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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*This information will not be published*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*This information will not be published*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*

- [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 (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 I: Introduction and scope
The Annex provides a helpful explanation of the scope of energy derivatives reportable under REMIT. However, additional clarification would be beneficial regarding the practical interpretation of the concepts "with delivery in the Union" and "may result in delivery in the Union", particularly for electricity derivatives.

Providing several practical examples illustrating different delivery scenarios would significantly improve consistency of interpretation among market participants, RRMs and NRAs.

Furthermore, clarification would be appreciated on how the proposed interpretation applies to non-EU market participants registered under REMIT (e.g. entities registered through ACERNONMP.EU), particularly where such entities participate only in derivative markets and not in the EU physical energy market.

## 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 II: Reporting obligations under REMIT and EMIR

The Annex clearly explains the interaction between REMIT and EMIR reporting obligations. Nevertheless, several practical trading arrangements could benefit from additional clarification.

Firstly, it would be useful to clarify the reporting treatment of Request-for-Quote (RFQ) trading models, including whether an RFQ should be regarded as an order to trade for REMIT purposes and how the reporting responsibilities should be allocated between the parties involved.

Secondly, further clarification would be appreciated regarding energy derivatives that fall within the scope of REMIT but are not reported under EMIR. In such cases, it would be helpful to specify which entity is expected to fulfil the REMIT reporting obligation (market participant, organized marketplace or another reporting entity).

Additional guidance on these practical scenarios would help ensure consistent implementation across different market structures.

## 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 III: Reporting derivative transactions under EMIR / REMIT

The reporting examples provided are very useful. However, they focus primarily on exchange-traded derivatives executed through investment firms.

ACER may consider expanding this section by including additional practical reporting examples covering:

OTC energy derivatives;
brokered transactions;
RFQ trading workflows;
DEA trading arrangements;
examples illustrating the population of Table 1 fields under different reporting scenarios.

Providing field-by-field reporting examples would significantly improve consistent implementation by RRMs, organized marketplaces and market participants.

## 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.)**

Overall, the Annex represents a valuable step towards improving the interaction between REMIT and EMIR reporting frameworks.

Given the complexity of derivative trading arrangements, ACER may also consider publishing a supplementary collection of practical reporting scenarios (FAQs or Examples Guide) that could be updated over time without requiring amendments to the Guideline itself.

Such a document would provide flexibility for addressing new market practices while promoting consistent reporting across the Union.

As energy derivative trading models continue to evolve, particularly through increased automation, RFQ workflows and cross-border participation, ACER may consider maintaining this Annex as a "living guidance document", complemented by periodically updated practical examples and FAQs. This approach would support consistent implementation without requiring frequent amendments to the Guideline itself.

**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