BULGARTRANSGAZ's COMMENT ON SECTION 2.2.4 "Who shall report transportation transactions"

Due to the character limit in the survey form, we are providing our comments on the responsibilities for reporting of transportation transactions in the enclosed file. These comments relate to Section 2.2.4, including general view on the responsible market participants for reporting primary transportation transactions and specific comments on paragraph 191 concerning the reporting of secondary transportation transactions.

Primary capacity allocations

It would be useful if ACER could elaborate who is responsible for reporting of primary transportation transactions / capacity allocations.

Following the deletion of Recital (4) of Regulation (EU) No 1348/2014, it is no longer entirely clear who is responsible for reporting primary transportation transactions / capacity allocations, i.e. whether this obligation lies with the TSO only, the network users only or both as market participants (MPs).

The removal of the former provision of Recital (4) may have been based on the "one-to-many" concept and the obligations of the OMPs. However, it remains unclear:

- On whose behalf such OMPs would report the relevant data (in the case of standard contracts);
- To whom the OMP should make the reported data (report files and return receipts) available in line with Article 8(3) of recast REMIT IR;
- Which market participant - TSOs, network users or both - should be responsible for reporting OTC primary capacity allocations;
- Who is responsible for reporting the lifecycle events (LCE) of primary allocations occurring outside an OMP - TSOs, network users or both as market participants.

It would be surprising if the legislator's intention was to place the reporting obligation for primary capacity allocations on network users as market participants, particularly in context of the move towards one-side reporting of storage and LNG fundamental data as obligation solely of the SSO/LSO.

It should be considered that the electronic format of Table 4 (Edig@s GasCapacityAllocation Schema) is designed for one-side reporting of primary capacity transactions. Even if double-side reporting of primary capacity transactions is expected, this will result in a one-to-one duplication of reports sent on behalf of the TSO and the network user(s).

Another technical consequence of the proposed change, which also appears to reduce efficiency and runs counter to the objective of optimization, is that if primary capacity allocations are to be reported by the OMP on behalf of network users, then, in order to avoid the disclosure of commercially sensitive information and to comply with Article 8(3) of Commission Implementing Regulation (EU) 2026/256 (recast REMIT IR), RRMs would need to move away from the current approach of structuring Table 4 report files. Instead of including all auction details (bids and allocations) for all network users in a single report file, they

would be required to split and distribute information on the behavior of individual network users across separate report files.

This would increase the number of files exchanged between RRMs and ACER, ACER and NRAs, as well as between RRMs and OMPs, and between OMPs and MPs.

As a further consequence, the volume and structure of LCE reporting will also be affected.

Splitting reports by network users' activity would allow the relevant MPs to access the corresponding data.

However, it would also fragment the reporting of a single auction across multiple reports, preventing TSOs and OMPs from maintaining a consolidated view of the reported information.

This would increase the complexity of data quality monitoring and reconciliation activities at TSO, OMP and RRM side.

Furthermore, any correction to the general auction data would necessitate the amendment and resubmission of all associated reports per network user, leading to increased processing activities, higher reporting volumes and additional operational burden.

Although technically feasible, this approach is not optimal and is inconsistent with the simplification and efficiency objectives which were leading principles for the revision of the REMIT reporting framework.

To avoid these suboptimal outcomes, resulting from the removal of the provision of Recital (4) of Regulation (EU) No 1348/2014, we would propose to consider a guidance solution whereby reporting of primary capacity allocations is carried out by, or on behalf of, the TSO only.

Otherwise, the Guideline should clearly indicate that the network users may be granted access to reported details about primary capacity allocations, that is irrelevant to their core business activities, while simultaneously being required to participate in data quality controls, LCE reporting and bear the associated reporting costs.

This outcome was neither anticipated nor can it be regarded as an optimization of the reporting process for any of the REMIT stakeholders involved.

Secondary capacity allocations

Comment on paragraph 191

Regarding paragraph 191 and the statement:

"Considering the unique role of TSOs in the process of capacity allocation, this report can also be provided by the TSO reporting on behalf of both market participants (given that the TSO is also an RRM)",

we would like to underline that

the involvement of a TSO in the context of secondary capacity transactions is of an operational and system-based nature and should not be considered as “arrangement” or “registration” of the secondary transaction.

The TSOs do not have a role in secondary capacity transactions that may engage them to report such details.

Even where TSOs are registered as RRMs, this registration is typically limited to self-reporting activities (of primary transactions or/and fundamental data) and does not necessarily extend to the provision of reporting services to third parties.

Where a TSO is not involved in arranging secondary capacity transactions, it should not be considered an OMP in relation to such deals and should therefore not be subject to the reporting obligations set out in Article 8(1a) of REMIT with respect to those transactions.

In addition, it should be acknowledged that the requirements set out in Commission Delegated Regulation (EU) 2026/255 on RRMs and IIPs differ significantly between third-party RRMs and self-reporting entities. Consequently, TSOs may neither be authorized to act as third-party RRMs nor be willing to assume such a role, given the additional obligations, compliance requirements and administrative burden associated with the provision of third-party reporting services.

In summary, we do not see a role for TSOs in secondary allocations that would generally justify assuming additional responsibilities for reporting external data beyond their own obligations. Although certain TSOs may choose, at their own discretion, to offer such services to their network users, this should remain optional and should not be considered a standard expectation or Guideline requirement.

Thus, we suggest deleting the quoted sentence from paragraph 191.