



## **What is new in the 15<sup>th</sup> edition of the REMIT Q+A?**

**29<sup>th</sup> March 2016**

ACER issued the 15<sup>th</sup> version of the REMIT Questions and Answers document last Thursday 24<sup>th</sup> March, less than two weeks before the start of “phase 2” REMIT reporting. This new edition contains several new incremental answers and updates.

This brief note will look at all of the new and updated answers in the document, and provide a few of the author’s thoughts in (*bracketed italics*). Where an update has been made, the document will highlight the changes since the last version.

Nothing in the document should be taken as legal advice. The note will use summaries of both questions and answers in most cases, and group answers as per subject.

The Questions and Answers document itself can be downloaded from the following location:

<https://www.acer-remit.eu/portal/document-download?documentId=2703>

## CEREMP Registration and Process

*Is an operator of a refuelling station of natural gas for vehicles obliged to register in CEREMP? (II.4.46, page 28) – Not if the only contract in which they have signed is for the supply of the refuelling station.*

*Will TSOs be visible in Section 5 of the registration form in order for market participants to be able to select them? (III.2.46, page 50) – Only if they are either reporting for other entities in their group or have applied to become “full” third party RRM.*

*I am uncertain whether I am a market participant and whether I am obliged to report transactions or not. What shall I do? (III.3.38, page 65) – If in doubt, register and report the transactions. (i.e. over reporting is permissible under REMIT).*

[Updated] *Could you please explain how to fill in the information under Section 5 of the registration form (public list of RRM)? E.g.: If a market participant ‘A’ wants to report data on behalf of other market participants belonging to the same group, would this market participant ‘A’ appear in the public list of RRM (Section 5 of the registration form) for selection to all market participant? (III.2.29, page 41) –*

As a general rule, a market participant should have a contractual agreement in place with an RRM for delegation of data reporting before it selects this RRM in Section 5 of the registration form (public list of RRM). Moreover, market participant should be aware that selecting an RRM in Section 5 of the registration form does not confer any legal obligation on that RRM to report on its behalf.

The Agency wants to bring the market participants’ attention to the fact that not all reporting parties will be made available for selection to all market participants in Section 5 of the registration form (e.g.: ENTSO-E, ENSOG ~~and most organised market places will not be made available for public selection as long as they are considered as default options~~). However, in case where an RRM is considered as an intra-group RRM, i.e. reporting data only on behalf of a market participants in the same group (definition of group to be found in the Directive 2013/34/EU), this intra-group RRM will all the same appear for selection to all market participants in Section 5 of the registration form (public list of RRM). Indeed no difference will be made in the public list between third-party RRM and intra-group market participant RRM.

## Framework contracts

[Updated] *As for the framework agreements or OTC physical purchase orders, could you please clarify the scope of reporting? Do we need to report framework agreements as well as all OTC physical purchase orders? (III.3.11, page 53)* - Yes. The framework agreements are considered non-standard contracts and all contracts to OTC physical purchase orders have to be reported to the Agency in line with Article3(1)(a) of Commission Implementing Regulation (EU) No 1348/2014.

## Final customers, LNG contracts and gas in store reporting

*If a final customer has a single unit with the technical capability to consume more than 600 GWh pa of gas but less than 600GWh pa of power, what must be reported? (III.3.35 page 62)* – The purchase contract for gas must be reported, but the purchase contract for power need not be. However any other types of contract, e.g. OMP, or a supply contract (where the MP is selling the power) does have to be reported. The opposite case (where power is over 600 GWh pa and gas is under) would follow the same logic.

*What constitutes “delivery in the union” for LNG? (III.3.36 page 63)* – Any contract which involves importation or offloading of vessels into the EU, including to the flange. A “reload” for export out of the EU do not need to be reported. (Note that this answer does not seem to include fundamental data).

*If individual entities share a connection to the grid to a consumption facility capable of consuming more than 600 GWh pa, but each holds a different contract, none of which themselves exceed the threshold, are the contracts reportable? (III.3.37, page 64)* – No, but other (non-consumption) contracts need to be reported.

*How should daily gas balances in store, which are one of the types of fundamental data to be reported by market participants, be reported? (III.4.6, page 67)* – The SSO could report if they agree. Otherwise it must either be reported through a third party RRM, or by the market participant becoming an RRM.

## Reporting in General

[Updated] *Could you explain what country’s calendar i.e. “working day” shall be used for the reporting purposes under Article 7 of Commission Implementing Regulation (EU) No 1348/2014? (III.3.27, page 60)* – (The answer is the same as earlier, stating that the working day in question relates to that of the market participant. However the following line has been added):

The Agency will not consider as public holidays the ones at federal state/regional level that are not listed to the above mentioned list. ([http://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=uriserv:OJ.C\\_.2014.463.01.0017.01.ENG&toc=OJ:C:2014:463:TOC](http://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=uriserv:OJ.C_.2014.463.01.0017.01.ENG&toc=OJ:C:2014:463:TOC)).

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