. The list facilitates reporting based on the REMIT Implementing Acts, as it enables all market participants to identify relevant organised market places as reporting channels for transaction reporting.

With a view to delivering a consistent and updated version of the List of Organised Market Places, ACER urges OMPs to promptly submit any new/updated information regarding organised market place identifiers via [the new form](#) before reporting transactions or in case of any change.

It is important to note that transaction reports of standard contracts referencing a non-existing organised market place identifier are rejected by ACER's data collection system (ARIS).

## Validation rules – statistics for 2021

Data validation is an important procedure that ensures that the reported data is of sufficient quality and can be stored in ACER's REMIT database. As such, data validation also enables further, business analysis of the data.

The reported REMIT data is automatically checked when

uploaded to the ACER's REMIT information system (ARIS). Only the data reported using the appropriate format and naming conventions is processed and promoted to the staging area. There, the data is checked against validation rules, which apply mainly to the validity of the individual reported fields, the uniqueness of the records, and the consistency between the different fields. Once the data is validated, the system stores the records and identifies them as either

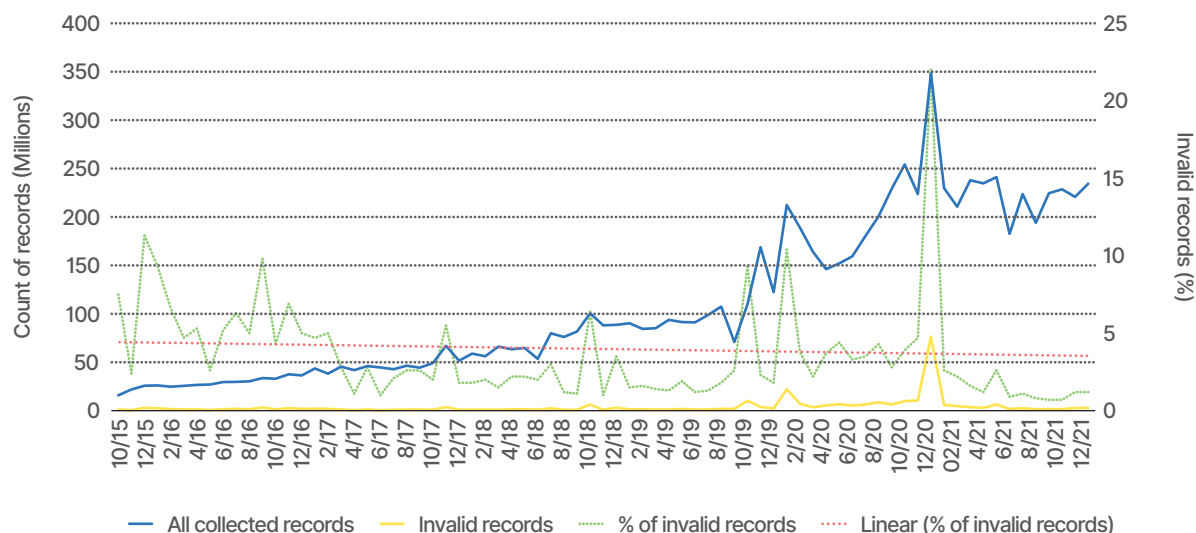


valid or invalid. The reporting parties receive appropriate feedback.

Further details about ARIS validation rules can be found in [the ACER REMIT Information System Data Validation Document](#).

Figure 6 compares, in absolute and relative terms, the number of collected records of transactions, including orders to trade, and invalid records per month. The increasing trend of higher rejection rates from previous years did not continue in 2021. Instead, there was stable continuous reporting with a low level of invalid records.

Figure 6: Number of collected records of transactions per month compared to collected records in absolute and relative terms



Source: ACER (2022).

In 2021, the vast majority of validation rule breaches were related to uniqueness issues (87%), followed by completeness (10%) and accuracy (2%) issues. Uniqueness issues were usually related to the duplications of records, while completeness issues stemmed from lifecycle events being

applied to non-existing records. Accuracy issues were mainly related to submissions of records identifying non-accepted delivery point or zone codes ([Annex VI to the TRUM](#)) and market participants that are not registered in [CEREMP](#).

## Latvian NRA issues decision on a breach of obligation to publish inside information

On 23 September 2021, the Latvian Public Utilities Commission (hereinafter the NRA) [concluded](#) that Latvenergo AS (Latvenergo) had breached Article 4 of REMIT by not disclosing inside information it possessed about its production facility in an effective and timely manner.

### The behaviour

Latvenergo is the formerly vertically integrated incumbent of Latvia and the largest power supplier in the Baltics today. In November 2019, it informed the market via an Urgent Market Message (UMM) about repairs on its Riga First Thermal Power Plant (TEC-1) due to the failure of one of its turbines. The original UMM reported that the repairs would last until later the same day. Subsequently, Latvenergo updated the UMM twice, changing the end date of the outage. Yet finally, TEC-1 returned to the operating mode and was synchronised

with the network earlier than the last UMM indicated without informing the market.

### The REMIT breach

In its decision, the NRA argued that the events under scrutiny amount to 'information' under Article 2(1) of REMIT, and showed that this information fulfilled the four cumulative conditions that define 'inside information', as described in Article 2(1) of REMIT. The NRA also assessed if the disclosure had been timely and effective according to Article 4(1) of REMIT. In its assessment, the NRA applied the approach outlined in [the ACER Guidance on the application of REMIT](#) (hereinafter the ACER Guidance). The ACER Guidance provides a framework of analysis and interpretation of definitions for a consistent assessment of potential REMIT breaches by NRAs. See more details under Exhibit 1 and 2.



## Exhibit 1: Excerpts from the ACER Guidance on the concept of inside information

**Chapter 3 of the ACER Guidance proposes a two-step approach to qualifying a specific fact as 'inside information' under REMIT.**

- Firstly, it must be determined whether there is an item of information according to at least one of (a) to (d) criteria defined in Article 2(1), second subparagraph, of REMIT.
- Secondly, it must be ascertained whether the item of information fulfils the four cumulative conditions established in Article 2(1), first subparagraph, of REMIT, i.e. it is precise, not public, related to one or more wholesale energy products, and likely to significantly affect prices.

**Information**

The NRA first established that the return to the operating mode of the production facility amounted to 'information' within a category – as defined by REMIT Article (2)(1)(a) – which is required to be made public in accordance with Regulation (EC) No 714/2009, including guidelines and network codes adopted pursuant to this Regulation.

**Inside information**

Next, the NRA analysed if the information fulfilled the four cumulative conditions of 'inside information'.

- 1. Precise:** The NRA concluded that the information was precise, as Latvenergo could have reasonably expected that its TEC-1 gas turbine would return to the operating mode at a certain time. Latvenergo argued that when concluding repair works, at the resynchronisation stage, there is an inherent technological risk that may unexpectedly postpone the return to operation. The NRA pointed out that – also according to the ACER Guidance – some information available during the intermediate steps in a lengthy process can be precise information.
- 2. Not public:** The information on when the TEC-1 gas turbine actually returned to operation was not made public and was not publicly available. Although Latvenergo published UMMs related to the event, the last update of the UMM contained a date of return to the operating mode that did not correspond to the actual date. The information on the actual date was not available to the public.
- 3. Related to one or more wholesale energy products:** The NRA concluded that the information on when TEC-1

actually returned to operation and was synchronised to the network refers to the availability or use of a production facility related, in particular, to balancing, intraday and day-ahead wholesale electricity supply contracts.

- 4. Likely to significantly affect prices:** Upon return to operation, 138 MW capacity of the TEC-1 gas turbine was potentially available for trading. The NRA pointed out that even Latvenergo itself must have considered that information on the outage was inside information with a likely price effect, since it had disclosed multiple UMMs on the event. The NRA established that the information about when the TEC-1 gas turbine actually returned to operation had a likely significant price effect.

The NRA concluded that the information on when the TEC-1 gas turbine actually returned to the operating mode and was synchronised with the electricity network qualified as inside information under Article 2(1) of REMIT that falls under the disclosure obligation under Article 4(1) of REMIT.

**Effective disclosure**

The NRA pointed out that although Latvenergo had realised that TEC-1 repairs would be completed earlier than previously communicated to the market, the corresponding UMM was not updated. Accordingly, the inside information on the date of return to operation was not effectively disclosed.

**Timely disclosure**

The information on the actual time of return to operation was not disclosed once it was available to Latvenergo. The NRA concluded that the inside information was not disclosed in a timely manner by Latvenergo.

## Exhibit 2: Excerpts from the ACER Guidance on timely and effective disclosure

**Chapter 4 of the ACER Guidance provides minimum quality requirements and guidance for effective and timely disclosure of inside information.**

- If the publication requires a prognosis, e.g. regarding the duration of an outage, ACER understands that such prognosis contains an element of uncertainty. Therefore, ACER believes that market participants fulfil their publication requirements if the prognosis is based on all available data and has been prepared with reasonable effort. If a prognosis changes over time, the publication should be updated accordingly as soon as the new information is available.
- ACER considers that market participants should develop a clear compliance plan towards real time or close to real time disclosure of inside information, beyond compliance with existing Third Package transparency obligations.

**Conclusion**

The NRA concluded that Latvenergo had breached Article 4(1) of REMIT, as it had not disclosed, in an effective and timely manner, the inside information it possessed about when the TEC-1 gas turbine actually returned to the operating mode and was synchronised with the electricity network.

Latvenergo created an information asymmetry between market participants, which affected the transparency of the

electricity market. The NRA did not, however, establish that Latvenergo would have gained revenue or any competitive advantage because of the violation. The NRA noted that Latvenergo took appropriate actions, already during the REMIT proceedings, by introducing relevant trainings and implementing appropriate information technology solutions to prevent the occurrence of similar situations. Considering the circumstances, the NRA decided to issue a warning to Latvenergo.

## Virtual Roundtable meetings in November 2021

In November 2021, ACER organised its yearly Roundtable meetings on REMIT-related topics and data collection. The virtual event welcomed more than 200 attendees.

As the trading activity on wholesale energy markets and the European market design progressively evolve, such developments pose a significant challenge to REMIT data collection. For this reason, ACER is committed to providing up-to-date transaction reporting guidance to its stakeholders in order to keep up with the evolution of energy markets and facilitate the reporting parties' compliance with REMIT obligations.

Over the past years, the Roundtable meetings have provided an important forum for ACER and its stakeholders to discuss the outstanding issues related to data reporting and REMIT data collection. In 2021, the Roundtable meetings were organised virtually for the second year in a row due to the ongoing pandemic restrictions in Europe. The virtual setting of the event made it possible to welcome more than 200 representatives of organised market places (OMPs), associations of energy market participants (AEMPs), registered reporting mechanisms (RRMs), and inside information and transparency platforms (IIPs and TPs). There were a total of four Roundtable meetings in 2021: the joint meeting with AEMPs, OMPs and RRM took place on 16 November, while on 18 November there was a joint meeting with AEMPs, IIPs and TPs, a separate meeting dedicated to RRM, and another one dedicated to IIPs and TPs. Some insights from the joint Roundtable meeting with AEMPs, IIPs and TPs are reported in the Updates on the collection of inside information section of this edition of the REMIT Quarterly.

The joint Roundtable meeting with AEMPs, OMPs and RRM was an opportunity for ACER to present the consultation on the new guidance on transaction reporting, namely the new edition of the Transaction Reporting User Manual (TRUM) and its Annex II, as well as the FAQs on transaction reporting. ACER also consulted with the participants on the new upcoming version of the electronic format for the reporting of REMIT data via Table 1, which has been elaborated based on the outcomes of a [public consultation that ran in 2017](#).

The revision of TRUM and its Annex II mainly focused on clarifying the guidance on the reporting of transactions related to the allocation of transportation capacity of natural gas, which need to be reported via Table 4 according to Article 5 of REMIT Implementing Regulation. This revision was mainly driven by the outcomes of an in-depth data quality analysis of the data collected under REMIT, which ACER carried out in cooperation with national regulatory authorities (NRAs). The revision also took into account ACER's extensive discussions with ENTSO-G and gas transmission system operators (TSOs) that took place throughout 2020 and 2021.

The consultation on the transaction reporting guidance and the electronic format ran from 27 October until 31 December 2021. The updated guidance is expected to be published on the relevant section of [the REMIT Portal](#) by the end of the first quarter of 2022.

The Roundtable meetings were also an opportunity for the stakeholders to raise some issues related to data reporting, especially in terms of the guidance and expectations for the evolution of the REMIT data collection framework. ACER welcomed such input, as it was a chance to discuss the potential need for a revision of the REMIT data reporting regime. Such a revision may be necessary in order to ensure a data collection regime that is in line with recent market developments and provides sufficient flexibility to accommodate future market developments in terms of actors and trading activity. In 2022, ACER might consider the input provided by the stakeholders in the past months, as well as the lessons learnt in the past six years of data collection, to assess if there are any opportunities to propose a revision of the data reporting regime.

At the end of the 2021 Roundtable meetings, ACER launched a survey on the satisfaction of REMIT stakeholders. The aim was to get a better picture of the stakeholders' point of view

on REMIT data collection, as well as to collect input for the improvement of ACER's communication. Once the survey closes at the end of January 2022, ACER will carefully revise the feedback and implement any proposals that could contribute to a more efficient cooperation between ACER and its stakeholders.

The minutes of the Roundtable meetings are available on [the ACER website](#) in the relevant sections dedicated to specific reporting parties. For additional information on Roundtable meetings, stakeholders can contact [REMIT.Roundtable@acer.europa.eu](mailto:REMIT.Roundtable@acer.europa.eu).

ACER will continue organising Roundtable meetings in 2022 in order to ensure regular interaction with the representatives of the European energy market and further improve the implementation of REMIT. The first Roundtable meeting in 2022 may take place already in the first half of the year.

## The 5th REMIT Forum

25 October 2021 marked the 10th anniversary of the Regulation on wholesale energy market integrity and transparency (REMIT). The 2021 REMIT Forum celebrated the anniversary of the regulation with a series of events.

Integrated energy markets are becoming increasingly more important for the decarbonisation of the European energy system. Without such markets, the cost of the transition to a decarbonised economy is likely to be much more costly and therefore less socially acceptable. An often-overlooked aspect of such deep reliance on integrated energy markets is the need to have trust in these markets and ensure that they are free of manipulation and other damaging trading behaviour. This is where an energy market monitoring effort, such as REMIT, plays a key role. As energy markets across Member States further integrate in order to achieve the objectives set at the highest levels of government, it is becoming increasingly important that REMIT evolves alongside energy system changes in Europe.

In the past 10 years of REMIT, ACER and NRAs have successfully implemented practically all the pieces of the regulation.

However, as the REMIT landscape continues to develop, further revision and changes may eventually be necessary. With the 2021 REMIT Forum, ACER aimed to reflect on the past and provide a high-level forum to discuss the future.

The Forum was organised as a series of virtual events: on 25 October, an introductory webinar to REMIT was followed by the main plenary session, where a high-level political discussion took place between key stakeholders. On 26 and 28 October, the Forum hosted special interest group sessions on data, reporting and technology, as well as on the ACER Guidance. Each event welcomed between 250 and 350 participants.

Access the conclusions of the 2021 REMIT Forum [here](#).

## Updates on the collection of inside information

The last quarter of 2021 saw some new developments concerning inside information collection.

- At ACER's Roundtable meetings with representatives of inside information and transparency platforms and associations of energy market participants, which took place on 18 November 2021, it was agreed that the outdated versions of the electronic formats for the reporting of inside information (namely REMITUMMElectricitySchema\_V1 and REMITUMMGasSchema\_V1) would be discontinued as of 1 June 2022. The minutes

of the Roundtable meetings are available [here](#).

- In an [open letter](#) published on 14 December 2021, ACER extended the possibility for market participants to publish inside information on their own corporate website as a backup solution until 31 December 2022. The extension was triggered by the monitoring of the relevant requirements, consultations with national regulatory authorities for energy, and discussions with market participants during the Roundtable meetings.

- The 26th edition of the Q&As on REMIT, also published on 14 December 2021, provides clarifications with regard to the minimum data quality requirements for effective disclosure of inside information that apply to any solution that market participants may use as a backup for the publication

of inside information. The document also provides guidance on how market participants should populate the 'publication inside' field in CEREMP, dedicated to the web address of the platform used to publish inside information. The Q&As on REMIT are available [on the REMIT Portal](#).

## Inside information platforms: market coverage in the EU-27

In 2020, ACER commenced the process of registering inside information platforms (IIPs) based on their compliance with the minimum quality requirements for effective disclosure of inside information, as defined in Section 7.2.2 of the [ACER Guidance on the application of REMIT](#). The list of IIPs available on [the REMIT Portal](#) contains both the IIPs that comply with the requirements and can therefore already be used for the effective disclosure of inside information, as well as the ones that are still under evaluation and in the process of becoming fully registered IIPs. For the purpose of effective disclosure of inside information, market participants can already register with IIPs that have passed the 1st phase of

ACER's IIP assessment, as stated in the [updated Open Letter](#) on the extension of the possibility for market participants to publish inside information on their own corporate website as a backup solution.

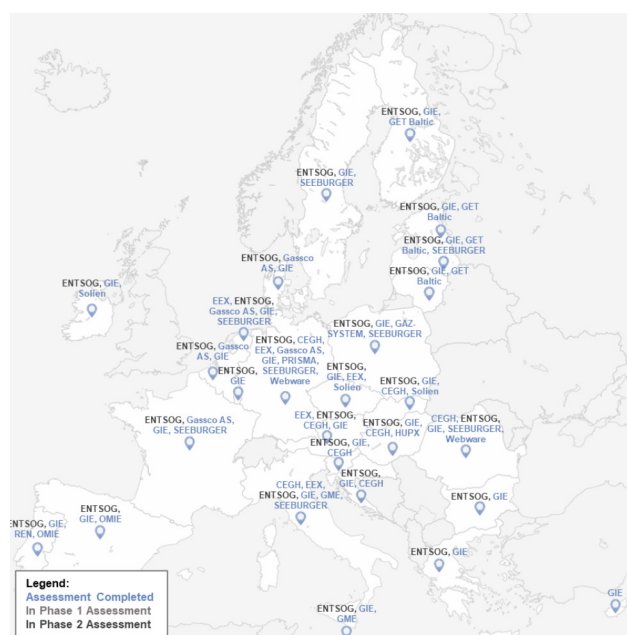
The maps below show the EU-27 market coverage<sup>2</sup> by IIPs, both registered and those in the process of registration. The different colours of the IIPs correspond to the status of their evaluation (assessment completed; under evaluation for phase 1; or in the second and last phase of the assessment process).

Figure 7: Electricity Market – coverage by IIPs



Source: ACER (2022).

Figure 8: Gas Market – coverage by IIPs



Source: ACER (2022).

<sup>2</sup> The coverage is provided by an IIP in their application. The condition to be listed under the EU Member State is that at least one market participant is registered with the IIP as a user for that specific market. The application and therefore the coverage can be amended by the platform after registration.

# Overview of contingency reports opened by RRM

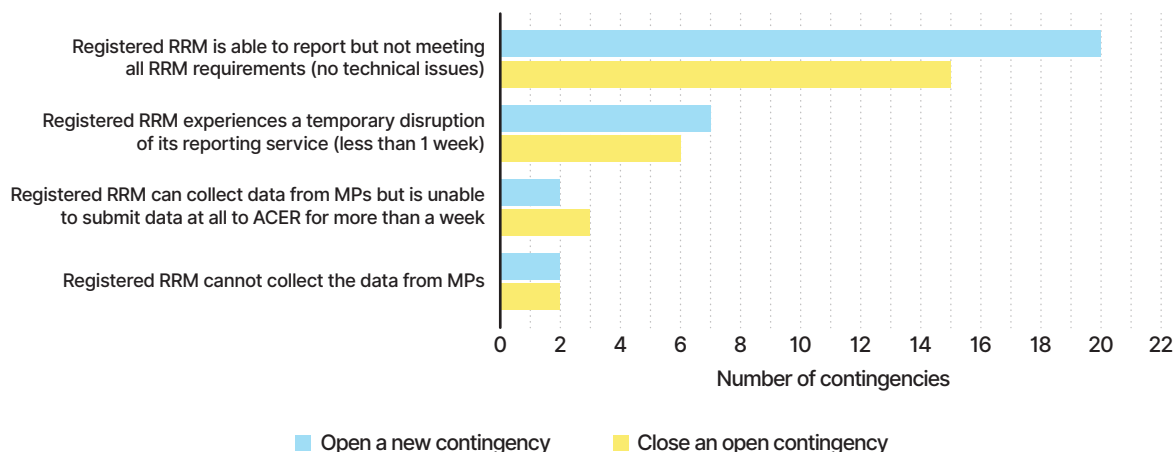
Every quarter, ACER communicates the number and status of contingency reports opened by registered reporting mechanisms (RRMs), as well as the most common reasons for which RRM resort to contingency in the first place.

The statistics for Q4 2021 show that 16 different RRM opened 31 contingency reports between October 2021 and December 2021. The most common contingency scenario indicated by RRM in this period refers to the reporting case when an RRM is able to report but is not meeting all of the RRM requirements, such as completeness of data, timeliness of submission, accuracy of data, and validity. In particular, most of the incidents affect the reporting of the standard

supply contract data type, as defined by REMIT and its Implementing Acts.

Out of the 31 contingency reports opened during the quarter, 21 have already been closed (RRMs needed five working days on average to close them). The other 10 reports remain open.

Figure 9: Number of contingencies opened and closed in Q4 divided by scenario



Source: ACER (2022).

## Recent updates of REMIT documentation

### The 26th edition of the Q&As on REMIT

On 14 December 2021, ACER published the updated 26th edition of the Q&As on REMIT. The updated edition of the Q&As on REMIT includes a new Q&A on the registration of market participants under REMIT, as well as an update of an existing Q&A on the adoption of backup solutions when dealing with the disclosure of inside information.

The Q&As are produced in cooperation with the national regulatory authorities (NRAs) and contain the most up-to-date information on REMIT policy issues. They reflect the discussions held with stakeholders during specific events – such as webinars and Roundtable meetings – as well as the interactions occurring through queries received via the REMIT Query form.

Access the 26th edition of the Q&As on REMIT [here](#).

### The Open Letter on the extension of the possibility to disclose inside information through corporate websites as a backup solution in case of platform unavailability

The Open Letter on the extension of the possibility to disclose inside information through corporate websites as a backup solution in case of platform unavailability was published on 14 December. In the letter, ACER announced its decision to extend – until 31 December 2022 – the possibility for market participants to publish inside information on their own corporate website as a backup solution. The decision had been triggered by the monitoring of the relevant requirements, consultations with the NRAs, and discussions with market participants held during the Roundtable meetings on 16 and 18 November 2021.

The ACER Guidance on the application of REMIT stipulates that in case an inside information platform (IIP) is temporarily unavailable, a market participant shall refer to a backup solution provided by the IIP. As indicated in the Open Letter,



such an exceptional condition may apply only insofar as the website used as a backup solution fulfils the relevant minimum data quality requirements of Chapter 4.2.2 of the [ACER Guidance on REMIT](#).

Access the new Open Letter [here](#).

### ACER REMIT Information System Data Validation Documents

A new version of the ACER REMIT Information System Data Validation Document was published on the REMIT Portal on 17 November 2021. The 4.7 version contains the descriptions of two new validation rules (VRs) on REMIT Table 1, 2BCDPR2\_1 and 2BCDPTR2\_1, related to Data field (35) Price. The VRs are modified versions of previously existing VRs 2BCDPR2 and 2BCDPTR2.

Access the latest version of the ACER REMIT Information System Data Validation Document [here](#).

### ARIS Data Validation Rules Configuration

An updated version of the ARIS Data Validation Rules Configuration was published on the REMIT Portal on 17 November 2021 to reflect the activation of two new VRs on REMIT Table 1 in the ARIS DCI production environment, 2BCDPR2\_1 and 2BCDPTR2\_1.

Access the latest version of the ARIS Data Validation Rules Configuration Document [here](#).

## 298 REMIT breach cases under review at the end of the fourth quarter

ACER had 298 REMIT cases under review at the end of Q4 2021. REMIT cases are potential breaches of REMIT that are either notified to ACER by external entities or identified by ACER through its surveillance activities.

A case could, after a thorough investigation by the relevant national authority, lead to sanctions. A case could also be closed without sanctions, for instance if the suspicions were unfounded.

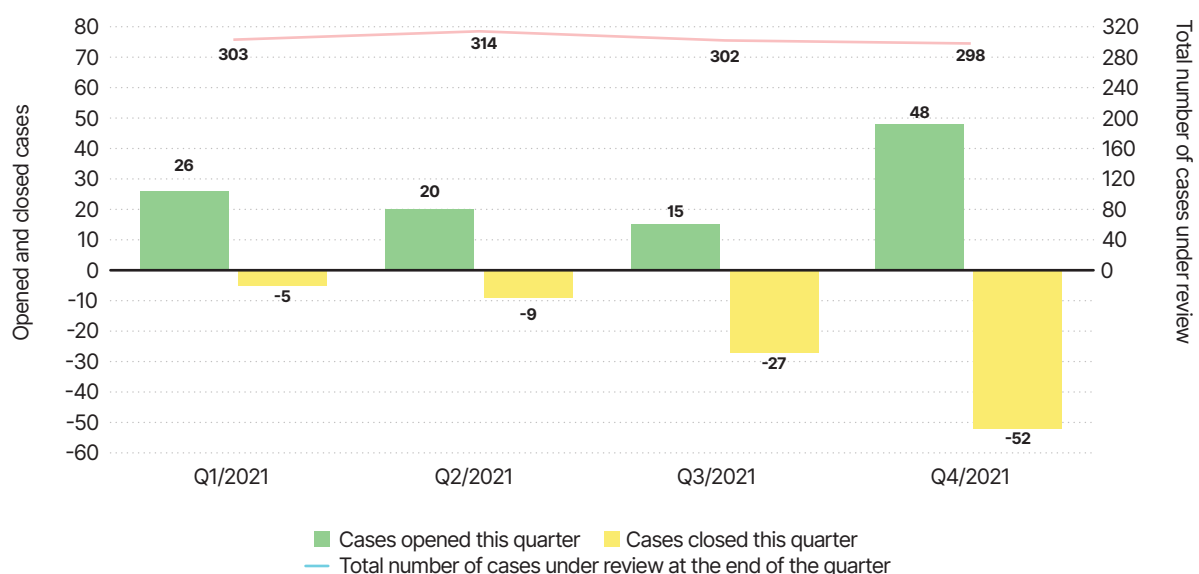
Figure 10 shows the number of cases that were under ACER's review at the end of Q4 2021.

Table 4 lists the cases where a Decision imposing a sanction was published by the relevant national authority in the last

four quarters. Some of these Decisions are currently under appeal. An overview of all market abuse Decisions (breaches of Articles 3 and 5) imposing sanctions made publicly available can be found [here](#).

ACER is responsible for the monitoring of wholesale energy markets and aims to ensure that national regulatory authorities carry out their tasks in a coordinated and consistent way, but it is not, however, responsible for the investigation of potential breaches of REMIT.

Figure 10: Potential REMIT Breach Cases - Quarterly Statistics



Source: ACER, Case Management Tool (2022).

Table 4: Overview of market abuse Decisions (breaches of Articles 3 and 5) imposing sanctions (last 4 quarters)

Decision date	NRA, Member State	Market Participant	Type of REMIT breach	Fine	Status	Source
30 September 2021	BNetzA (DE)	Energi Danmark A/S	Article 5	EUR 200,000	Final	<a href="#">Link</a>
30 September 2021	BNetzA (DE)	Optimax Energy GmGH	Article 5	EUR 175,000	Under appeal	<a href="#">Link</a>
24 August 2021	OFGEM (UK)	ESB Independent Generation Trading Limited and Carrington Power Limited	Article 5	£ 6,000,000 (approx. EUR 6.7 million**)*	Final	<a href="#">Link</a>
25 February 2021	CNMC (ES)	Rock Trading World S.A.	Article 5	EUR 60,000	Final	<a href="#">Link</a>

*Note: Article 18 of REMIT establishes that the rules on penalties for breaches of Article 3 and 5 of REMIT are established by the Member States. The implementation regime is therefore different across Member States and some breaches of REMIT may be sanctioned under national provisions. Please consult the sources for the status of the proceedings and more information on the Decisions. Only the Decisions publicly announced by the NRAs are included. Due to this fact, there are several sanction Decisions taken in 2021 that are not part of this table.*

*\* This amount includes both the (i) fine and (ii) confiscated profit.*

*\*\*The fines expressed in currencies other than EUR are converted into EUR using the ECB exchange rate on the day of the Decision.*

## DISCLAIMER

This publication of the European Union Agency for the Cooperation of Energy Regulators is protected by copyright. The European Union Agency for the Cooperation of Energy Regulators accepts no responsibility or liability for any consequences arising from the use of the data contained in this document.