

Response to the Public consultation on the Common Schema for the Disclosure of Insider Information

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Introduction

The Agency for the Cooperation of Energy Regulations (ACER) has invited for responses to the questions listed in the Public Consultation Paper on the *Common Schema for the Disclosure of Inside Information* (27th May 2015).

Europex welcomes the opportunity to provide comments on the proposed *Common Schema for the Disclosure of Inside Information*. As transparency platform providers, energy exchanges and market administrators are genuinely interested in ensuring a consistent framework for the disclosure of inside information.

The implementation of requirements included in the ACER Guidance has resulted in divergent disclosure practices in terms of content, timing and nomenclature. In some markets, the participants provide Urgent Market Messages (UMM) on their websites with significant delays and according to their own interpretation of the inside information definition. The decision times and publication times are often not coherent, whereas the UMMs are even often modified during the duration of the event.

Transparency platforms are best suited for the disclosure of inside information in line with REMIT provisions. All information is presented in one place, in a standardized, and transparent way, which provides consistency in the way the inside information is published. Transparency Platforms ensure compliance of the UMM disclosure with the Implementing Regulation and facilitate their collection and publication in order to further increase transparency in wholesale energy markets.

Hence, in order to reinforce the disclosure framework, transparency platforms should be endorsed by ACER Guidance as the recommended way for publication of the inside information.

Therefore Europex supports the principle aim of the proposals, i.e. to standardise the publication of inside information across Europe. However, we have some comments on the proposed details. We also would like to stress that if platforms have to implement new (standardised) requirements our members will need sufficient time to adapt to these. This adaption process will not be finished until 7 October even if ACER would confirm detailed requirements very soon.

Please note that when we use the term “optional field” that has to be understood both in the way that it is optional for the market participant to report/publish these data and that it is optional for the platform operator to include these data in its publication services.

All Europex positions concerning REMIT can be found on the EUROPEX website under the Working Group Financial Markets & Transparency section: [LINK](#)

Consultation question

Box 1: Questions related to the proposed schemas

1. Would you add any other field not included in the current proposal? If so, please explain your reasoning.

- **Updated nominal capacity**
 - o We would like to add a field to state changes to nominal capacity in MW. This information allows readers to stay informed on changes to the potential available capacity of an asset in a structured way. This field should be optional.

- **Affected Unit EIC code**
 - o We would like to add the field “Affected Unit EIC code”. This field is to be used for stating the EIC code for production, generation or consumption units (Please see description of “Affected Unit” in section 3 for further explanation).

- **Affected Unit - Other Identifier**
 - o We would like to add a field to identify the Affected Unit in addition to the one proposed by ACER (please see description of “Affected Unit” in section 3). Market Participants in some Member States are already familiar with existing national identifiers and we would request that if the schema is to be common between ACER and all other readers of inside information data, an additional field to record these existing national identifiers should also be permitted, which would then be searchable. This field should be optional.

- **Duration uncertainty**
 - o The use of duration uncertainty (at least for larger assets or units) will provide additional material information that may relate to the price formation, which also may be inside information in long-term markets. By using a separate searchable field paired with guidance on such information would be given in a consistent manner. This field should be optional.

2. Would you remove any field represented in the current proposal? If so, please explain your reasoning.

No comments.

3. Would you change any of the descriptions, accepted values or applicability? If so, please explain your reasoning. Are the schemas or values that you are suggesting based on any industry standard? Which one(s)?

- “Affected Asset” to be changed into “Affected Unit”:

- Wording: The use of the word “asset” may be confusing. Article 10.1.a, and b in the Transparency Regulation refer to “Assets” and the following types of assets are foreseen; *AC Link, DC Link, Transformer and substation*. We suggest using the term “Affected Unit” instead of “Affected Asset” when referring to production, generation, or consumption units. Production and consumption units are defined in the Implementing Acts article 2 (12) and (13).
 - The field “Affected Asset” can thus refer only to transmission assets (*AC Link, DC Link, Transformer and substation*)
 - The field “Affected Asset EIC code” can thus only refer to the EIC code of a transmission asset (*AC Link, DC Link, Transformer and substation*) and so an additional field for “Affected Unit EIC code” is required (see section 1).
- **Event Status:**
 - We suggest that there should be a set of definitions to explain the circumstances in which each “Accepted Value” is used.
- **Bidding Zone:**
 - We recommend displaying the smallest unit of a balancing zone, be it control area or bidding zone as this differs across Europe. This makes the information published as precise as possible.
- **CO 2 information:**
 - Europex supports the publication of information on CO2 with the aim to avoid a double reporting of the same insider information under REMIT and MAR, which has an impact on carbon prices. This information will consist predominately of relevant power production and consumption unit outages which are already reported under REMIT. Therefore, it is more efficient and less burdensome for firms that such outage information released under REMIT is considered to achieve a simultaneous compliance under MAR.
 - The filling could then be automatically triggered by outage threshold levels or CO2 relevant fuel types to be jointly agreed by ACER and ESMA. The prerequisite will be that initially ACER and ESMA agree in a (legally) binding way and that the MAR implementing acts will provide for this approach, too. If not, market participants will be subject to substantially different and therefore costly and burdensome double reporting under MAR without any obvious benefits.
 - The reporting and publication should though be optional for market participants as well as platform operators.

Box 2: Question related to the implementation of web feeds

4. Do you agree with the use of RSS or ATOM feeds to fulfil the requirement under Article10(1) of the REMIT Implementing Regulation?

We do not believe ACER should prescribe a specific technology for collection of inside information. However, if ACER requires the use of RSS we would like to understand how frequently ACER intends to collect data from inside information platforms.

It must be ensured that UMMs that have effect more than 2 years ahead are still available for the market.

From a usability and technology perspective we see possible problems in size, performance and readability of the RSS feed. This cannot be only a problem for the publishing entities (like transparency platform operators) but also for the market participants and the public which are using these RSS feeds.

We recommend differentiating between publication and disclosure of insider information. From our viewpoint, publication is fulfilled if the insider information is published in a timely manner on a website. So our recommendation for publication (e.g. on the website) is a time period of 2 years as proposed.

But for disclosure to ACER in the RSS feed we recommend a time period of the last 24 hours.