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This information will not be published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This information will not be published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

[redacted]

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**

- ( ) Austria
- ( ) Belgium
- ( ) Bulgaria
- ( ) Croatia

- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

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?

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?

Footnote 3. Cites "Section X" of the TRUM; the section number is missing.

Footnote 7. Refers to "section 1.3". The Annex has no section 1.3; the statement referred to appears in sections 2.2 and 2.4.

Paragraph 27. Article 9(1b), (1c) and (1d) of EMIR each apply only to OTC derivative contracts. The paragraph omits that limitation, although footnote 6 states it when citing Article 9(1a). In an Annex whose worked scenario is an exchange-traded derivative, the distinction decides whether the responsibility shifts at all. Paragraph 1d also concerns an IORP rather than an investment fund.

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?

Section 3, first table. The table is captioned "investment firm acts on its own account" but reports Trading capacity "A" (Agent) with Client B as the Beneficiary ID. An entity reported as Agent with a beneficiary other than itself is not trading on its own account; "dealing on own account" is a defined term in MiFID II meaning principal. The values are right — field 12 describes the party in field 1, and Investment firm A does act for Client B. The caption is what needs changing, e.g. "investment firm reports as the market participant, trading for Client B". The second table's caption is correct and its field 9 is expressly "market participants acting on a third-party account".

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.)

Article 8(7) of the REMIT Implementing Regulation deems the reporting obligation fulfilled where details have been reported under either Article 26 of MiFIR or Article 9 of EMIR, and Article 8(6) provides for both data routes, including approved reporting mechanisms. The Annex addresses only the EMIR route, as paragraph 2 states. Much of it concerns investment firms, executing brokers and DEA providers, which are the entities reporting under Article 26 MiFIR. We would ask ACER to extend the Annex to the MiFIR route, or to indicate when it intends to.

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