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This information will not be published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This information will not be published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

E.ON Energy Markets Gmbh

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?

EEM welcomes the objective of improving consistency between REMIT and EMIR reporting regimes.
To further enhance legal certainty, ACER should explicitly clarify that the Annex does not introduce additional reporting obligations beyond those already established under REMIT and EMIR. In particular, the Annex should clearly distinguish between:

- transactions reportable under EMIR only,
- transactions reportable under both REMIT and EMIR, and
- transactions reportable solely under REMIT.

The distinction between financial and non-financial wholesale energy products should be supported by additional practical examples, especially for physically settled commodity derivatives and contracts falling within the MiFID II C6 carve-out.

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?

EEM supports ACER's confirmation that transaction details already reported pursuant to Article 9 EMIR should be deemed to fulfil the corresponding REMIT transaction reporting obligation.

However, further clarification is required regarding:
- delegated reporting arrangements,
- EMIR single-sided reporting,
- lifecycle event reporting,
- division of responsibilities between market participants, OMPs and trade repositories.

The Annex should explicitly confirm that the REMIT exemption applies whenever the relevant transaction details have been successfully reported under EMIR, irrespective of whether the reporting was performed directly by the market participant, by a delegated reporting service provider or under EMIR's single-sided reporting regime.
Furthermore, ACER should clarify that lifecycle events already reported under EMIR, including modifications, compressions, terminations, novations and other post-trade events, do not require duplicate reporting under REMIT.
The Annex should also explicitly state that order reporting obligations remain the responsibility of the Organised Market Place where applicable, and that market participants should not be expected to replicate order lifecycle information already maintained and reported by the relevant OMP.

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?

EEM welcomes the ETD example provided in the Annex.
To avoid different interpretations among market participants, RRMs, OMPs and National Regulatory Authorities, ACER should make explicit that:

- transaction reports are received via the EMIR reporting framework,
- order data is reported by the relevant OMP under REMIT,
- market participants are not required to submit duplicate reports containing equivalent information.

This clarification is particularly important for exchange-traded derivatives where market participants typically do not possess the complete order lifecycle data maintained by trading venues.
Additional examples covering:

- exchange-traded derivatives,
- broker-assisted trading,
- give-up/take-up arrangements,
- centrally cleared OTC transactions,
- delegated EMIR reporting,

would further improve consistency across the Union.

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.)

ACER should explicitly confirm the reporting responsibility for lifecycle events under a reporting chain involving EMIR Trade Repositories, Organised Market Places and market participants.
Where:

- transaction details and lifecycle events are reported under EMIR, and
- order lifecycle events are reported by the relevant OMP under REMIT,

market participants should not be subject to any additional reporting obligation for the same event.
This clarification is essential to avoid duplicate reporting, inconsistent data submissions and unnecessary implementation costs.

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