



Briefing

7 January 2015

Commission adopts Implementing Regulation on data reporting implementing Articles 8 (2) and 8 (6) of REMIT

On 17 December 2014, the European Commission adopted the Implementing Regulation No. 1348/2014 (**Regulation**) setting out the requirements for the reporting of wholesale energy products and fundamental data in the European Union (EU) as part of the implementing acts of the Regulation on Wholesale Energy Market Integrity and Transparency No. 1227/2011 (**REMIT**).

The data reporting in accordance with the provisions of the Regulation will enable the Agency of the Cooperation of Energy Regulators (**ACER**) to collect information in relation to wholesale energy market transactions and fundamentals, analyse the data and report any suspicious events to national regulatory authorities. National regulatory authorities will be responsible for investigation of any event reported, and the imposition of sanctions, if the case.

Reportable Contracts

The Regulation aims to adopt uniform rules on the reporting of information to ACER and draws up the list of reportable contracts and derivatives (i.e. wholesale energy products in relation to the supply of electricity or natural gas and wholesale energy products in relation to the transportation of electricity and natural gas in the EU).

Contracts for balancing services in electricity and natural gas, contracts between different members of the same group of companies, contracts for the physical delivery of electricity produced by a single production unit with a capacity equal to or less than 10 MW or by production units with a combined capacity equal to or less than 10 MW and contracts for the physical delivery of natural gas produced by a single natural gas production facility with a production capacity equal to or less than 20 MW should be reported to ACER only at its reasoned request on ad-hoc basis.

Details of reportable contracts

The Regulation distinguishes between **standard contracts** (i.e. a contract concerning a wholesale energy product admitted to trading at an organised market place, irrespective of whether or not the transaction actually takes place on that market place) and **non-standard contracts** (i.e. a contract concerning any wholesale energy product that is not a standard contract).

The Annex to the Regulation lays down the details that need to be reported with respect to:

- standard contracts for the supply of electricity and gas;
- non-standard contracts for the supply of electricity and gas;
- wholesale energy products in relation to the transportation of electricity; and
- wholesale energy products in relation to the transportation of gas.

Reporting channels

Those transactions and orders (including matched and unmatched) executed at organised market places will be reported to ACER through the organised market place concerned, or through trade matching or trade reporting systems. The organised market place where the wholesale energy product is executed or the order is placed, will have to offer a data reporting agreement, at the request of the market participant.

The transactions executed outside organised market places will be reported by the market participants or third parties acting on their behalf.

Contracts relating to the transportation of electricity in the EU between two or more locations or bidding zones concluded as a result of a primary explicit capacity allocation by or on behalf of the Transmission System Operator (**TSO**) shall be reported by the TSO only.



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Timing of reporting

Details of a standard contract will be reported as soon as possible, but no later than on the working day following the conclusion of the contract. Any modification or termination of such contract will be reported as soon as possible but no later than the working day following the modification or termination.

Details of a non-standard contract will be reported no later than one month following the conclusion, modification or termination of the contract.

Contracts which were concluded before the date on which the reporting obligation becomes applicable and remain outstanding on that date will have to be reported to ACER within 90 days after the reporting obligation becomes applicable for those contracts.

Reporting fundamental data

The Regulation defines "fundamental data" as information related to the capacity and use of facilities for production, storage, consumption or transmission of electricity and natural gas, including planned or unplanned unavailability of these facilities.

Such data has to be reported by market participants to the TSOs according to the Regulation (EC) No 543/2013 and Regulation (EC) No. 715/2009. The TSOs will then provide such data to ENTSOs in order to be published on the central information transparency platforms.

According to the Regulation, ENTSOs will have to report such fundamental data to ACER on behalf of the market participants, as soon as such information becomes available on the central information transparency platforms.

Next steps

Market participants and third parties reporting on their behalf will have:

- until 7 October 2015 to prepare for the reporting of reportable wholesale energy contracts executed at organised market places and of fundamental data from the ENTSOs central information transparency platforms; and
- until 7 April 2016 to prepare for the reporting of the remaining reportable wholesale energy contracts, concluded outside an organised market (OTC supply contracts, transportation contracts) and of reportable fundamental data from TSOs, LNG System Operators and Storage System Operators.

Market participants have to register with national regulatory authorities prior to entering into transactions which are required to be reported under the Regulation. The national regulatory authorities will establish the registers of market participants no later than 17 March 2015. In this respect, Energy Regulatory Authority of Romania published a draft act regarding the set-up of the national register of Romania and the procedure regarding the registration of the market participants in this register – such act has not been approved yet.

The Regulation was published in the Official Journal of the European Union on 18 December 2014 and entered into force 20 days after such publication.

The text of the **Regulation** can be accessed via the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R1348&from=EN>

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