




ACER
Agency for the Cooperation
of Energy Regulators

**ACER proposal for the
REMIT Registration Format**

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Outline

- Legal basis
- Roles of NRAs and ACER for registration
- Registration format
- Registration process and IT-system
- Unique identifier – Options for consultations

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REMIT registration format

- Legal basis: Art. 9(3) of REMIT
- Format to be defined by 29 June 2012
- Two-layer registration: national registries (NRAs) and European register (ACER) – interlinked by the Registration Format
- Keen importance of registration
 - » “market participants ... shall submit the registration form to the national regulatory authority prior to entering into a transaction ... to be reported to the Agency” (Art. 9(4))
 - » Registration is not a one-off process but requires continuous update by market participants (Art. 9(5))

The key role of NRAs for registration

- **NRAs are the only interface of market participants for the whole registration process** (both first registration and updates); NRAs have the primary responsibility: “NRAs shall establish national registers of market participants which they shall keep up-to-date” (art. 9(2) first subparagraph)
- **Single-sign for registration:** “a market participant shall register only with one national regulatory authority. Member States shall not require a market participant already registered in another Member State to register again” (art. 9(1) second paragraph);

The role of ACER for registration

- **Establishing and populating the European register on the basis of national registers:** *“Based on the information provided by national regulatory authorities, the Agency shall establish a European register of market participants”* (art. 9(3), first subparagraph);
- **Access of public authorities to the European registry:** *“national regulatory authorities and other relevant authorities shall have access to the European register”* (art. 9(3), second subparagraph);
- **Publication of the European registry (or part of it):** *“the Agency may decide to make the European register, or extracts thereof, publicly available provided that commercially sensitive information on individual market participants is not disclosed”* (art. 9(3), second subparagraph)

Registration format (1/2)

Section	Content	Data referred to
a. Basic information	Company name; Legal form; VAT number Nation of establishment and full address Existing codes: EIC, BIC, GS1 (<i>only if available</i>), and LEI when it will be available NRA which processes the registration	Market participant
b. Country-specific info	Fields defined by each NRA (where necessary) containing information relevant in the specific national jurisdiction (<i>f.i. Registration number issued at national level by the relevant NRA</i>)	Market participant
c1. Corporate structure info	System identifier of parent/related undertaking Type of control/link relation (<i>see 7th Council Directive 83/349/EEC</i>)	Each parent or related undertaking
c.2 Ultimate beneficiary	Name of person, title, full address and Fiscal code (<i>for natural persons</i>), or Company name and legal form, full address and VAT number (<i>for legal entities</i>)	Each ultimate controller or beneficiary

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Registration format (2/2)

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Section	Content	Level
d1. Contact section	Name of person; Title in the Company; Fiscal code; Full address, telephone, e-mail	Each person responsible for updating the registration profile
d2. Contact section	Name of person; Title in the Company; Full address; Full address, telephone, e-mail	Each person responsible for operational and trading decisions
e. Delegated parties section	System identifier of the third party	Each third party allowed to report transactions on behalf
f. System section	System identifier of the market participant Status in registration procedure <i>(released by the system)</i>	Market participant

Corporate relations among registered market participants

- **Corporate structure must be recorded and updated** in sake of market monitoring and investigations;
- **Concepts of “parent undertaking” and “related undertaking” apply:** according to Art. 12(1) of the Seventh Council Directive 83/349/EEC, two undertakings are “related” if there is unitary direction
- **Parent and related undertakings have to be identified looking at the European register** as national registers might be insufficient for the purpose
- **The corporate relationship declared by a new market participant has to be notified** to the relevant NRAs and market participants already registered for their confirmation (a simplified procedure is needed for the initial populating phase)

Registration process

- (a) The market participant submits its application for registration to the relevant NRA and provides the NRA with the data required for registration and, *if the NRA so requires*, a complementary set of country-relevant information or supporting documentation;
- (b) The NRA performs at least high-level checks on the application, *according to national rules*;
- (c) After completing the checks, the NRA passes the information required by the registration format to the European register
- (d) The Agency's IT system will capture all registration information and issue an acknowledgement back to the requesting NRA that will include the system identifier generated by the IT-system
- (e) The NRA will complete the registration procedure and will inform the market participant accordingly
- (f) At the end of the procedure, the registration is simultaneously available in both the relevant national register and the European register for publication.

IT-system for registration: ACER approach

- ACER intends to provide NRAs with the possibility of choosing between two possible approaches:
 - » on one side, NRAs willing to „adopt“ the web solution that will be proposed by ACER and use it in the as simplest as possible manner
 - » on the other side, NRAs willing to interface their own IT-systems supporting existing national registers of regulated undertakings (among which wholesale market participants) with the new IT-system operated by ACER for implementing the European register of wholesale market participants

Initial populating phase

- **In the initial populating phase** the registration process can be simplified
- **Existing information already available to NRAs can be recovered** and might be used for pre-populating the national registers
- **Confirmation of existing information used for pre-populating national registers is needed** by market participants and eventually NRAs
- **Further ideas for simplifying the initial populating phase** could rise from this public consultation

Unique identifier: the link between registration and transaction reporting

- **Unique identifier for each market participant:** *“The register shall give each market participant a unique identifier and shall contain sufficient information to identify the market participant”* (art 9(2) second subparagraph);
- **Record of transactions still to be established:** The European Commission shall adopt uniform rules on the reporting of information that *“shall include the precise identification of... the parties of the transaction”* (art 8(1) and 8(2))
- **ACER may make recommendations to the Commission as to the record of transactions** after wide public consultation of all interested parties (not only market participants – art. 7(3), second subparagraph)

Existing codes

- Existing codes are widely used in their own dominion
 - » EIC: electricity trading on EFETnet; used also for most continental TSO for identifying BPRs; in some countries more than one EIC code for a single market participant
 - » BIC: financial products, used by ESMA
 - » VAT number: full coverage, not used as identifier by trading venues, possibly not unique in a few countries
 - » LEI: still not available
- Governance issues for external codes
 - » Timeliness and homogeneity for issuing the code
 - » No cost or other barriers (no further requirements)
 - » Updating / maintenance and persistence over time

Options (1/2)

- A. Adopt, extend and enlarge the geographic reach of a selected existing standard
 - » Governance issues to be solved
 - » Operational issues to be checked
 - » System ID only for internal database management
- B. Identify a single (or multiple) existing code(s), and require market participants that have not currently adopted (one of) these standard(s) to use the code provided by the Agency
 - » Governance and operational issues as Option A
 - » System ID can have a partial external use

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Options (2/2)

- C. Adopt the system identifier generated by the IT-system operated by the Agency as unique identifier *and* provide interoperability services
- » Retrieve on-line ACER code starting from EIC or BIC or VAT or other available codes
 - » „Massive“ on-line service for registered data providers in order to transcodify bulk set of data related to market participants

*This public consultation will provide inputs on options from market participants as well as from power exchanges, trading venues and other trading and fundamental data provider.
Defining the unique identifier for transaction reporting is out of the ACER decision on registration format and has to be defined through Implementing acts, on which ACER will provide recommendations.*

Thank you for your comments!



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