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ACER public consultation: Annex to the Guideline on REMIT transaction reporting (energy derivative transactions)

Fields marked with * are mandatory.

Introduction

Scope of the Annex on the reporting of energy derivative transaction

To complement the new Guideline on REMIT transaction reporting, ACER has developed a dedicated Annex on the reporting of energy derivative transactions.

The Annex:

- Clarifies the scope of reporting under REMIT and Regulation (EU) 648/2012 on over-the-counter (OTC) derivatives, central counterparties and trade repositories ('EMIR').
- Explains how REMIT reporting exemptions apply for derivatives that are already reported under EMIR.

You can download the draft Annex on reporting of energy derivative transactions under REMIT and EMIR here:

DRAFT_Guideline_Annex_I_V3_for_consultation.docx

Objective of the consultation

ACER is seeking stakeholder input to ensure the Annex is clear, practical and supports consistent data reporting across the EU.
In this process, ACER will also cooperate and consult with the European Securities and Markets Authority (ESMA).

The survey is structured in dedicated sections following the chapters of the proposed annex. 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 11 September 2026, 17:00 (CET)

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This information will not be published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This information will not be published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)

Type of organisation (if applicable)

Multiple values are accepted

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

Please specify

RRM

* **Country**

- ( ) EU-27 (please specify)
- (•) Other (please specify)

* **Please specify**

United Kingdom

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:

- Purpose of the Annex
- REMIT scope, definitions, terminology

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

We welcome the Annex as a focused, practical clarification of the REMIT/EMIR reporting boundary. We raise the following points for ACER's consideration:

- Hydrogen scope (paras 8–12): the Annex extends the wholesale energy product definition to hydrogen throughout. We ask ACER to confirm that hydrogen derivatives are subject to the same "delivery in the Union" reportability test as gas and electricity (Article 3(a)(ii) / Article 4(8) of the REMIT Implementing Regulation), and to add a worked example analogous to the existing natural-gas example in para 12, given that hydrogen delivery points and cross-border infrastructure are less standardised across Member States and are more likely to generate genuine classification uncertainty.
- Article renumbering (throughout): the Annex refers to a new Commission Implementing Regulation (EU) 2026/256 with materially renumbered articles compared with the regulation underpinning the current TRUM section 3.2 (Implementing Regulation (EU) No 1348/2014). We ask ACER to publish a short concordance table mapping old to new article numbers, to help reporting firms update internal compliance documentation and RRM specifications without misalignment.

Section II: Reporting obligations under REMIT and EMIR

This section covers the following topics:

- Counterparties vs market participants
- Energy derivatives reportable under EMIR
- Energy derivatives reportable under EMIR and REMIT
- Energy derivatives reportable only under REMIT

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

Section III: Reporting derivative transactions under EMIR / REMIT

This chapter illustrates ACER’s understanding of EMIR and REMIT reporting obligations in an ETD trading scenario.

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

- We welcome the addition of a concrete, field-level worked example (Investment Firm A / Client B / Firm C) - this is a significant and useful improvement in practical usability compared with existing guidance, which contains no equivalent illustration.
- We ask ACER to add at least one further worked example covering a purely bilateral OTC derivative concluded outside an OMP and outside clearing (i.e. reported directly by the market participant under Article 6 (3)/Article 8 of the Implementing Regulation), since the Annex itself identifies this as "the only instance where transaction data may be reported by market participants themselves" (para 39/current TRUM equivalent) and it remains, in our experience, the scenario generating the most reporting queries.
- We ask ACER to add a worked example covering a DEA chain (as distinct from the executing-broker chain already provided), given the emphasis placed on DEA obligations in Section II and the specific field-population question raised above regarding sub-delegated clients.

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