

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

Tuesday, 17th September 2024 | 09:30 - 14:45

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Roundtable meeting with RRM on REMIT fees going forward

Tuesday, 17th September 2024 | 15:00 - 16:00

Online

MINUTES

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

Represented institutions	Remarks
ACER	
AGEN-SI	
Austrian Power Grid	
Bayernets GmbH	
Borzen	
Bulgatransgaz	
CPEX	
DG ENER	
Enel	
Energy Traders Europe	
Eni Spa	
ENTSO-G	
EPEX SPOT	
Equias	
Eurelectric	
European Energy Exchange AG	
FGSZ Ltd.	
Get Baltic	

GIE	
GME	
GRTgaz	
HEnEx	
HUPX	
IBEX	
ICE	
IPTO	
Joint Allocation Office S.A. (JAO S.A)	
Marit	
MAVIR	
MIBGAS	
National Grid Interconnectors	
OMIE	
OMV	
ONTRAS Gastransport GmbH	
OTE, a.s.	
Polskie Sieci Elektroenergetyczne S.A.	
PONTON	
PRISMA European Capacity Platform GmbH	
Red Eléctrica /ENTSO-E	
RTE	
RWE	
Solien, s.r.o.	
Trayport Limited	

1. MEETING OPENING PART

1.1 Welcome address by ACER

ACER opened the meeting by emphasising its objective of presenting ACER proposals for the Delegated Act (DA) concerning the requirements for the authorisation and supervision of Registered Reporting Mechanisms (RRMs) 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 RRM, which could be considered in the Delegated Act, to be adopted in May 2025.

2. INTRODUCTION AND AUTHORIZATION

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 RRM and AEMP for feedback and interaction on the relevant topics.

After presenting the timeline with the anticipated milestones from May 2024 until October 2025, ACER introduced the main novelties included in the REMIT II, which are applicable for RRM. These novelties include the RRM definition and specific requirements stated in the Articles 8(1) and 9a of REMIT II. Under such requirements, ACER will be responsible for the authorisation, supervision, withdrawal and orderly substitution of RRM.

ACER presented the main documents relevant for RRM 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 RRM authorisation process.

ACER emphasised the main elements that the Delegated Act should contain, such as the means by which an RRM is to fulfil the obligation referred to in Article 9a(1) of REMIT II, the specific organisational requirements, the process of withdrawing an authorisation of an RRM, the procedural safeguards, the process of orderly substitution and the detailed arrangements for informing market participants of a decision to withdraw the authorisation of an RRM.

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 (RRM Requirements, Manual of Procedures on data reporting, Technical Specifications for RRM, REMIT Information Security Requirements for RRM, Agency's REMIT Information System Data Validation), ACER's experience gained on the registration and the operation of the RRM 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. Regulation (EU) 2022/1858 for proposals on data validation.

2.1 Authorisation of RRM

ACER proposed to standardise the RRM authorization, possibly provide templates and guidance on fulfilment of the requirements, as well as introducing webforms for the application. Its idea was to keep the scope from RRM requirements with some specification to ensure an equal registration process and to have a stronger focus on the format and quality of the data content, which should be aligned with ACER's documents such as TRUM and the Manual of Procedures on data reporting (MoP on data reporting).

ACER considers simplifying the stages of RRM authorisation by reducing the number of stages to submission of documents and the testing process.

ACER will take into account that for those RRM that are currently registered, the process needs to be more straightforward.

ACER continued the presentation with the proposal of the definition of the term "client", which is used in REMIT II. A poll was introduced to participants to agree with the term "client" or suggest a different definition, and to propose other terms to be defined in the Delegated Act, if necessary. Participants were generally supportive of ACER's proposal on the client definition but expressed concerns about market participants' responsibility for data quality, emphasizing the need for market participants to fulfil their obligations under Article 11(2) of REMIT Implementing Regulation. ACER suggested that OMPs should share data with their market participants. Participants also stated that cross-product matching systems could be considered as a client in order to receive SDAC and SIDC data, as OMPs do not have this central information. Additionally, ACER pointed out that if an OMP is also the RRM, the entity should manage both roles separately, with the OMP remaining the RRM's client.

As a closure of the authorisation of RRM, ACER compared the already existing requirements with its suggested approach, based on the provisions of REMIT II. Most of the requirements were suggested to remain the same, while the ones introduced by REMIT II in relation to the attestation phase were presented. A possible mode of authorisation of existing RRM was shared (as compared to new, not yet registered RRM) which will also be dependent on the timeline of the REMIT Implementing Regulation and the Delegated Act.

2.2 Q&A session and potential intervention by participants

During the Q&A session, ACER addressed the questions, suggestions and inputs submitted by participants during the meeting.

Some of the discussion topics were related to the proposed definition of “client” and the fact that RRM, as suggested, should take stronger roles on the content of data they submit.

ACER announced a new roundtable meeting for November, where proposals for the REMIT Implementing Regulation will be discussed.

During the end of this section, there were several interventions from participants where they expressed their agreement with ACER for a more straightforward registration of already existing RRM and raised the consideration of the implementation time for RRM to comply with the new authorisation requirements. Participants also specified that it would be crucial to differentiate the authorisation process between RRM reporting their own data (e.g. TSO) and RRM reporting on behalf of their clients. Stakeholders requested clear, unambiguous guidance for RRM authorisation.

3. ORGANISATIONAL REQUIREMENTS OF AUTHORISATION

3.1 Validation of data

REMIT II defines that: *“RRMs shall have mechanisms in place allowing transaction reports to be effectively checked with regard to their completeness, to identify omissions and obvious errors caused by the market participant, and where such error or omission occurs, to communicate details of the error or omission to the market participant and to request receipt of a corrected version of such reports. RRM shall have systems in place to enable them to detect errors or omissions caused by them and to enable them to correct and transmit, or re-transmit as the case may be, correct and complete transaction reports to the Agency.”*

For the purposes of implementation of the above provisions of the REMIT II, ACER suggested that the text of the Delegated Act should include specific requirements, for which the existing requirements in chapters 5.2, 5.4, 5.5, 5.7 of the RRM Requirements document can serve as a basis. ACER added suggestions that could be implemented by RRM, e.g. reconciliation of certain types of trades received from their OMP clients, developing systems to verify that the records received by the clients are in line with the Transaction Reporting User Manual (TRUM and MoP on data reporting, automated alert systems for processing of the Agency’s REMIT Information System (ARIS) receipts.

Among the suggestions on the validation of data, ACER would propose that RRM should strictly follow the current expectation expressed in the RRM Requirements document that they validate the data against ACER’s validation rules prior to submission of the reports to ARIS. It was added that in cases of any change in the list of rules, they should apply them no later than

3 months after any update. In case the data does not fulfil these rules, RRM should not submit the transaction reports, and they should maintain a register of invalid records for each of their clients.

In the event of data reports being inconsistent with the TRUM and/or the Manual of Procedures (MoP) on data reporting, ACER is to clarify the procedure to follow for the correction of such data. As per current practice, after an issue is identified, the RRM shall address it as soon as possible and ensure compliant reporting. Regarding the correction of past data, ACER proposes that a reference is made in the Delegated Act to the MoP on data reporting that would define the policy for correction of already reported data that were non-compliant with the above data reporting guidance documents.

3.2 Adequate resources and back-up facilities

ACER suggested that the Delegated Act should specify the requirements concerning the disruption of services, sufficient staffing, infrastructure, capital and financial resources, as well as the placement of robust operational risk controls and procedures to ensure minimal disruptions to RRM services, for which specific targets were proposed.

3.3 Security and authentication

ACER suggested that the Delegated Act can borrow and build upon some of the existing requirements in chapters 5.2 and 5.11 of the RRM Requirements document and ARIS – REMIT Information Security Policy Requirements for RRM, proposing that RRM should establish sound information security management system (ISMS) based on best practices and aligned with widely adopted standards such as the ISO/IEC 27001 or equivalent.

There should be a strong focus on preventing information leakage, requiring RRM to have policies and mechanisms to ensure confidentiality, integrity, availability, authenticity, accountability, reliability and non-repudiation. Additionally, the transfer of information from market participants to RRM must occur over a protected network connection and through adequate application interfaces. ACER also recommends that the Delegated Act specify deadlines for issuing notifications and incident reports to their clients and ACER.

3.4 Q&A session and potential intervention by participants

Most questions focused on the provisions regarding resources and back-up facilities, driven by an initial inquiry from the participants. The inquiry highlighted the need for certain clarifications to be incorporated into the Delegated Act, which were discussed during the roundtable meeting. Questions also focused on ACER's proposal that validation rules should be implemented in a decentralized manner at each RRM, rather than being centralized at the ARIS level as it is already stated in the RRM Requirements document. The discussion also touched on the necessity of duplicating hardware components that RRM can utilize in case of an issue (a provision borrowed from financial legislation), as well as the proposed

requirement to publish downtime notifications on RRM's website, which was deemed costly to implement.

During the intervention, the participants stated that the requirements for resources and backup facilities should be reasonable and limited to what is necessary to achieve the timeline for data reporting as per Article 7 or REMIT Implementing Regulation, and need to be adequate for the specific type of RRM, differentiating two categories of RRM: those reporting their own data, and those reporting on behalf of third parties. In such a case, ACER stated that all RRM's should be seen as service providers.

Among other things, the intervention of the participants brought further focus on the provisions to clarify the notifications to market participants in case of data validation errors identified by the RRM's. Some RRM's suggested that ACER provide them with the code for data validation rules, along with a database for testing their implementation.

4. SUPERVISION OF RRMS

4.1 Supervision of RRMs

ACER presented its views of RRM's supervision as a combination of preventive and corrective measures to ensure the compliance of RRM's with REMIT II and the Delegated Act. Thus, its objective was to cover (i) availability and high quality of data submitted by RRM's, (ii) detection of non-compliance of RRM's, and (iii) security, availability and operational reliability of ARIS without major interruptions caused by RRM's.

ACER's suggested approach includes the following: (i) RRM's shall provide a description of any incompliance they have caused, (ii) before initiating the withdrawal, ACER shall inform the RRM about the instance(s) of non-compliance, and it has the power to request RRM's to bring the infringement to an end within the specified deadline, (iii) ACER may request the RRM to contact its clients in relation to their reports, (iv) ACER may consider the feedback of RRM clients for the future development of the supervision process.

4.2 Annual report

As in view of Article 9a(2) of REMIT II, ACER suggested that RRM's shall submit an annual report by 28th of February of the following year in which RRM's describe the processes for data generation and submission.

In such an annual report, RRM's in ACER's view should provide descriptive information on the processes which have been applied throughout the year for data generation and submission. Additionally, they should provide statistical data, e.g. the number of records per data type the RRM has reported, the number of invalid reports not reported to ACER, the number of market participants on whose behalf the RRM has reported, and the timeliness of reported data and disruption of services. The annual report shall also include an estimation of the number of

clients on whose behalf the RRM expects to report, or the number of records per data type the RRM expects to report for the year following the reference year.

ACER emphasized the importance of maintaining continuous transparency, ensuring clear communication with RRMs, and overseeing processes to enhance data quality and reliability.

4.3 Q&A session and potential intervention by participants

During the Q&A session, the participants asked about the added value of providing data to ACER in the annual report when ACER already have most of the suggested data (e.g. number of records per data type the RRM has reported, number of MPs on whose behalf the RRM has reported, timeliness of reported data) at its disposal. ACER clarified that the information is important for data reconciliation with the RRM database as, based on ACER's experience, currently there is data discrepancy, and the goal is to improve data quality and reliability. ACER observed that there is a need to crosscheck that its database and RRM database match, which isn't always the case. It was highlighted that similar statistics are already shared by ACER with RRMs for the REMIT fees purposes, and ACER could streamline or merge the activities.

In addition to the requested statistics, ACER asked RRMs about their estimations for the upcoming year. These forecasts would help ensure that both ACER and the RRMs are prepared for the expected volume of data in the next reporting cycle. This information would also assist ACER in calculating REMIT fees. Stakeholders highlighted the importance in having clarity on how inconsistencies between the provided estimations and actual volume of reported data would be treated. It was highlighted by participants that the budgeting for subsequent period(s) would be finalised at the time of submission of the RRMs' annual reports.

Another question was related to sanctioning the market participants who send invalid reports and breach Article 8 of REMIT II. As a response, ACER stated that it doesn't have the power or mandate to sanction them. However, ACER can collaborate with national regulatory authorities, who can then sanction market participants.

After addressing the proposed questions, participants proposed the idea of creating a template of "RRM annual report", which would need to be properly consulted with the RRMs. ACER welcomed the suggestion and envisaged an IT tool which would automate the process.

5. PROCEDURE FOR THE WITHDRAWAL OF THE RRM AUTHORISATION

5.1 Withdrawal of the authorisation of the RRM

ACER presented its proposal on two scenarios of a withdrawal under REMIT II Article 9a(5). The first scenario applies when an RRM does not fulfil the requirements stated in REMIT II, while the second pertains to an RRM wishing to renounce its authorisation.

As stated in REMIT II, the withdrawal of an RRM 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 RRM is established of any decision to withdraw the authorisation of an RRM and shall inform the market participants thereof. In line with REMIT II, the withdrawn RRM 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 RRMs

ACER presented its suggested proposal on the process for the orderly substitution of an RRM under Article 9a(5) 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 RRM shall ensure continuity of the services it provides. The suggested process is as follows: (i) the RRM shall notify its clients about its withdrawal and request that they select a new RRM (otherwise it is suggested that ACER will select one on their behalf), (ii) the RRM shall transfer to the selected RRM the detail of transactions that have been reported to ACER, (iii) the RRM shall ensure continuity of its services during the period of orderly substitution (as stated in REMIT II).

5.3 Q&A session and potential intervention by participants

Some participants expressed concerns regarding the timeframe for selecting new RRMs (ACER proposal was 20 days), which was generally deemed insufficient, as their experience indicates that this process can take months. Nevertheless, ACER suggestion was solely about the selection of a new RRM, which, if unsuccessful, could be done by ACER. Participants also provided valuable input regarding orderly substitution, emphasizing that the RRM's activity is a competitive economic service and ACER should maintain neutrality in the "RRM-market participants" relations. If ACER is to designate a new RRM on behalf of clients, the chosen RRM needs to confirm their willingness to provide the required services.

Interventions from participants primarily focused on data transfers in the event of an RRM's resubmission. ACER's response clarified that there is no need for the new RRM to report the same data to ACER again. The records will not need to be submitted twice, meaning no additional REMIT fees will be charged. ACER stated that the new RRM shall manage the reporting lifecycle.

Furthermore, it was asked through which interfaces the bulk data shall be transferred from the de-authorised RRM to the successor RRMs. They suggested that the RRM could share the relevant historical information for the past two years with each client, thus enabling them to compile the requisite reports on "life-cycle events" with the new RRM. Furthermore, the data archive could be stored by the market participant/OMP clients and made available to the relevant national regulatory authority/ACER in the event of an investigation.

Lastly, participants asked about the possibility of a market participant to change its RRM even if the current RRM is not withdrawn.

6. CLOSING REMARKS

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

During the Q&A session, DG ENER and ACER provided clarifications on the questions, mainly related to the timing of the adoption of revised Commission Decision, the impact of the REMIT revision, the level of potential annual enrolment fee and supervision fees, and possibility of

ex-post calculation. Please refer to the aforementioned public consultation document for further details.