

DECISION No 01/2022
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS

of 31 January 2022

REQUESTING ADDITIONAL INFORMATION IN RELATION TO
SINGLE INTRADAY COUPLING DATA

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators ('ACER')¹, and, in particular Article 3(2) and Article 12(a) thereof,

Having regard to Regulation (EU) 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency², and, in particular, Article 7(1) thereof,

Whereas:

1. INTRODUCTION

- (1) Pursuant to Article 12(a) of Regulation (EU) 2019/942 ('ACER Regulation'), ACER has to monitor wholesale energy markets, collect and share data, and establish a European register of market participants in accordance with Articles 7 to 12 of Regulation (EU) No 1227/2011 ('REMIT'). More specifically, pursuant to Article 7(1) of REMIT, ACER has to monitor the trading activity in wholesale energy products to detect and prevent trading based on inside information and market manipulation. For this purpose, ACER collects data for the assessment and monitoring

¹ Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators, OJ L158 of 14.6.2019.

² Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency, OJ L326 of 8.12.2011.

of wholesale energy markets, as provided for in Article 8 of REMIT and specified by Commission Implementing Regulation (EU) No 1348/2014 ('REMIT Implementing Regulation').

- (2) This monitoring task also concerns Single Intraday Coupling ('SIDC'). SIDC creates a single EU cross-zonal intraday electricity market and is based on the interconnection of local trading systems managed by individual Nominated Electricity Market Operators³ ('NEMOs' or 'SIDC NEMOs'). The main feature of SIDC is to increase the trading possibilities of market participants by expanding the scope of the trading activity. The implementation and management of SIDC is based on the cooperation between the NEMOs and Transmission System Operators ('SIDC TSOs'), which enables continuous cross-border trading across Europe. The interconnection of individual trading systems in SIDC is based on a common IT system ('SIDC algorithm') with one Shared Order Book ('SOB'), and the Capacity Management Module ('CMM'). All orders placed by market participants on the local trading system of individual NEMOs flow into the SOB. All the available transmission capacity ('ATC') between bidding zones is sent by the SIDC TSOs to the CMM. Once trades are concluded, a shipping module receives data from the SOB and provides information about the concluded trades to the relevant parties involved in the post-coupling process.
- (3) The visibility of orders in the SOB is different for each market participant located in a different bidding zone and identical for market participants viewing the SOB from the same bidding zone. This means that the trading possibilities for the market participants located in different bidding zones vary, based on the ATC ('local view of the SOB'). In particular, orders entered by market participants for continuous matching in one bidding zone can be matched by orders similarly submitted by market participants in any other bidding zone within SIDC if there is sufficient ATC that allows the relevant flow of energy.
- (4) The trading decisions of a market participant active in SIDC are determined by the trading possibilities available in the local order book in each moment of the trading session, i.e. they depend on the local view of the SOB.
- (5) The local view of the SOB is calculated by the SIDC algorithm by combining the full set of orders placed by the market participants available in the SOB, with the information on the ATC related to each direction of every cross-zonal interconnection, available through the CMM. Every cross-zonal trade in SIDC induces a modification of the relevant ATC in the CMM and, thus, an update of the local view of the SOB in each local trading system of individual NEMOs.

³ As defined in Article 2 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management.

- (6) The SIDC algorithm has been developed by the SIDC NEMOs in cooperation with the SIDC TSOs in order to comply with the Commission Regulation (EU) 2015/1222 ('CACM Regulation'). The development and maintenance of the SIDC algorithm is carried out via contractual agreements with third-entity suppliers.
- (7) Since the commencement of the trading activity in SIDC, ACER has been collecting information on orders for trades placed by market participants on the local trading system of individual SIDC NEMOs based on the list of fields indicated in the Annex to the REMIT Implementing Regulation (Table 1)⁴. In particular, such data provide information on the identification code of each order placed by the market participants active on the local trading system of each individual NEMO, the features of the order in terms of order type, the inserted quantity and price, and the delivery point or zone of the NEMO local trading system.
- (8) The information ACER has collected so far on SIDC does not allow for a sufficient comprehension of the dynamic of the trading activity, since it is not possible to reconstruct the local view of the SOB in SIDC. In order to fulfil its monitoring duties and detect potential manipulative behaviour on the market, it is pertinent that ACER can access the local view of the SOB calculated by the SIDC algorithm, which provides a clear picture of all bids visible by any market participant active in SIDC (including those placed on different local trading systems).
- (9) Therefore, ACER considers the currently collected data insufficient to carry out its mandate to monitor the SIDC wholesale energy market.
- (10) The purpose of the present Decision is to enable ACER to fulfil its monitoring duties under Article 12(a) of the ACER Regulation and Article 7(1) of REMIT with regard to the SIDC market, and, to that end, to obtain the necessary information from the SIDC NEMOs, namely data related to the local view of the SOB with respect to all orders that contribute to the trading activity within SIDC. The reconstruction of the local view of the SOB can be ensured only by providing information on the ATC during the trading session and on each order placed in SIDC with respect to (a) the delivery point or zone where such an order is visible, (b) the quantity of the order visible in the relevant delivery point or zone, and (c) the timestamp corresponding to the modification of the available capacity that induced a change in the local view of the SOB.
- (11) The present Decision sets out the general terms and conditions, as well as the specific technical requirements, under which the information required from the SIDC NEMOs can be collected in a complete, efficient and timely manner.

⁴ As defined in Article 5(1) of the REMIT Implementing Regulation, information on the trading activity occurring at an organised market place is collected via Table 1, described in the Annex to the REMIT Implementing Regulation.

2. PROCEDURE BEFORE THE AGENCY

- (12) In its letter of 9 October 2019 ('ACER letter 2019'), ACER informed the SIDC NEMOs about some inconsistencies in the reporting of records of transactions (including orders to trade) executed within the cross-border intraday market project SIDC, and requested a joint effort from the SIDC NEMOs in order to ensure the compliance of the SIDC data reporting with the REMIT reporting obligations⁵ and enable the comprehensive monitoring of such a wholesale energy market.
- (13) On 27 November 2019, in a roundtable meeting with the SIDC NEMOs, ACER highlighted that the information related to the SIDC trading activity currently collected according to the Annex to the REMIT Implementing Regulation (Table 1) was not sufficient for the effective monitoring of SIDC. In particular, the data collection in place did not permit ACER, and consequently the regulatory authorities, to identify whether or not, and in which way, an SIDC order was visible in different local order books (local view of the SOB). ACER proposed to the SIDC NEMOs two potential solutions aimed at allowing the reconstruction of the local view of the SOB. Both solutions entailed a modification of the SIDC data reporting via Table 1 and required changes in the SIDC NEMOs' system.
- (14) On 21 February 2020, the SIDC NEMOs communicated that they viewed both proposals as undesirable, since they would require very significant and high-impact changes both to the Cross Border Intraday ('XBID') system and to the local NEMO systems. Furthermore, in the same communication, the SIDC NEMOs indicated ACER needed solid legal grounds to support its request.
- (15) In an effort to facilitate the collection of data from coupled markets, ACER established a dedicated project team with the regulatory authorities in March 2020, i.e. the Market Coupling Project Team ('MC PT'), which has been cooperating consistently with the SIDC NEMOs in order to agree on a solution for the integration of the SIDC data collected under the REMIT reporting obligation that would ensure compliance with the monitoring obligation set out in Article 7 of REMIT.
- (16) On 22 May 2020, the SIDC NEMOs presented ACER and the regulatory authorities with a counterproposal aimed at providing the information necessary for the reconstruction of the local view of the SOB ('SIDC NEMOs proposal'). In particular, the SIDC NEMOs proposed to complement the SIDC data collection by providing an additional file extracted from the XBID database by a SIDC algorithm module ('PMI LAT') dedicated to the creation of the local view of the SOB.

⁵ As indicated in Article 8 of REMIT concerning completeness, consistency and accuracy of the reported data.

- (17) As communicated via email on 30 July 2020, the cooperation between ACER and the MC PT resulted in a consensus on the technical details of the implementation of the SIDC NEMOs' proposal, according to which a new file would be collected in order to complement the SIDC data already reported via Table 1.
- (18) In February 2021, ACER, in cooperation with the MC PT, reached a consensus with the SIDC NEMOs on the specification of the technical requirements for the possible solution to be implemented.
- (19) On 24 March 2021, ACER shared with the SIDC NEMOs a draft letter for a request for additional information in relation to SIDC data pursuant to Article 6(8) of the REMIT Implementing Regulation.
- (20) On 23 April 2021, the SIDC NEMOs submitted a formal letter, sharing observations regarding the aforementioned possible technical way forward on the implementation of the SIDC NEMOs' proposal. In that letter, SIDC NEMOs also expressed concerns regarding the legal grounds of ACER's request for information and potential liabilities towards market participants.
- (21) On 2 July 2021, ACER sent a formal letter requesting additional information in relation to SIDC data pursuant to Article 6(8) of the REMIT Implementing Regulation, and informing the SIDC NEMOs of its intention to initiate proceedings to request the information by a decision, in the event of non-compliance with its request.
- (22) On 16 July 2021, the Chairman of the SIDC NEMO Steering Committee ('SIDC NEMO Chair') sent a letter to ACER on behalf of all SIDC NEMOs, rejecting its request and claiming the absence of a sound legal basis for such a request.

Decision-making proceedings

- (23) On 28 October 2021, ACER notified the SIDC NEMOs of the initiation of a procedure with a view to adopt a decision requesting additional information in relation to SIDC data, pursuant to Article 3(2) of the ACER Regulation, Articles 7 and 8 of Regulation (EU) No 1227/2011 ('REMIT'), and Article 6(8) of the REMIT Implementing Regulation (EU) No 1348/2014.
- (24) On 5 November 2021, ACER informed the SIDC NEMOs about its preliminary position on the subject matter of the case.
- (25) On 23 November 2021, the SIDC NEMO Chair, on behalf of all SIDC NEMOs, sent a letter to ACER providing a written feedback to ACER's preliminary position. The observations reported in the letter were grouped into factual elements, formal/procedural elements, and technical elements. In the same letter, the SIDC

NEMOs requested to have an oral hearing pursuant to Article (15) of the ACER Rules of Procedure⁶.

- (26) On 30 November 2021, the SIDC NEMOs participated in a virtual oral hearing organised by ACER where all observations provided by the SIDC NEMOs in their letter of 23 November 2021 were discussed, with particular emphasis on the list of addressees, the legal grounds for the request, the timeline of the implementation, and the recovery of costs.
- (27) With regard to the list of addressees, the SIDC NEMOs observed that the Decision should be addressed only to the NEMOs that are participating in the SIDC market operations. Nonetheless, ACER highlighted that the effects of the present Decision should be extended to the already known NEMOs that would join the SIDC project at a later stage, in order to ensure the completeness of the collected data. The SIDC NEMOs did not express concerns in this regard.
- (28) With reference to the legal grounds of the request, the SIDC NEMOs noted that, in their view, REMIT does not provide a robust legal basis, as the data ACER is requesting with the present Decision falls outside the scope of application of Article 8 of REMIT and Article 6(8) of the REMIT Implementing Regulation.
- (29) With respect to the timeline of the implementation, the discussion focussed on the SIDC NEMOs' need to have a sufficiently long period of time to ensure the feasibility of the technical implementation of the functionality that would allow the SIDC NEMOs to provide the requested data to ACER, as well as to ensure the organisation of the daily transmission of the data. ACER stated its availability to discuss a possible timeline that would be suitable for both parties.
- (30) The cost recovery discussion considered the SIDC NEMOs' concerns and views that the Decision would need to include a more explicit definition of the costs for the development and maintenance of the new functionality of the SIDC algorithm dedicated to the provision of the requested data to ACER as a common development in accordance with the CACM Algorithm Methodology⁷ (Annex 2, point 4.4). As such, the relevant costs would be recognised as common costs under the CACM Regulation, and their recovery would thus be ensured. ACER stressed that its mandate does not include any competence regarding cost recovery, as this falls under the responsibility of national regulatory authorities.

⁶ Decision No 19/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 11 December 2019 on the Rules of Procedure of the European Union Agency for the Cooperation of Energy Regulators.

⁷ Decision No 04/2020 of the European Union Agency for the cooperation of energy regulators of 30 January 2020 on the nominated electricity market operators' proposal for the price coupling algorithm and for the continuous trading matching algorithm, also incorporating TSOs' and NEMOs' proposals for a common set of requirements.

3. LEGAL BASIS OF THE REQUEST FOR INFORMATION

- (31) According to the second subparagraph of Article 3(2) of the ACER Regulation, ACER has the power to request, through a decision, NEMOs to provide information necessary for the purpose of carrying out ACER's tasks, unless ACER has already requested and received such information. Such a decision should specify the purpose of the request, make a reference to the legal basis on which the information is requested, and set a proportionate time limit within which the information is to be provided.
- (32) According to Article 12(a) of the ACER Regulation, ACER shall, among others, monitor wholesale energy markets and collect and share data in accordance with Articles 7 to 12 of REMIT in order to monitor wholesale market integrity and transparency effectively.
- (33) According to Article 7(1) of REMIT, ACER shall monitor trading activity in wholesale energy products to detect and prevent trading based on inside information and market manipulation.

4. ASSESSMENT OF THE LEGAL REQUIREMENTS

- (34) The purpose of this Decision to request information is to enable ACER to fulfil its monitoring tasks under Article 12(a) of ACER Regulation and Article 7(1) of REMIT with regard to the SIDC market and, to that end, to obtain the necessary information from the SIDC NEMOs, namely data related to the local view of the SOB with respect to all the orders that contribute to the trading activity within SIDC.

4.1. ACER's task

- (35) ACER is tasked with monitoring the wholesale energy market and with collecting and sharing data in accordance with Article 12(a) of the ACER Regulation and Articles 7, 8 and 10 of REMIT.
- (36) Efficient market monitoring at Union level is vital for the detection and deterrence of market abuse on wholesale energy markets. ACER is best placed to carry out such monitoring, 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. The same holds true for SIDC, which creates a single EU cross-zonal intraday electricity market. In fact, ACER's monitoring at Union level is crucial for the detection and prevention of market abuse in SIDC, as it is the only entity with a holistic view of SIDC trading.
- (37) Efficient market monitoring requires regular and timely access to records of transactions, including orders to trade. In order to be in a position to fulfil its market monitoring tasks, ACER needs to be provided with complete sets of relevant information. For this reason, ACER is tasked with collecting records of wholesale energy market transactions, including orders to trade, according to Article 8 of REMIT in conjunction with the REMIT Implementing Regulation. More specifically, it is

ACER's task to continuously collect records of wholesale energy market transactions, including orders to trade, on the basis of Article 5 of the REMIT Implementing Regulation as specified in Tables 1 to 4 of the Annex to the REMIT Implementing Regulation.

- (38) The continuous data collection of trading data under REMIT data reporting via Table 1 of the Annex to the REMIT Implementing Regulation also includes SIDC data. This confirms that ACER's market monitoring task also covers SIDC. However, the continuous data collection of trading data concerning SIDC does not provide, in a comprehensive way, all the available information on SIDC. This implies that ACER's market monitoring task can also involve data other than those resulting from the existing continuous collection of trading data. In particular, the existing continuous collection of trading data does not prevent ACER from monitoring and requesting additional data necessary for the purpose of carrying out its market monitoring task, including requesting that such additional information is made available on a continuous basis.
- (39) Thus, the monitoring of the SIDC market is a task under Article 12(a) of the ACER Regulation and Article 7(1) of REMIT, for which ACER can issue a decision to request information from NEMOs according to Article 3(2) of the ACER Regulation. For this task, ACER can also request the required information to be provided on a continuous basis, as Article 3(2) of the ACER Regulation is not limited to a one-time provision of information.

4.2. The requested information is necessary

- (40) ACER is the only entity tasked with a Union-wide monitoring of wholesale energy markets and is also the only entity in the position of carrying out such market monitoring activity for coupled markets. The NEMOs' market monitoring functions only extend to the relevant NEMO's data without the possibility of accessing orders to trade placed at another NEMO. This specific configuration of SIDC, aimed at complying with the requirements of confidentiality and competition set out by the CACM Regulation, prevents the SIDC NEMOs from having a holistic view of the SIDC market and thus efficiently carrying out their market monitoring activity.
- (41) In order to comply with its mandate to monitor the wholesale energy markets by assessing the trading activities of market participants, it is crucial for ACER to obtain a full overview of the activities on wholesale energy markets. Only then is it possible to identify trading, or attempts to trade, based on inside information or market manipulation. In particular, access to the local view of the SOB would enable ACER to detect suspected cases of market manipulation, such as cross-border layering and spoofing.
- (42) The information that ACER has collected so far on SIDC makes it possible to know which orders have been placed by each market participant on a specific NEMO's local trading system and then transferred to the SOB. However, such information is not sufficient to reconstruct the local view of the SOB calculated by the SIDC algorithm, which offers a clear picture of all the bids visible by each market participant active in

SIDC. The local view of the SOB also includes, together with the orders placed by the clients on the same NEMO's local trading system, orders that have been placed by market participants on different NEMOs' local trading systems but are still compatible with matching possibilities due to the available transmission capacity and are thus visible in the same order book. For ACER, the visibility of such orders is fundamental in order to have the necessary set of information to understand the behaviour of market participants during the trading session and thus detect potential attempts of market manipulation.

- (43) Therefore, ACER considers the currently reported data incomplete and insufficient to fulfil its mandate under Article 7 of REMIT and Article 12(a) of the ACER Regulation, and is for that reason requiring the reported data to be completed with the requested data. Moreover, as referred to in Article 7(2) of REMIT, national regulatory authorities shall have access to the information held and collected by ACER for market monitoring purposes. Consequently, the current lack of a complete set of SIDC order book data makes it not only impossible for ACER to fulfil this mandate, but it also affects ACER's cooperation with the national regulatory authorities for the purpose of carrying out the monitoring of the wholesale energy markets, and thus jeopardises the transparency and integrity of the SIDC market.
- (44) Consequently, ACER considers the requested information necessary to fulfil its market monitoring task under Article 7 of REMIT and Article 12(a) of the ACER Regulation, as it provides more details about the visibility of orders already reported via Table 1 and contributes to the representation of the trading activity in the SIDC Shared Order Book as a result of the market coupling configuration.
- (45) It is critical for ACER to obtain this necessary information on a continuous basis, i.e. with a frequency consistent with the timing of the SIDC information provided pursuant to Article 8 of REMIT. As further described in paragraph (51), the requested information can be efficiently analysed for market monitoring purposes only when assessed together with the data provided via Table 1. It is therefore crucial that the information provided pursuant to this Decision and the relevant information provided under REMIT obligation are made available on a consistent continuous basis in order to ensure an efficient monitoring of the trading activity in SIDC.

4.3. The specificities of the requested information

- (46) The integration of the local trading systems of the NEMOs participating in SIDC enables a functionality which induces that an order initially inserted in one local trading system of a NEMO can also be visible, and thus tradable, in other local trading systems, i.e. in other delivery zones, provided there is enough ATC. As a result, each

order may be visible in several delivery zones with different quantities, depending on the value of the relevant cross-zonal ATC⁸.

- (47) The specific technical configuration of SIDC, developed under the provisions of the CACM Regulation, obliges the SIDC NEMOs to store the information relating to the local view of the SOB in each zone only at a centralised level, in a dedicated module of the SIDC algorithm. Consequently, each individual SIDC NEMO is not in the position to independently provide data on the local view of the SOB in their local trading system.
- (48) As a result, the necessary additional information is available only to the SIDC NEMOs as a collective body⁹, while individual SIDC NEMOs are only able to offer a partial view of the trading activity, since they only hold information related to the trades taking place in their own local trading systems. Since it is pertinent for ACER to obtain a comprehensive view of all orders placed in the SOB, the accumulated data of all SIDC NEMOs consists of the relevant data set of additional information which is requested with the present Decision.
- (49) With the present request ACER intends to collect from the SIDC NEMOs the following information:
- a. The centralised identification code of each order created in the SOB;
 - b. The additional identification code associated with each order in the SOB for the sorting of orders (i.e. merit order) in each local view of the SOB;
 - c. The identification code of the contract with which an order in the SOB is associated;
 - d. The visible quantity of such an order in each zone where the order is visible;
 - e. The price of such an order in each zone where the order is visible;
 - f. The identification of the zone(s) where the order is visible;
 - g. The timestamp associated with the order lifecycle event (visible, deleted/non-visible, modified) in each zone where the order is visible;

⁸ In terms of the data fields provided in the Annex to the REMIT Implementing Regulation (Table 1), this implies that for each order identified by a specific code, it is possible to associate several delivery point or zones (Field(48)) with a potentially different tradable quantity/volume (Field(40)). Furthermore, the visibility/invisibility of such an order might vary in time, depending on the relevant ATC, thus defining different timestamps of the order lifecycle events (Field(30)).

⁹ SIDC NEMOs are represented by the All NEMO Committee, as defined in Section 4 of the Market Coupling Operator (MCO) Plan, pursuant to Article 7(2) of the CACM Regulation.

- h. The Available Transmission Capacity for each border included in the coupling;
- i. The identification of the two zones to which the ATC refers;
- j. The timestamp associated with each modification of the ATC;
- k. The available connection capacity per each NEMO involved in the coupling (Hub-to-hub capacity).

(50) Some of the information included in the present request, namely points a), c) and e) in paragraph (49), is also collected by ACER via Table 1. The collection of such information is considered adequate, as it represents the key figures for the mapping between the data collected via Table 1 and the information requested from the SIDC NEMOs with the present Decision. Such mapping plays an essential role both for data quality control, as well as for the analysis of a full set of information for each order placed on SIDC.

(51) While the information provided via Table 1 refers to the local trading systems of individual SIDC NEMOs and includes the identification of the market participant placing orders to trade, as well as the details of the order, such as the type, conditionality and status, the information requested from SIDC NEMOs is completely anonymised. Hence, the requested information can be efficiently analysed for market monitoring purposes only when assessed together with the data provided in accordance with Table 1.

4.4. The requested information is not available to ACER

(52) As explained in paragraphs (42) and (51), the data collected by ACER via the existing REMIT data reporting solely provides information on the orders that are placed on a specific NEMO's local trading system and then transferred to the SOB, but it provides no information on the local view of the SOB in the different trading systems, which is the core feature of market coupling and a crucial prerequisite for efficient market surveillance.

(53) Furthermore, although ACER has formally requested such information from the NEMOs in its letter of 2 July 2021, the NEMOs have not provided that information.

(54) The requested information is therefore not available to ACER.

4.5. The requested information can be required from the SIDC NEMOs

(55) NEMOs are explicitly referred to in Article 3(2) of the ACER Regulation as addressees of ACER's information request under that Article.

(56) Due to the specific technical nature of the trading activity that takes place in the electricity intraday coupled market and the fact that market participants themselves are not in a position to obtain the full set of data that is required with the present Decision, such data cannot be collected from the market participants themselves. Market participants cannot provide the requested information themselves, as they do

not have access to it. It is therefore necessary and appropriate to request such data from the SIDC NEMOs. They are the only entities able to provide the complete set of the required data, given that they are the ones with access to the information stored in the PMI LAT.

- (57) It is ACER's understanding that by providing the requested data, SIDC NEMOs will act on the basis of the present Decision and not in relation to the reporting obligation of market participants set out in the REMIT Implementing Regulation. Furthermore, since the existing configuration of SIDC does not allow individual SIDC NEMOs to provide data on the local view of the SOB in their local trading system, as described in paragraph (47), it is necessary and appropriate to request such data from all SIDC NEMOs. Such an approach properly takes into account the specificities of SIDC.

4.6. The requested information can be provided by the SIDC NEMOs

- (58) The requested information is already elaborated and stored in the PMI LAT module of the SIDC algorithm. Based on the assessment of the existing configuration of the SIDC algorithm, there is no need for the SIDC NEMOs to develop any new data fields in the existing module. Hence, the requested information is already available to SIDC NEMOs, and ACER's request only implies the creation of a specific data file where the required information would be filtered from the PMI LAT in a format suitable for ACER's data collection.
- (59) The requested information shall be provided by SIDC NEMOs participating in SIDC operations either (i) at centralised level via an entity assigned by all SIDC NEMOs on behalf of all individual SIDC NEMOs, or (ii) by each individual NEMO once only the relevant information is filtered from the PMI LAT.
- (60) To ensure the authenticity, availability, confidentiality, integrity and non-repudiation of the information, the SIDC NEMOs or, where applicable, the assigned entity defined in paragraph (59) should provide the requested information within a secure environment. To ensure that such environment is compatible with ACER's information systems, the provision of the information should be in accordance with ACER's standards of information security and operational reliability for the handling of sensitive non classified¹⁰ information. To that end, ACER will make available to the SIDC NEMOs or, where applicable, to the assigned entity, the applicable technical requirements for the submission of data upon receiving the first version of the electronic format for the requested data (see paragraph (67)). Where a SIDC NEMO or an assigned entity is already recognized by ACER as a Registered Reporting Mechanism pursuant to Article 11 of the REMIT Implementing Regulation, the applicable technical requirements will be considered as automatically fulfilled.

¹⁰ As defined by Commission Decision (EU, Euratom) 2015/443, Article 9(5), and marked as SENSITIVE

- (61) The SIDC geographical scope expands in several phases, also referred to as ‘waves’, two of which are planned for 2022 and 2023. As a result, the current list of NEMOs participating in SIDC operations cannot be considered complete nor final, as additional NEMOs will join SIDC operations in the upcoming waves of the project. In this framework, it is crucial for the integrity and transparency of the SIDC market that the SIDC NEMOs ensure, at all times, the completeness of the data provided to ACER pursuant to the present Decision by including information referred to every new NEMO as soon as it starts participating in the SIDC project.
- (62) For that reason, and in order to duly take into account the concerns expressed by the SIDC NEMOs, as reported in paragraph (27), the Decision provides in Article 3 that it applies to the NEMOs already participating in SIDC operations at the time of the notification of the Decision, and becomes applicable to the NEMOs that are expected to participate, namely EirGrid plc, HEnEX SA, OKTE a.s., and SONI Ltd, only as of the start of their participation in SIDC operations.

4.7. The request for information is proportionate

- (63) The present request is adequate and proportional, as it properly takes into account the specific SIDC configuration.
- (64) The requested information is already available to SIDC NEMOs; its provision to ACER would imply some technical developments, as indicated in paragraph (58). By contrast, addressing this request for such additional data to market participants active in SIDC would induce a dramatic and costly modification of the overall SIDC configuration, including the modification of the existing legal agreements among SIDC NEMOs aimed at ensuring confidentiality and a level playing field for competition, foreseen in the CACM Regulation. It would therefore have a large impact on the continuity of the market, which should be avoided. In the absence of any other suitable solutions that would achieve equal results with lesser impact, the request directed at the SIDC NEMOs is proportionate to the legitimate aims it pursues.
- (65) The costs related to the implementation of this request for additional data cannot be reimbursed by ACER, nor can ACER decide on the recovery of those costs, as this is outside of ACER’s competence. In principle, the costs should be borne by the involved parties according to the relevant SIDC agreements in place, however, without prejudice to the possibility of the SIDC NEMOs referring to the procedure provided at national level in relation to cost recovery.
- (66) Moreover, considering that a consensus has already been reached between SIDC NEMOs and ACER regarding the technical details of the implementation of the solution to grant ACER access to the requested set of data in order to facilitate its comprehensive monitoring of the SIDC, ACER considers that a period of nine (9) months after the notification of this Decision ensures sufficient time for SIDC NEMOs to provide the requested information to ACER. Based also on a consultation with the involved parties, ACER deems this period as adequate and proportionate for the SIDC NEMOs or any assigned entity to develop the relevant IT solution. This is without

prejudice to the possibility that ACER may extend such a deadline if necessary for the efficiency of the implementation.

- (67) In addition, given the extensive technical discussions between ACER and the SIDC NEMOs to prepare for the provision of the data, ACER considers a period of three (3) months after the notification of the present Decision as adequate and proportionate for the SIDC NEMOs to provide the first version of the electronic format for the requested data, and six (6) months after the notification of the present Decision to provide a first test data set¹¹ to ACER in order to allow for the preparation of ACER's own IT solution for receiving the envisaged data.
- (68) ACER acknowledges it may be necessary to extend the deadline for the provision of the requested data to ensure the efficiency of the implementation, as indicated in paragraph (66). However, ACER deems it appropriate to expect that the SIDC NEMOs should be able to start storing the information defined in Annex I of the present Decision as of 1 October 2022; moreover, ACER urgently needs this information in order to mitigate the risks of a prolonged time without an efficient monitoring of the integrity of SIDC trading activity. Therefore, with regard to a possible extension of the deadline to provide the requested data, ACER retains the option to still request such data for the period as of 1 October 2022.
- (69) The request for the data indicated in the present Decision is intended to apply until the REMIT data reporting regime, as defined in the REMIT Implementing Regulation, is modified in a way that it establishes a requirement to provide to ACER the information requested with the present Decision. ACER will therefore assess the purpose and the necessity of the present request at least every year and, where appropriate, revise the present Decision.
- (70) Therefore, the aforementioned time frames within which the requested information is to be provided are both adequate and proportionate.

5. CONCLUSION

- (71) For all these reasons, ACER considers that the additional information in relation to SIDC data requested from the SIDC NEMOs is necessary for the fulfilment of its duties pursuant to Article 7 of REMIT and Article 12(a) of the ACER Regulation. ACER also considers that the present request does not go beyond what is strictly necessary, and that the time limit set for the provision of such information is proportionate.

¹¹ As a first test data set ACER expects to receive some sample files in the proposed electronic format and the relevant sample of real trading data, which will allow ACER to test the quality and effectiveness of the proposed solution.

- (72) Therefore, the present request for information is justified under Article 3(2) and Article 12(a) of the ACER Regulation in conjunction with Article 7(1) of REMIT.

HAS ADOPTED THIS DECISION:

Article 1

1. The nominated electricity market operators listed in Article 5 shall provide to ACER the information detailed in Annex I in accordance with Annexes II and III.
2. The required information shall be provided either individually by each of the nominated electricity market operators or at a centralised level by an entity, assigned by all the nominated electricity market operators, on their behalf.
3. The required information shall be provided according to the standards of information security and operational reliability which ACER applies to the collection and handling of sensitive non classified information.

Article 2

1. The information referred to in Article 1 shall be provided within nine months of the notification of the Decision. ACER may extend the nine-month period where necessary.
2. Within three months of the notification of the Decision, the nominated electricity market operators listed in Article 5, or where applicable the entity assigned by them under Article 1(2), shall share with ACER the first version of the electronic format developed according to the technical requirements set out in Annex I of this Decision and aimed at providing the information referred to in Article 1.
3. Within six months of the notification of the Decision, the nominated electricity market operators listed in Article 5, or where applicable the entity assigned by them under Article 1(2), shall share with ACER the first test data set, as defined in this Decision, in order to allow ACER to test the quality and effectiveness of the proposed solution.
4. Irrespective of the moment when the information referred to Article 1 will be provided in accordance with Article 2(1), such information, upon ACER's request, shall cover the period from 1 October 2022 onwards.

Article 3

Articles 1 and 2 shall apply to the nominated electricity market operators listed in point (a) of Article 5 upon notification of the Decision to the nominated electricity market operators, and to the nominated electricity market operators listed in point (b) of Article 5 as of the date on which those nominated electricity market operators start to participate in Single Intraday Coupling operations.

Article 4

ACER shall assess the purpose and the necessity of the present Decision at least on a yearly basis and, where appropriate, revise it.

Article 5

This Decision is addressed to:

- (a)
- BSP Regionalna Energetska Borza d.o.o.
 - CROPEX Ltd
 - EPEX Spot SE
 - GME Spa
 - HUPX Zrt.
 - Independent Bulgarian Power Exchange (IBEX)
 - Nord Pool European Market Coupling Operator AS
 - OMIE S.A.
 - OPCOM S.A.
 - OTE a.s.
 - Towarowa Gielda Energii S.A.
- (b)
- EirGrid plc
 - HEnEX SA
 - OKTE a.s.
 - SONI Ltd

Done at Ljubljana, on 31 January 2022.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN

Annexes:

Annex I – List of technical requirements

Annex II – Confidentiality obligations

Annex III – Support and responsibility (operational aspects)

In accordance with Article 28 of Regulation (EU) 2019/942, the addressees may appeal against this Decision by filing an appeal, together with the statement of grounds, in writing at the Board of Appeal of the ACER within two months of the day of notification of this Decision.

In accordance with Article 29 of Regulation (EU) 2019/942, the addressees may bring an action for the annulment before the Court of Justice only after the exhaustion of the appeal procedure referred to in Article 28 of that Regulation.

ANNEX I

List of technical requirements

Listed below is a set of **technical requirements** that need to be fulfilled by the customised solution.

The list reports the requirements accepted for implementation, as negotiated with the SIDC NEMOs technical working group between October 2020 and February 2021.

Requirement ID	Description
SIDC – 2020 - 00	<p>All timestamps shall rigorously adhere to ISO 8601 without exception. Where applicable the full format shall apply:</p> <p>YYYY-MM-DDThh:mm:ss.f+N.</p> <p>Observance of the correct time zone for the delivery area and daylight saving adjustments shall apply. UTC or ‘Z’ is acceptable so long as daylight adjustments are applied where applicable.</p>
SIDC – 2020 – 01	Each file shall have a maximum dimension not exceeding 500 MB.
SIDC – 2020 – 02	Files with xml format.
SIDC – 2020 – 03	<p>The xsd schema shall be designed taking into account, where applicable, the existing xsd schema developed for the data collected in Table 1 (Annex to the REMIT Implementing Regulation) data reporting (e.g. header, compatible definition of data type, ...). Such xsd schema is made available by ACER at: https://documents.acer-remit.eu/wp-content/uploads/standard-contract-schema.zip</p>
SIDC – 2020 – 04A	The file shall maintain the identical OrderID throughout the lifecycle irrespective of whether there is a modification of the volume or price.
SIDC – 2020 – 04B	There shall be no zeroing of the Order’s quantity during the lifecycle if the price or volume changes and thus a new OrderID is assigned.

SIDC – 2020 – 04C	<p>OrderID shall be harmonised across all NEMOs for their SIDC activity.</p> <p>Order IDs shall indicate XBID_ prefix and shall correspond to the initial OrderIDs assigned in XBID.</p>
SIDC – 2020 - 05	<p>The file shall not replicate non-modified orders if no change in their visibility occurs (i.e. eliminate duplications of the same message)¹².</p> <p>Considering the information available in the PMI Lat, order modification should be triggered by a change to visible price, quantity, and delivery area.</p>
SIDC – 2020 – 06	<p>In order to support the reconstruction of the order book depth, for each order the file shall include, together with the Initial XBID OrderID, also the one assigned by XBID to reconstruct the sorting.</p>
SIDC – 2020 – 07	<p>The file shall include the correct timestamp of the event. This timestamp is intended to be exactly the one that will be adopted by the NEMOs for the data reporting via Table 1 (Annex to the REMIT Implementing Regulation) data as well.</p> <p>Considering the information provided by SIDC NEMOs, this implies to report in the file:</p> <ul style="list-style-type: none"> - Payload timestamp - Server timestamp
SIDC – 2020 - 08	<p>The ‘dlvryAreaId’ field shall report the EIC codes as listed in the List of accepted EIC codes on the REMIT portal.</p>
SIDC – 2020 - 09	<p>The field ‘contractId’ shall be harmonised and adopted also for REMIT data reporting via Table 1 (Annex to the REMIT Implementing Regulation) by using the prefix ‘SIDC_CO_<xbidcontractId>’.</p>

¹² The removal of redundant information should significantly reduce the dimension of each file, thus facilitating not only the collection from ACER’s side, but also the storing of the information sent to ACER.

SIDC – 2020 – 10	The file shall include the field ‘revisionNo’ from the PMI Logger.
SIDC – 2020 – 11	The file shall be made available on a daily basis in accordance with the minimal timeframe possible.
SIDC – 2020 – 15	<p>There shall be no zeroing of the available hub-to-hub ATC values at the beginning of each hour.</p> <p>Zero shall be reported only if it reflects a real value, avoiding any default value to be then modified with the real one.</p> <p>The SIDC NEMOs shall analyze the population of this field during the design phase of the solution.</p>
SIDC – 2020 – 17	<p>Rows of information concerning ATC values shall contain at least the following fields from the ‘ATC Data Notification DFS510’:</p> <p>Date and timestamp</p> <p>EIC X code of the responsible TSOborder</p> <p>inArea</p> <p>outArea</p> <p>periodStart (in ISO 8601 format)</p> <p>periodEnd (in ISO 8601 format)</p> <p>quantity</p>
SIDC – 2020 – 18	<p>Rows of information concerning Hub-to-hub values shall contain at least the following fields from the ‘Hub-to-Hub Notification DFS510’:</p> <p>Date and Timestamp</p> <p>periodStart (in ISO 8601 format)</p> <p>periodEnd (in ISO 8601 format)</p> <p>inArea</p> <p>outArea</p>

	quantity
SIDC – 2020 – 20	The file shall include the field ‘dlvryAreaId’ from the PMI Logger.
SIDC – 2020 - 21	The file shall include the field ‘initialOrdrId’ from the PMI Logger.
SIDC – 2020 - 22	The file shall include the field ‘OrderId’ from the PMI Logger.
SIDC – 2020 - 23	The file shall include the field ‘Qty’ from the PMI Logger.
SIDC – 2020 - 24	The file shall include the field ‘Px’ from the PMI Logger.
SIDC – 2020 - 25	The file shall include the field ‘ordrEntryTime’ from the PMI Logger.

ANNEX II

Confidentiality obligations

1. ACER will share the file(s) comprising the requested data in the present Decision with the regulatory authorities according to the data sharing obligation set out in Articles 7 and 10 of REMIT.
2. ACER ensures the confidentiality, integrity and protection of the requested data, according to the practice already in place and applied pursuant to Article 12 of REMIT. ACER takes all the necessary measures to prevent any misuse of, and unauthorised access to, the information maintained in its systems. The same obligation applies to regulatory authorities, competent financial authorities of the Member States, national competition authorities, the European Securities and Markets Authority ('ESMA'), and other relevant authorities.
3. According to Article 12(2) of REMIT, ACER may decide to make publicly available parts of the information which it possesses, including the requested data, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall make its commercially non-sensitive trade database available for scientific purposes, subject to confidentiality requirements. Information shall be published or made available in the interest of improving transparency of wholesale energy markets and provided it is not likely to create any distortion of competition in such energy markets.
4. Obligations of professional secrecy, which entail the general obligation not to disclose information received in an official capacity as set out in Article 17 of REMIT, apply.

ANNEX III

Support and responsibility (operational aspects)

1. The requested data defined in Article 1 of the present Decision shall be made available to ACER via the ARIS system on a daily basis.
2. The requested data defined in Article 1 of the present Decision shall be collected in the xml format via a dedicated xsd schema. Such a schema shall fulfil the technical requirements set out in the Annex I of the present Decision.
3. In case of any reporting issues that may arise, the party(ies) providing the requested data according to Article 1(2) of the present Decision can refer to the Central Service Desk of ACER.
4. Modifications to the SIDC market design that have an impact on the content of the requested data defined in Article 1 of the present Decision and/or its provision shall be communicated to ACER in due time.
5. In case of issues with the content of the requested data defined in Article 1 of the present Decision, ACER will send relevant communications to the SIDC NEMOs project manager, to the Chairman of the Intraday NEMOs Steering Committee, and to the list of SIDC NEMOs representatives that the SIDC NEMOs will provide to ACER before the beginning of the collection of the requested data indicated in Article 2(1) of the present Decision.