

**Joint roundtable meeting with IIPs and AEMPs on proposals for REMIT II
delegated act in respect to IIPs**

Wednesday, 18th September 2024 | 09:30 - 14:30

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Roundtable meeting with IIPs on REMIT fees going forward

Wednesday, 18th September 2024 | 14:45 - 15:30

Online

MINUTES

(CHATHAM HOUSE RULE, NO NAMES IN QUOTES DURING THE MEETING)

Represented institutions	Remarks
ACER	
ACM	
ARERA	
BNetzA	
Balkan Gas Hub/Bulgatransgaz	
Central European Gas Hub AG	
Comission Régulation de l'Energie - CRE	
DG ENER	
Elia	
Enel	
ENER-EXT	
Energiavirasto	
Energy Traders Europe	
ENTSO-G	
Eurelectric	
Eurogas	
European Energy Exchange AG	

Gas Inside Information Platform/GAZ-SYSTEM	
Gassco	
Gestore dei mercati energetici-GME	
GIE - JAIC	
HUPX	
IBEX	
Joint Allocation Office S.A. (JAO S.A)	
MIGBAS	
NUCS	
OMV	
PRISMA European Capacity Platform GmbH	
Red Eléctrica /ENTSO-E	
RTE	
RWE	
SEEBURGER AG	
Solien, s.r.o.	
Svenska Kraftnät	
Webware Internet Solutions GmbH	

1. MEETING OPENING PART

1.1 Welcome address by ACER

ACER opened the meeting by emphasising its objective of presenting ACER's proposals for the Delegated Act (DA) concerning the requirements for the authorisation and supervision of Inside Information Platforms (IIPs) in alignment with Regulation (EU) 2024/1106 (REMIT II)¹, while also seeking feedback from participants.

1.2 Welcome address by DG ENER

DG ENER addressed the roundtable, expressing readiness to gain valuable insights from ACER's upcoming presentations and participants' input on IIPs, which could be considered in the Delegated Act, to be adopted in May 2025.

2. INTRODUCTION AND AUTHORISATION

The agenda of the roundtable was presented, and the scope and purpose of the meeting were outlined in detail. ACER presented its proposals for the Delegated Act and invited the IIPs and AEMPs for feedback and interaction on the relevant topics.

After presenting a timeline with the anticipated milestones from May 2024 until October 2025, ACER introduced the main novelties included in the REMIT II applicable to IIPs. These novelties include the IIP definition, the obligation of IIPs to pay REMIT fees and specific requirements stated in the Article 4a of the mentioned REMIT II. Under such requirements, ACER will be responsible for the authorisation, supervision and, withdrawal and orderly substitution of IIPs.

ACER presented the main documents relevant for IIPs to be authorised as of next year, such as the Delegated Act as stated in REMIT II, and the Decision on REMIT Fees that should be adopted by the Commission, while also pointing to the need to provide further guidance on the IIP authorisation process.

ACER emphasised the main elements that the Delegated Act should contain, such as the means by which an IIP shall fulfil the obligation to make public the inside information, the content and any relevant further details of the inside information made public, the specific organisational requirements, the process of withdrawing an authorisation of an IIP, the procedural safeguards, the process for orderly substitution and the detailed arrangements for informing market participants of a decision to withdraw the authorisation of an IIP.

¹ [OJ L 326, 8.12.2011, p.1](#)

The approach used to formulate ACER's specific proposals in the Delegated Act is based on the existing requirements (Guidance on the application of REMIT, Manual of Procedures on data reporting, Agency's REMIT Information System Data Validation), ACER's experience gained on the registration and the operation of the IIPs over the years, improvement of data collection, its accuracy and its quality, the alignment of the provisions for IIPs and RRM according to REMIT II, and other legislations used for proposals that were not previously detailed in ACER documents, e.g. the Regulation (EU) 2022/1858 for proposals on data validation.

2.1 Authorisation of IIPs

ACER proposed to standardise the submission of the application of the entities aspiring to be authorised as IIPs by providing templates and guidance on the fulfilment of the applicable requirements. ACER would like to put more emphasis on the format and the quality of the data content.

ACER suggested keeping the existing process for the authorisation that includes two stages, the first stage covering the submission of documents for the application and the second stage including the testing process.

For the authorisation of already registered IIPs, ACER proposed a more straightforward process, to be used. ACER also took the opportunity to explain that IIPs, in its view, should be allowed to test with non-live data.

ACER continued the presentation with proposals on the precise definition of the legal terms "client" and "inside information report", which are used in REMIT II. ACER introduced a poll to give the participants to express opinions as well as propose other terms to be defined in the Delegated Act. The participants were supportive of ACER proposal on client and inside information report definitions.

Lastly, ACER presented a table comparing the existing IIP requirements with ACER's new recommendations for IIP authorization. According to this table, certain requirements would remain the same, while others are suggested to be amended. Some requirements were introduced in line with REMIT II provisions.

2.2 Q&A session and potential intervention by participants

During the Q&A session, ACER addressed the questions, suggestions and opinions submitted by participants during the meeting. The questions mostly concerned deadlines and timeframes. Participants added that it is unclear which information are required under 'programme of operation' and 'outsourcing strategy', which was elaborated by ACER as indications of the location and a description of the main business activities (including outsourcing arrangements) which will be described more in details in guidance documents. In addition, it was emphasized to avoid providing too much information due to legal and security constraints. Notably, the Commission confirmed that there will be a single Delegated Act for both RRM and IIP rather than two separate ones. Participants agreed with and appreciated

ACER's proposal to facilitate the authorisation process of existing IIPs and with the fact of testing in phase 2 with non-live data. They also underlined the need for clear and unambiguous guidance from ACER regarding the requirements in Article 4a(3), (4) and (5) of REMIT II, as well as sufficient time to implement changes arising from REMIT II and the forthcoming Delegated Act.

3. ORGANISATIONAL REQUIREMENTS OF AUTHORISATION

3.1 Requirements for the publication of Inside Information

ACER proposed to keep the preexisting requirements under Article 4a(3) and (4)².

3.2 Requirements for the reporting of Inside Information

ACER's proposals are that (i) IIPs should report inside information to ACER (as stated in REMIT II) no later than one working day after the publication of such information, the same requirement applies for modification; (ii) for the aforementioned reporting, the IIP to include the establishment of a secure environment: (a) a protected network connection with ACER and (b) the use of interfaces indicated by ACER. ACER's understanding of REMIT II is that inside information should be reported, hence web feeds currently used for the collection of inside information should not be used.

3.3 Validation of data

REMIT II defines that: *"The IIP shall have mechanisms in place allowing inside information reports to be quickly and effectively checked with regard to their completeness, to identify omissions and obvious errors, and to request receipt of a corrected version of such reports."*

In ACER's view the above requirement could be met via so-called validation rules and ACER presented the concept. It made a distinction between validation based in XSD (electronic format) and validation that depends on submitted values in data fields. ACER proposed to base the validation of data on experience with transaction data XML submission by RRM's.

Given the text in REMIT II and ACER's understanding it is proposed that (i) IIPs need to implement and apply ACER validation rules no later than three months; (ii) IIPs shall have systems and controls in place to ensure that inside information published on their platforms and reported to ACER has not yet been disclosed; (iii) when validation rules are triggered, IIPs shall either reject the incomplete report and request a corrected version from the client or flag invalid published Inside Information; (iv) the submission form will be in a standard electronic

² [OJ L 326, 8.12.2011, p.1](#)

format; (v) the reporting outcome will be provided by ACER to IIPs; (vi) IIPs should have automated alerts, proper communication channels in place notifying the market participants about and allowing them to correct invalid information and grant access to reports and receipts to their clients.

3.4 Adequate resources and back-up facilities

On adequate resources, ACER's proposal focused on continuity and regularity in the performance of the services provided and adequate protection of the IIP through sufficient staffing, infrastructure, capital and financial resources.

On back-up facilities, ACER proposed robust operational risk controls and procedures aimed at ensuring minimal disruptions of the IIP services. As to that, specific targets were proposed and discussed with the participants.

3.5 Security and authentication

ACER presented its proposal for the IIPs, containing the following elements:

- 1) Security Mechanisms: IIPs should implement a sound information security management system (ISMS) or equivalent security measures to ensure the secure transfer of information. This includes (a) a secure environment for collecting and managing information and (b) a protected network connection and appropriate network interfaces for transferring information to ACER.
- 2) Policies and Mechanisms: IIPs should have policies and mechanisms in place to ensure (a) confidentiality, integrity, availability, authenticity, accountability, reliability, and non-repudiation of information (b) minimization of the risk of unauthorized access and data corruption and (c) prevention of information leakage before publication.
- 3) Incident Reporting: IIPs should adhere to deadlines for the immediate notification to ACER and clients as well as for the submission of an initial report and a detailed incident report describing the incident and preventive steps taken.

3.6 Q&A session and potential intervention by participants

A participant suggested that it would still be useful for IIPs to maintain web feeds as a channel for the dissemination of inside information. The IIPs stated that REMIT II already requires making the data available through a website or API. They believe that, with ACER's expectations for data submission, a third secure interface would be necessary, and along with the existing web feeds, this would mean managing four different channels. ACER explained that only two obligatory channels are required under REMIT II: the first one for publication/dissemination, which can be either a website or an API, and the second one for reporting to ACER. Web feeds are optional, and IIPs can maintain them as an additional channel for the dissemination of inside information if they choose to do so.

Some IIPs suggested that ACER provide them with the code used for data validation rules, along with a database for testing their implementation. They also recommended having a consultation meeting for validation rules.

The IIPs expressed strong concerns about the data validation solution to ensure that the inside information published on their platforms and reported to ACER has not yet been disclosed. The presented arguments were related to:

- Risks for the timeliness of the disclosure which is critical for the MPs' trading process;
- It is unlikely that in case of multicasted inside information on particular event to several IIPs, the content of the published UMMs will fully overlap (at least the message ID and the publication date and time will differ);
- The associated cost and complexity (there is no obligation for the IIPs to provide a unified interface for data export);
- Stakeholders expressed view that the Regulation does not explicitly prohibit the publication of inside information on more than one IIP.

As for the last point, ACER specified that, according to REMIT II, inside information is defined as information that has not been made public. Therefore, if it has already been published, any re-publication is seen as an obvious error. As an alternative, participants proposed that market participants should declare they won't post the same inside information on more than one IIP.

Most questions focused on the resources and back-up facilities, which, in the participants' opinion, could be even stricter than what is proposed by ACER. The participants highlighted some fundamental aspects that should be addressed through the Delegated Act, including the possibility of mutual usage of IIPs for backups, or the possibility for market participants to use their own website to disclose inside information under exceptional circumstances. Some participants criticized that mutual usage is not feasible for the majority of IIPs because they are in a competition to the benefit of MPs.

4. SUPERVISION OF IIPS

4.1 Supervision of IIPs

ACER emphasised that IIP supervision should be rigorous to ensure market transparency. It should, in its view, combine preventive and corrective measures to ensure compliance with REMIT II and the Delegated Act. ACER's objectives are to ensure the availability and high quality of data submitted by IIPs, detect non-compliance, and maintain the security, availability, and operational reliability of the Agency's REMIT Information System (ARIS) without major interruptions caused by IIPs.

ACER's suggested approach includes the following: i) communication between both parties in case of changes to the conditions of the authorisation, ii) IIPs shall provide a description of any breach or non-compliance along with a proposed remedy, iii) ACER may request the IIPs to rectify any identified infringement within a specified deadline, as well as provide information

to verify the IIPs` compliance with the Delegated Act, iv) ACER may consider the feedback of IIP clients for the future development of the supervision process.

4.2 Q&A session and potential intervention by participants

During the Q&A session, ACER addressed the questions submitted by meeting participants. The participants focused on the meaning of “IIPs to provide alternative means of disclosure that a client can use in case of a downtime”. The main solutions presented by IIPs have been (a) redirection of the market participant to a back-up website or a parallel tool which may turn “active” only in case of downtime of the main platform, (b) sharing the back-up link (usually by email) with market participants only when downtime occurs, (c) allowing market participants to use the services of other IIPs during downtimes, ensuring continuous access to information.

5. PROCESS FOR THE WITHDRAWAL OF THE AUTHORISATION AS IIP

5.1 Withdrawal of the authorisation of the IIP

ACER presented its proposal on two scenarios of a withdrawal under REMIT II, Article 4a (7). The first scenario applies when an IIP doesn't fulfil the requirements stated in REMIT II, while the second relates to an IIP wishing to renounce its authorisation.

As stated in REMIT II, the withdrawal of an IIP authorisation shall be done by means of an ACER Decision. REMIT II also specifies that ACER shall promptly notify the national regulatory authority in the Member State where the IIP is established of any decision to withdraw the authorisation of an IIP and shall inform the market participants thereof. In line with REMIT II, the withdrawn IIP shall be removed from the public register, and ACER proposes that this shall be done no later than one working day after the adoption of the Decision.

5.2 Process for the orderly substitution of IIPs

ACER presented its suggested proposal on the process for the orderly substitution of an IIP under Article 4a(7) of REMIT II, by which a reasonable period of at least six months should be given to ensure such an orderly substitution. During that period the IIP shall ensure continuity of the services it provides. The suggested process is as follows: i) the IIP shall notify its clients about its withdrawal and ask them to select a new IIP (otherwise it is suggested that ACER will select one on their behalf), ii) the IIP shall transfer to the selected IIP the inside information that has been reported to ACER, iii) the IIP shall ensure continuity of the services it provides during the period of orderly substitution (as stated in REMIT II).

In addition, ACER suggested that clients may request any information with respect to the transfer of data from the IIP whose authorisation has been withdrawn by ACER.

5.3 Q&A session and potential intervention by participants

During the Q&A session, the process in which the orderly substitution should be carried out was discussed, as the new IIP would need to integrate the market participants' information in its system. The participants mentioned that some TSOs already have backup solutions, another IIP, and it is therefore feasible to switch data from one IIP to another. ACER presented a poll in which participants agreed that, in the case of withdrawal of the authorisation of one IIP, there is no need to transfer and republish historical data to another IIP (except for UMMs that are still active).

6. CLOSING REMARKS

ACER concluded the discussion and highlighted the most relevant topics, such as the importance of backup solutions, the authorisation of already existing IIPs, and the issuance of a single Delegated Act for both IIPs and RRM.s.

In addition, ACER mentioned that the presentation, these minutes, and a summary of the inputs in the Q&A sessions will be shared with participants.

ACER finished its intervention by inviting participants to bilateral meetings if needed (in particular after receiving the roundtable presentation), as well as future roundtable meetings (expected next year) to address the IIP authorisation process.

7. REMIT FEES GOING FORWARD

7.1 REMIT Fees

DG ENER informed participants that based on the revision of REMIT in 2024, the Commission is preparing to update Commission Decision (EU) 2020/2152 on setting the REMIT Fees. Article 32 of Regulation (EU) 2019/942 has been changed and fees shall be due also for disclosing inside information pursuant to Article 4 and 4a of REMIT. The fees shall be paid by registered reporting mechanisms and inside information platforms. Revenues from those fees may also cover the costs of ACER for exercising the supervision and investigation powers pursuant to Articles 13, 13a, 13b and Article 16 of REMIT. The fees and the way in which they are to be paid, shall be set by the Commission after carrying out a public consultation and after consulting the Administrative Board and the Board of Regulators.

The current REMIT fees model reflects the complexity of reporting despite not being overly complex itself. The number of records reported by the RRM.s has been steeply increasing since the introduction of the REMIT fees and consequently REMIT fees eligible costs as well. Over the last two years, ACER collected less fees compared to the planned REMIT budget.

There is a strong interdependency between the REMIT fee model and the design of the revised REMIT Implementing Regulation which is planned to be adopted by May 2025. The

Commission's public consultation will cover options on how to finetune the current REMIT fee model.

The financial statement accompanying the REMIT revision stipulated the need for extra-investment costs for ACER to be financed through REMIT fees in 2025 and 2026.

Post-Meeting Update:

On 2nd October 2024, a public consultation on ***Fees paid to the Agency for the Cooperation of Energy Regulators (ACER) – update*** was launched. It can be found at [this link](#).

7.2 Q&A session and potential intervention by participants

During the Q&A session, DG ENER and ACER provided clarifications on questions, mainly on the envisaged timeline for IIP fees collection and supervision fees. Please refer to the aforementioned public consultation document for further details.