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ACER public consultation: Guideline on REMIT transaction reporting

Fields marked with * are mandatory.

Introduction

Background

Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency ("REMIT") establishes a framework to ensure the integrity and transparency of wholesale energy markets across the Union.

In 2024, REMIT was revised, introducing new and updated data reporting requirements. These changes were further specified in Regulation (EU) No 2026/256 on data reporting (recast REMIT Implementing Regulation), which sets out detailed rules on data reporting obligations, market participant registration, inside information disclosure, and monitoring procedures to ensure consistent enforcement of REMIT across EU wholesale energy markets.

Scope of the Guideline on transaction reporting

The revised REMIT introduced a new possibility for ACER to develop guidelines and recommendations to national regulatory authorities or market participants (Article 16b REMIT).

ACER has developed the Guideline on REMIT Transaction Reporting to facilitate the understanding of the data reporting rules and requirements under REMIT and the REMIT Implementing Regulation. The purpose of the Guideline on REMIT Transaction Reporting is to separate the technical guidance on how to report data to ACER, addressed in ACER's Transaction Reporting User Manual (TRUM), from the more policy-oriented aspects of data reporting, now consolidated into the Guideline on REMIT Transaction Reporting.

You can download the draft Guideline on REMIT transaction reporting here:

DRAFT_Guideline_on_REMIT_Transaction_Reporting.docx

Objective of the consultation

According to the revised REMIT, ACER shall conduct public consultations regarding the guidelines which it issues.

The objective of this consultation is to gather valuable feedback, needs and views from the public to refine the structure and content of the proposed guideline.

The survey is structured in dedicated sections following the chapters of the proposed guideline. Respondents are invited to submit their feedback on each section via the open questions below and/or by uploading documents with revision proposals in the dedicated section at the end of the survey.

Contact and deadline

The contact point for this consultation is: REMIT.Consultations@acer.europa.eu

All respondents are invited to submit their comments by 12 June 2026, 17:00 (CET)

Related documents

- Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency, https://eur-lex.europa.eu/eli/reg/2011/1227/oj
- Regulation (EU) No 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market, https://eur-lex.europa.eu/eli/reg/2024/1106/oj
- Commission Implementing Regulation EU 2026/256 of 30 January 2026 on data reporting implementing Article 7c(2), Article 8(1a), Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency and repealing Commission Implementing Regulation (EU) No 1348/2014 http://data.europa.eu/eli/reg_impl/2026/256/oj
- ACER REMIT Transaction Reporting User Manual (TRUM) Version 7.0 (published: 17 December 2024), https://www.acer.europa.eu/remit-documents/remit-reporting-guidance
- FAQs on REMIT Transaction Reporting (published: 30 September 2024), https://www.acer.europa.eu/remit-documents/remit-reporting-guidance
- 6.1 edition of ACER Guidance on the application of REMIT (published: 18 December 2024), https://www.acer.europa.eu/remit-documents/guidance-remit-application
- Questions & Answers on REMIT policy matters (published: 12 March 2025), https://www.acer.europa.eu/remit-documents/guidance-remit-application
- ACER's Manual of Procedures on transaction and fundamental data reporting (published: 17 April 2023), https://www.acer.europa.eu/remit-documents/remit-reporting-guidance
- ACER's Requirements for Registration of RRMs (published: 15 January 2021), https://www.acer.europa.eu/remit-documents/remit-reporting-guidance
- FAQs on REMIT Fundamental Data and Inside Information (published: 30 April 2021), https://www.acer.europa.eu/remit-documents/remit-reporting-guidance
- Open Letters on Data Quality, https://www.acer.europa.eu/remit-documents/remit-reporting-guidance

- Open Letters on REMIT Policy, https://www.acer.europa.eu/remit-documents/guidance-remit-application

Respondent's data

*** Name and surname**

This information will not be published

[redacted]

*** Email address**

This information will not be published

[redacted]

Name of organisation (if applicable)

EnBW Energie Baden-Württemberg AG

Type of organisation (if applicable)

Multiple values are accepted

- [x] Market participant (including association)
- [ ] Organised marketplace (including association)
- [ ] Inside information platform (including association)
- [ ] Transmission system operator (including association)
- [ ] National regulatory authority
- [ ] Academia/research institution
- [ ] Other (please specify)

*** Country**

- (•) EU-27
- ( ) Other

Data protection, confidentiality and publication of results

Data protection

ACER will process personal data of the respondents in accordance with Regulation (EU) 2018/1725, taking into account that this processing is necessary for performing ACER's consultation tasks.

More information on data protection is available in ACER's data protection notice and on ACER's website.

ACER will not publish personal data.

* I have read and understood the Data Protection Notice on External Webinars / Online Events and Data Protection Notice on Interactions with Stakeholders.

I confirm

Confidentiality and publication

Following this consultation, ACER will make public:

- the number of responses received
- company names, unless they should be considered as confidential
- all non-confidential responses
- ACER's evaluation of responses. In the evaluation, ACER may link responses to specific respondents or group of respondents.

You may request that the name of your company or any information provided in your response is treated as confidential. To this aim, you need to explicitly indicate below whether your response contains confidential information.

* Do you consent to the publication of the name of the organisation?

- (•) Yes
- ( ) No

* Do you consent to the publication of the provided answers?

Please, note that your answer, without your name and organization, may be shared with the EU institutions and national authorities.

- (•) Yes
- ( ) No

* Does your submission contain confidential information?

Please note that submissions containing confidential information will not be published.

- ( ) Yes
- (•) No

Section I: Introduction and scope

This section covers the following topics:

- Legal framework
- Scope and purpose of the Guideline on REMIT transaction reporting
- Target audience
- Transaction reporting and market monitoring
- ACER contacts

Do you have any comments on the guidance provided in this chapter?

We welcome the public consultation on the proposed Guideline on REMIT transaction reporting. At the same time the data reporting framework remains aligned with the core REMIT principles of proportionality, legal certainty, and role-based reporting obligations. In several areas, the current drafting may lead to ambiguity, inconsistent interpretation, or unintended expansion of reporting obligations, particularly for final consumers and non-trading activities. We therefore suggest improving clarity and consistency, ensuring alignment with established REMIT principles, and avoiding disproportionate administrative burden where no corresponding market integrity benefit arises.

Section II: Reporting obligations

II.1 What to report?

This section covers the following topics:

- Transactions to be reported on a continuous basis
- Transactions to be reported on a periodic basis
- Transactions to be reported at the request of ACER
- Reporting requirements regarding transactions executed via a trade-matching system
- Definition of standard and non-standard contracts
- Distinction between product, contract and transaction for standard contracts
- Lifecycle events
- Back-loading requirement

Do you have any comments on the guidance provided in this chapter?

• On supply transactions (2.1.1.1), we recommend explicitly clarifying that supply contracts with final customers exceeding 600 GWh/year fall under the periodic reporting regime and are not subject to continuous reporting obligations.
• On electricity storage transactions (2.1.1.3), where production and consumption are covered under a single contract and considering that a battery cannot qualify as a final customer, clarification is required as to whether such single contracts covering production and consumption of battery also fall within the limited reporting scope upon reasoned request only as the battery capacity is ≤ 10 MW. Also, clarification on when a so-called tolling agreement could be in scope and if so, how to report.
• On transactions to be reported on a periodic basis (2.1.2), While contracts with final consumers are reported periodically, execution reporting obligations remain unchanged. Thus the overall reporting burden is only limited reduced. Given that such contracts are typically bilateral, flexible, and do not pose a high risk of market manipulation, the current approach appears disproportionate. We therefore suggest reconsidering the execution reporting requirement, for example by limiting reporting to cases upon ACER request. Alternatively,

we suggest allowing market participants flexibility to report execution data either on a monthly invoice basis or through a single aggregated execution report covering a rolling six-month period. As regards the definition of gas storage contracts (12 months or longer), it would be helpful to have clarification of whether contracts with a duration of e.g. 6 months with, if not cancelled, will be automatically prolonged for another 6 months do also fall under this definition.

- On transactions with energy intensive final consumers (2.1.2.1): Under point (43), we would strongly recommend that ACER provide a standardised declaration template to be used by final customers for confirming the technical capability of the relevant consumption unit to consume 600 GWh/year or more. In addition, the guidance should explicitly state that final customers are required to inform market participants in a timely manner of their status and any changes thereto, to ensure correct application of the reporting regime. For consistency reasons it should also be checked which parts also apply to hydrogen (e.g. while (47) refers to hydrogen, (43) does not).
- Transactions related to balancing services (2.1.2.3): It should be explicitly specified that contracts related to balancing services, being concluded between a party and a TSO (or a respective TSO-driven platform), are reportable by the TSO, or the OMP, where auctions are hosted on external platforms.
- Transactions relating to the storage of natural gas (2.1.2.4): For primary storage allocations conducted by or on behalf of the SSO, clarification is needed that reporting responsibility lies with the SSO. If auctions are hosted externally, then the responsibility should lie with the OMP. Primary storage allocations resulting from such auctions should not be reported by market participants.
- Intragroup transactions (2.1.3.1): Clarification is requested as to whether intragroup transactions under exposure reporting follow the same “full consolidation” criteria for classification as intercompany transactions.
- Transactions relating to market-based redispatching measures (2.1.3.5): We understand that ancillary services fall within the scope of primary capacity allocations, and that the same reporting principles should apply. We therefore recommend clarifying this.
- Transactions for gas balancing services (2.1.3.7): The clarification provided for gas balancing services is helpful. Similar clarification should be explicitly extended to electricity balancing services. Consistent with the above, balancing contracts should be reportable only by the TSO or the OMP facilitating the auction.
- Definition of standard and non-standard contracts (2.1.5): We recommend clarifying in which category e.g. so-called gas swing contracts where no volumes are fixed but may be traded via a platform fall.

II.2 Who shall report?

This section covers the following topics:

- Reporting parties
- Who shall report transactions concluded on an organised marketplace
- Who shall report transactions concluded outside an organised marketplace
- Who shall report transportation transactions
- Who shall report storage transactions
- Who shall report lifecycle events
- Wholesale energy products already reported in accordance with MiFIR or EMIR

Do you have any comments on the guidance provided in this chapter?

Reporting Parties (2.2.1), on Points (123), (127), (128), we note that the text states that order book data is reported by OMPs “on behalf of market participants”, while the legal responsibility under Article 8 REMIT ultimately remains with the market participants entering into the transaction. At the same time, reporting parties are not held responsible for failures in completeness, accuracy, or timeliness where such failures are

attributable to another party in the reporting chain. In this connection it should also be stated (129) what can be reasonably be expected from market participants as regards to the verifying requirement.
In practice, this creates a structural inconsistency. Since the implementation of REMIT II order book reporting, access to OMP data by market participants and their RRMs has become increasingly constrained, as data sharing obligations of OMPs towards market participants are not clearly defined. At the same time, market participants remain subject to important obligations which require sufficient access to the underlying order book information. This results in a situation where market participants retain regulatory responsibility but lack effective access to the data necessary to fulfil that responsibility. We therefore recommend that ACER explicitly clarify that: OMPs are required to provide market participants, and their RRMs where applicable, with access to relevant order book data upon request; and such data provision should be ensured without introducing additional administrative burden and free of charge for market participants.

- Who shall report transportation transactions (2.2.4.): (186): Clarification is required on the reporting obligation in cases where primary capacity allocations take place outside an OMP, for example due to a lack of registration of a platform that would otherwise qualify as an OMP. In our view, this situation should not result in a transfer of reporting obligations to market participants. We therefore propose to explicitly clarify that: in cases where primary capacity allocations are not executed via a registered OMP, the reporting obligation remains with the TSO as the entity responsible for the allocation. In addition, where market participants become aware that a TSO is not registered as an OMP, or that reporting is not performed via a platform on their behalf, they should be able to notify ACER accordingly. Such situations should not require market participants to assume reporting responsibilities but rather trigger clarification or corrective action at the level of the TSO/OMP registration.
  - (187): We propose to clarify that, where single-sided reporting is accepted, the reporting obligation for both market participants involved in the transaction is deemed to be fulfilled. To support this simplification, additional wording should be included to provide legal certainty that: primary capacity allocations are reportable by TSOs only; and the same principle applies to secondary capacity allocations where these are executed via a platform with OMP status. Reporting of secondary capacity allocations is effective from 29 April 2026, accordingly, OMPs are expected to ensure that the necessary reporting arrangements are in place starting from 29 April 2026 to enable compliance with these obligations. Without such clarification, there remains a risk of duplication or uncertainty regarding residual obligations for counterparties.
  - (188) For completeness, we suggest explicitly aligning the treatment of secondary capacity allocations executed via OMP platforms with the above principle.
  - (191) We welcome the consideration to accept single-sided transaction reporting for secondary capacity allocations between market participants. We consider that further extending single-sided reporting to a broader set of transactions under REMIT, where appropriate, would reduce duplication and improve data consistency. Single-sided reporting would also be beneficial from completeness, accuracy and timeliness monitoring of data. Further clarification is required on the practical implementation of this approach. In particular: how single-sided reporting should operate where transactions are not executed via an OMP or capacity platform; and which party would bear the reporting obligation in such cases.
    Providing clear allocation rules is essential to avoid uncertainty and ensure consistent application.
- (194): We still would like to point out that as regards to e.g. Novations it should be re-considered whether these are classified as non-standards to allow more time for market participants to report these; also as these Novations are clearly agreed outside the OMP and only between the respective counterparties.

Section III: Start of reporting and reporting frequency

This section covers the following topics:

- Start of reporting
- Frequency of reporting

Do you have any comments on the guidance provided in this chapter?

With regard to paragraph (211), we reiterate our view that execution reporting for contracts with final customers exceeding 600 GWh/year should, as a general rule, only be required upon request by ACER

Other comments and file upload

Are there any other proposals you would like to share with ACER? (e.g. topics that should be covered, amendments etc.)

You can upload your proposals in Word or PDF here.

Please ensure that all your proposed amendments are in one document, clearly identifying each section affected. Track changed versions of the document are also welcome.

Maximum file size is 1 MB. If your file is larger, please use the functional mailbox: REMIT.Consultations@acer.europa.eu

Thank you for your contribution.

Contact

Contact Form