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*This information will not be published*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*This information will not be published*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

Proxigas

**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?**

Regarding the general scope of REMIT (ref. Box “Example”), we would like to point out that the current drafting could imply that events concerning non-EU deliveries must be treated as inside information solely because they relate to a non-EU underlying traded on an EU OMP. In this regard, we believe it crucial to clarify that the disclosure obligation should logically apply only to information capable of affecting the EU’s physical energy balance, rather than the physical balance of other regions.
Regarding paragraph 11, the reference to a “financial open position” may create ambiguity, as the term is not defined under REMIT. To improve clarity, we suggest the following wording: "With regard to reportable transactions, ACER clarifies that adjustments to an aggregated open position in a derivative qualifying as a financial instrument are not reportable under REMIT, provided they do not modify the terms of the underlying wholesale energy product transaction."

## 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 2.4 addresses ETDs traded on EU venues by non-EU counterparties that are not subject to EMIR reporting obligations. We would also suggest clarifying the treatment of bilaterally concluded derivative transactions involving non-EU counterparties, as these transactions are likewise relevant for REMIT reporting purposes. Including a specific example would improve the completeness and practical usefulness of the guidance.

## 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?**

## 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