ACER

European Union Agency for the Cooperation
of Energy Regulators

QUESTIONS AND ANSWERS
ON REMIT FEES

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CONTENTS

This document clarifies the technical and operational aspects of the fees which the European Union Agency for the Cooperation of Energy Regulators (ACER) shall collect on the basis of Article 32 of Regulation (EU) 2019/942 of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast ACER Regulation) for the collecting, handling, processing, and analysing of information reported by market participants or third entities reporting on their behalf pursuant to Article 8 of Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT).

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CHAPTER 1: GENERAL INFORMATION ABOUT THE REMIT FEES

According to Article 32 of the recast ACER Regulation, fees shall be due to ACER for collecting, handling, processing, and analysing information reported by market participants (MPs) or by entities reporting on their behalf pursuant to Article 8 of Regulation (EU) No 1227/2011 (REMIT). The fees shall be proportionate to the costs of the services provided in a cost-effective way and shall at the same time be sufficient to cover these costs. In addition, the fees shall be non-discriminatory and shall avoid imposing undue financial or administrative burden on MPs or entities acting on their behalf.

On the basis of the Commission decision on fees due to the ACER for collecting, handling, processing and analysing of information reported under REMIT adopted on 17 December 2020, the fees are to be collected annually; the first year in which ACER will collect the fees will be 2021. The fees shall be paid by Registered Reporting Mechanisms (RRMs) which are registered by ACER in accordance with Article 8 of REMIT and Article 11 of Commission Implementing Regulation (EU) No 1348/2014 (REMIT Implementing Regulation).

The fee each RRM needs to pay shall be a combination of a flat amount – the enrolment fee – and a variable amount – the transaction records-based fee. Such a composition properly reflects the different cost drivers of the relevant services, and therefore ACER's eligible costs: the number of RRMs, the number of MPs for which the RRMs report, and the amount and the characteristics of the data they report.

1. How is the overall size of the fee determined?

The total amount of the fee calculated and collected for each RRM shall cover the eligible costs.

As stated in Article 32 of the recast ACER Regulation, eligible costs are costs that ACER incurs by collecting, handling, processing, and analysing information reported by RRMs. The eligible costs also include overheads. Each year, the costs for the subsequent year shall be outlined in the programming document, adopted by the Administrative Board of ACER by 31 December. Furthermore, the programming document also provides estimates of the eligible costs planned to be funded by fees for additional two years thereafter.

The eligible costs shall be lower than the EU contribution to ACER according to the EU budget for the respective year. If the costs that ACER incurs by collecting, handling, processing, and analysing information reported by RRMs represent more than half of the overall ACER budget, the eligible costs shall be decreased accordingly.

Similarly, in case the total amount of fee calculated for each RRM exceeds the eligible costs, the overall size of the fee shall be reduced through the pro-rata reduction mechanism.

2. Who shall pay the REMIT fee?

The REMIT fee for the current year *n*, i.e. the fee covering the eligible costs arising in year *n,* is to be paid by all entities registered by ACER as RRMs at any time during year *n*. The RRMs which are already registered on 1 January of year *n* will receive a debit note in January of year *n*. The RRMs which register later in year *n* will pay the debit note upon application and successful registration.

See also Q&As in Chapter 2: Payment process.

3. How is the pro-rata reduction of the fee applied?

In case the sum of the individual fees calculated for each RRM exceeds the amount to be covered by fees, i.e. eligible costs, the individual fee that each RRM will have to pay is decreased proportionally, i.e. by the same percentage. The decrease affects both fee components: the enrolment fee and the transaction records-based fee. The percentage decrease is based on the following reduction factor:

$$Reduction\ factor = \frac{Amount\ to\ be\ covered\ by\ fees}{Sum\ of\ individual\ fees\ for\ each\ RRM}.$$

For example, if the amount to be covered by fees equals EUR 9 million and the sum of individual fees for each RRM equals EUR 10 million, each RRM needs to pay only 90% [EUR 9 million/EUR 10 million] of their fee.

4. Is a pro-rata increase of the fee applied as well?

No, a pro-rata increase of the fee does not apply. In case the total amount of the fee is insufficient to cover the eligible costs, the remaining amount is covered by the EU contribution.

5. Is there any automatic adjustment of the fee components' amounts for inflation?

No, a direct automatic adjustment of the fee components' amounts for inflation is not foreseen.

6. Revision of the fee components

The Commission shall evaluate the individual fee components and the general fee structure no later than 5 July 2024 and at least every five years thereafter.

CHAPTER 2: PAYMENT PROCESS

1. When are the fee debit notes sent and how much time will the RRMs have to settle their balance?

The fee debit note for the annual fee will be sent no later than 31 January of each year and is to be settled within four weeks.

However, for debit notes exceeding EUR 250,000, ACER and RRMs may mutually agree that the fees are paid in instalments. The RRMs shall submit to ACER a written request for payment in instalments, already in the first days of year *n*. Separate debit notes will be sent for every instalment. In such cases, the deadline for the payment of the last instalment shall not be later than 30 September.

For special considerations for the fee in 2021, see also Chapter 5: Special fee arrangements for 2021.

2. Why is the annual fee to be paid in advance of the service?

Commission Delegated Regulation (EU) 2019/715[1] establishes the framework financial regulation for the bodies which are set up by the Union under the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community and which have legal personality and receive contributions charged to the Union budget. The Agency is such a body and, as required by Commission Delegated Regulation (EU) 2019/715, adopted its own financial rules, the Financial Regulation of the Agency[2] , which do not depart from those pursuant to Commission Delegated Regulation (EU) 2019/715.

Pursuant to Article 71 of the Financial Regulation of the Agency, the Agency shall provide services by virtue of the tasks entrusted to it only after the corresponding fee or charge has been paid..

3. Are there any measures in case of delayed or no payment?

In case an RRM is overdue on paying or fails to pay the fee, ACER shall take appropriate legal steps by applying the relevant rules of the Financial Regulation of the Agency, including those on default interest and recovery.

Additionally, if an RRM is overdue on paying the fee by more than one month, ACER may decide to disable their ability to report data to ACER until the fee is paid in full.

4. Will an RRM receive a breakdown of the fee components?

Each RRM will receive a breakdown of the fee into the enrolment and the transaction records-based fee components. The transaction-records based fee component will be further broken down by data cluster (be it 'RRM-MP-OMP records', 'RRM-MP-bilateral records' or 'RRM-MP-transportation records' data cluster).

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[1] Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).

[2] Decision No 8/2019 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 21 June 2019 on the Financial Regulation of the Agency for the Cooperation of Energy Regulators.

See also Q&As in Chapter 4: Transaction records-based fee component and its correction amount for further explanations about data clusters formation.

5. How will RRMs be able to keep track of their number of reported transaction records and the resulting fee?

ACER plans to inform RRMs about the number of reported transaction records on a quarterly basis. The provision of such reports started in December 2020.

6. Payment process for RRMs which deregister in the middle of the year

6.1 When does an RRM have to request the termination of their registration in order not to pay fees for the following year?

RRMs which informed ACER at any point during year *n*, but no later than 31 December of year *n*, that they no longer want to be registered by ACER and will not be submitting any transaction records, including those pertaining to fundamental data, beyond that point in time, will not be included in the fee calculation for year *n+1*.

These RRMs are, however, still required to pay the fee for the current year *n* in full and are not entitled to any reimbursement of paid fees or to the waiving of any fees due.

There are some exceptions to this rule in year 2021.

For all the questions related to deregistered RRMs, see also:

- *Chapter 3: Enrolment fee component, '2.1 Do deregistered RRMs also need to pay the enrolment fee component?';*
- *Chapter 4: Transaction records-based fee component and its correction amount, '5 Transaction records-based fee and the correction amount for deregistered* RRMs*'; and*
- *Chapter 5: Special fee arrangements for 2021, '1 Deregistration of RRMs until 31 March 2021'.*

6.2 Is an RRM allowed or able to submit data after their deregistration date, i.e. the date when the RRM informed ACER about their wish to terminate their registration?

No, an RRM shall cease with their reporting activity immediately after informing ACER about their wish to terminate their registration.

Some exceptions to this rule apply to RRMs deregistering before 31 March 2021.

See also Chapter 5: Special fee arrangements for 2021, '1 Deregistration of RRMs until 31 March 2021'.

7. Payment process for RRMs which register in the middle of the year

Entities submitting their RRM registration application in year *n* shall pay 50% of the flat enrolment fee when initiating the process to become an RRM. ACER will accept the application only when such a fee is paid. In case ACER rejects the application because the entity does not comply with the RRM requirements, the entity is not entitled to a reimbursement of the paid fee.

Once an entity is registered as an RRM, ACER shall send the entity a debit note for the remaining fee amounting to 50% of the flat enrolment fee.

Furthermore, unless a newly registered RRM declares that they will solely report fundamental data, the RRM will, in addition to the enrolment fee, also need to pay the transaction records-based fee component for the year of the registration. This is equal to EUR 65 for each calendar day from the day of registration until the end of the year. Such an amount corresponds to the median transaction records-based fee component paid by RRMs, divided by 365. In case an RRM believes that the amount is unrepresentative of their expected reporting, the RRM and ACER may mutually agree on a different amount to better reflect the expected reporting by the RRM. Regardless of the amount, the transaction records-based fee shall be paid when the entity is successfully registered as an RRM.

Special considerations apply to entities which apply to become an RRM in 2020 and are not approved before 31 December 2020.

For all the questions related to newly registered RRMs, see also:

- *Chapter 3: Enrolment fee component, '2.2 Do newly registered RRMs also need to pay an enrolment fee component?'; and*
- *Chapter 4: Transaction records-based fee component and its correction amount, '6 Transaction records-based fee and the correction amount for newly registered RRMs'.*
- *Chapter 5: Special fee arrangements for 2021,2 Registration of entities which apply to become RRMs before 1 January 2021.*

8. Payment process for suspended RRMs

RRMs which are temporarily suspended by ACER may need to pay the fees depending on the time of suspension:

- RRMs which are suspended after 1 January of the current year and remain suspended for the entire current year are treated as deregistered RRMs.
- RRMs which are suspended in the previous year and cease to be suspended in the current year are treated similarly to newly registered RRMs. Once the suspension is lifted, they pay the entire enrolment fee, while their transaction records-based fee is based on their last reporting period.
- RRMs which are suspended for a short period during the current year (with the suspension period starting after 1 January and ending before 31 December) are treated as any other RRM. Their enrolment fee is to be paid in full, while their transaction records-based fee is based on the number of reported records.
- RRMs which are suspended for the entire current year do not have to pay the fee.

Suspended RRMs may decide to deregister with ACER at any time during their suspension period.

9. Potential transfer of fees between RRMs and MPs

9.1 <u>Will an MP receive an overview of the transaction records-based fee component for the transaction records reported on their behalf?</u>

The sharing of such information with MPs is currently not envisaged by ACER. The MPs are, however, encouraged to reach out to the RRMs which they use for reporting and obtain such information from them. RRMs will receive an overview of the reporting and should be able to share this information with their clients.

9.2 <u>Is there a safeguard, condition or limit on how the RRMs will pass the fee onto the MPs?</u>

The charging of the REMIT fee between an RRM and their MPs depends on the individual reporting arrangements between them. ACER has no mandate to monitor how RRMs pass the fees onto MPs or, more generally, to monitor the fees charged by RRMs to MPs.

MPs should, however, be aware that RRMs will receive a detailed breakdown of the fee and that RRMs should be able to charge MPs in a similar fashion as done by ACER.

9.3 <u>What happens if an MP does not pay the ACER REMIT fee to the RRM at all or on time?</u>

Payment discipline and its enforcement is part of the individual reporting arrangements between RRMs and MPs.

10. VAT treatment

ACER is not a VAT-registered entity; as a result, the issued debit notes will not have a VAT component.

The EU Commission and its institutions are VAT exempt according to Articles 3 and 4 of the Protocol 7 of the Treaty on the Functioning of the European Union on the privileges and immunities of the European Union.

CHAPTER 3: ENROLMENT FEE COMPONENT

1. How high is the enrolment fee component?

The enrolment fee is a flat fee and is set to EUR 9,000 per RRM. It is paid annually as well as upon the initial registration of an RRM.

2. Which RRMs need to pay the enrolment fee component?

The RRM enrolment fee reflects ACER's costs for processing applications for registration as well as for monitoring compliance of the already registered RRMs with the RRM requirements. The RRM enrolment fee for the current year n is therefore to be paid by all entities registered by ACER as RRMs at any time during year n.

2.1 <u>Do deregistered RRMs also need to pay the enrolment fee component?</u>

RRMs which informed ACER at any point during year n, but no later than 31 December of year n, that they no longer want to be registered by ACER and will not be submitting any records, including those pertaining to fundamental data, beyond that point in time, will not be included in the fee calculation for year $n+1$. Such RRMs are, however, still required to pay the fee for the respective (running) year n in full and are not entitled to any reimbursement of the paid fees or to the waiving of any fees due.

There are, however, some exceptions to this rule that will apply in 2021.

See also:

- *Chapter 2: Payment process, '6 Payment process for RRMs which deregister in the middle of the year';*
- *Chapter 4: Transaction records-based fee component and its correction amount, '5.1 Do deregistered RRMs also need to pay the transaction records-based fee component?'; and*
- *Chapter 5: Special fee arrangements for 2021, '1 Deregistration of RRMs until 31 March 2021'.*

2.2 <u>Do newly registered RRMs also need to pay an enrolment fee component?</u>

Entities submitting their RRM registration application in year n shall pay 50% of the flat enrolment fee when initiating the process to become an RRM. In case ACER rejects the application because the entity does not comply with the RRM requirements, the entity is not entitled to a reimbursement of the paid portion of the enrolment fee. Once an entity is registered as an RRM, ACER shall send the entity a debit note for the remaining fee consisting of 50% of the flat enrolment fee.

Unless a newly registered RRM declares that they will solely report fundamental data, they will additionally need to pay the transaction records-based fee component once registered.

See also:

- *Chapter 2: Payment process, '7 Payment process for RRMs which register in the middle of the year';*
- *Chapter 4: Transaction records-based fee component and its correction amount, '6 Transaction records-based fee and the correction amount for newly registered RRMs'.*

CHAPTER 4: TRANSACTION RECORDS-BASED FEE COMPONENT AND ITS CORRECTION AMOUNT

1. What is a transaction record?

A transaction record is any transaction (trade done on a standard contract, bilateral trade, execution of a non-standard contract, order to trade, and non-standard contract) reportable under Tables 1 and 2, as well as any transaction (bid or right) related to electricity and gas transportation contracts reportable with Tables 3 and 4. With regard to Tables 1 and 2, every lifecycle event of a transaction is considered a new record. With regard to Tables 3 and 4, each reported bid and each allocated right, including all its versions, is considered a record. Reporting multi-shape profiles (e.g. orders with multiple blocks) does not affect the record count.

1.1 Do records referring to transactions with financially settled WEPs count towards the transaction records-based fee component?

Yes, all transaction records, including those referring to financially settled WEPs, that are reported to ACER count towards the transaction records-based fee component.

1.2 What is fundamental data and is it counted towards the transaction records-fee component?

Fundamental data covers:
- the ENTSO-E transparency platform data and nominations information for electricity according to Article 8 of the REMIT Implementing Regulation; and
- the ENTSO-G platform data, nominations, the availability of LNG facilities, the loading and unloading of LNG, the amount of storage facilities, and the amount of gas stored for natural gas according to Article 9 of the REMIT Implementing Regulation.

Fundamental data is not subject to REMIT fees. The transaction records-based fee component is therefore not applicable to RRMs reporting only fundamental data. Similarly, if an RRM reports both fundamental data and transaction records, they will only be charged for their transaction records.

2. How high is the transaction records-based fee component?

The transaction records-based fee component in year *n* is based on the number of transaction records reported in year *n-1*, as well as their complexity and diversity.

All transaction records reported by an RRM on behalf of an individual MP are split into several data clusters:

- The **RRM-MP-OMP records** data cluster. All transaction records referring to transactions (including orders and lifecycle events) with standard contracts that took place on an OMP form an 'RRM-MP-OMP records' data cluster. If such transaction records refer to transactions taking place on different OMPs, multiple clusters are formed, one for each unique RRM-MP-OMP combination.

- The **RRM-MP-bilateral records** data cluster. All transaction records referring to transactions with contracts that took place off-OMP, including non-standard contract framework records, are grouped together and treated as one cluster of 'RRM-MP-bilateral records'.

- The **RRM-MP-transportation records** data cluster. All transaction records referring to transactions with wholesale energy transportation contracts are grouped together and treated as one cluster of 'RRM-MP-transportation records'.
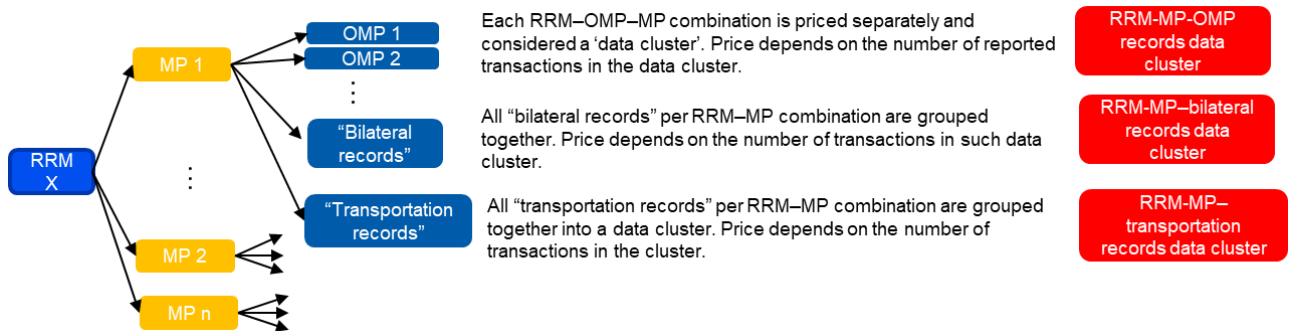
The fees for a unique '**RRM-MP-OMP records**' cluster and a unique '**RRM-MP-transportation records**' cluster are defined in Article 6, paragraph 2 of the Decision on ACER REMIT fees.

Transaction records per data cluster	Fee subcomponent in EUR
1 to 1,000	250.-
1,001 to 10,000	500.-
10,001 to 100,000	1,000.-
100,001 to 1,000,000	2,000.-
More than 1 million to up to 10 million	4,000.-
More than 10 million to up to 100 million	8,000.-
More than 100 million	16,000.-

The fees for a unique '**RRM-MP-bilateral records**' cluster are defined in Article 6, paragraph 3 of the Decision on ACER REMIT fees.

Transaction records per data cluster	Fee subcomponent in EUR
1 to 100	250.-
101 to 1,000	500.-
1,001 to 10,000	1,000.-
10,001 to 100,000	2,000.-
100,001 to 1 million	4,000.-
More than 1 million to up to 10 million	8,000.-
More than 10 million	16,000.-

3. What is the correction amount of the transaction records-based fee?

In the beginning of year *n*, the transaction records-based fee component is estimated on the number of transaction records submitted in year *n-1*. However, at the beginning of year *n+1*, when the actual number of reported transaction records in year *n* is known, the transaction records-based fee component for year *n* is recalculated using the actual number of reported transaction records in year *n*.

The difference between the transaction records-based fee calculated using the number of transaction records reported in year *n* and the transaction records-based fee calculated using the number of transaction records reported in year *n-1*, is either a positive or negative correction amount.

A positive correction amount is to be paid in full. A negative correction is subtracted from the transaction records-based fee calculated for year n+1, but only to the extent that the combined amount of the transaction records-based fee decreased by the correction amount remains positive or zero.

The correction amount is added to the fee debit note for the year n+1 as a subcomponent of the transaction records based-fee component.

4. Which RRMs need to pay the transaction records-based fee component?

The RRM transaction records-based fee component is to be paid by all entities registered by ACER as RRMs at any time during year *n* which are expected to submit transaction records in year *n*. Such entities are RRMs which either already submitted transaction records in year *n-1*, or new RRMs which registered in year *n* for the reporting of Table 1 to Table 4 data, as defined in the Annex of Commission Implementing Regulation (EU) No 1348/2014 (REMIT Implementing Regulation).

The transaction records-based fee component is not applicable to RRMs reporting only fundamental data.

5. Transaction records-based fee and the correction amount for deregistered RRMs

5.1 Do deregistered RRMs also need to pay the transaction records-based fee component?

RRMs which deregister at any moment in year *n* are required to pay the transaction records-based fee component for year *n* in full, including any potential positive correction amount or the transaction records-based fee component. They are not entitled to any reimbursement of the paid fees or to the waiving of any fees due.

6. Transaction records-based fee and the correction amount for newly registered RRMs

6.1 Do newly registered RRMs also need to pay the transaction records-based fee component?

Yes, newly registered RRMs also need to pay the transaction records-based fee component, which is EUR 65 for each calendar day from the day of registration until the end of the year. Such an amount corresponds to the median transaction records-based fee component paid by RRMs, divided by 365. RRMs and ACER may bilaterally agree on a different amount in order to better reflect the expected reporting by the relevant RRM.

6.2 Does the correction amount apply to newly registered RRMs?

Yes, the correction amount applies to newly registered RRMs. At the end of the first year of the RRM registration, the transaction records-based fee component is calculated using the actual number of reported transaction records and compared to the transaction records-based fee component calculated using a daily rate of EUR 65.

6.3 How do we estimate the transaction records-based fee component for year *n+1* for the RRMs which were newly registered during year *n*?

RRMs which were newly registered in the year *n* submitted their transaction records only in a portion of year *n*. To estimate the annual number of transaction records and the appropriate transaction records-based fee component in year n+1, the number of reported transaction

records is scaled up from the actual reporting period (which is less than a year) to a full year, considering a flat transaction reporting profile.

This estimated number of transaction records in year *n* represents the parameter used to quantify the transaction-records based fee in year *n+1*.

See also:

- *Chapter 2: Payment process, point '7. Payment process for RRMs which register in the middle of the year'; and*
- *Chapter 3: Enrolment fee component, '6 Transaction records-based fee and the correction amount for newly registered RRMs'.*

7. How will the updating of the guidance (TRUM) in the future impact the fee calculation?

The guidance will continue being updated based on consultations pursuant to Article 5(2) of the REMIT Implementing Regulation, as was done in the past. In the future, the guidance may be further enhanced, however, with no intent to inflate the fees. The backstop to such behaviour is the cost-driven fee calculation; regardless of the number of reported transaction records, the overall fee received by ACER shall never surpass the eligible costs. Furthermore, while guidance changes may impact the fee per individual RRM, the size of individual fees per RRM shall not hinder or drive ACER's guidance improvements.

8. General considerations when calculating the transaction records-based fee

8.1 Which timestamp is considered when assessing the year of a transaction record's reporting?

The assessment of the year in which a transaction record is reported is based on the transaction record's submission time, i.e. the timestamp when the file, including the transaction record, was submitted to ARIS.

Only the submission time is relevant for the purpose of the fee calculation. No business related timestamps, such as Table 1 Data Field No (30) Transaction timestamp, Table 2 Data Field No (12) Contract date, Table 3 Data Field No (9) Bid time interval or Table 4 Data Field No (10) Start date and time, are therefore taken into account. The list of field examples is not exhaustive. All business related timestamps reported to ARIS are irrelevant for the fee calculation.

8.2 Will the transactions that occurred before the fee introduction but were reported to ARIS only after the fee introduction ('backloading') be charged?

Yes. Whether or not the transaction record is counted depends only on the time when the record was submitted to the ARIS database.

8.3 Counting of transaction records which trigger validation rules

All transaction records inserted into the ARIS database count towards the transaction records-based fee.

Transaction records are reported to ARIS in the form of xml files. Upon each file submission, the file is checked against several rules to assure that the file and its content meet the required standards as described in the ACER REMIT Information System Data Validation Document. These checks assure the validity of the file and/or the transaction records in the

file. Depending on the errors (not) occurring when performing the checks, all transaction records in the file are either inserted into the ARIS database or rejected. A transaction record can be in breach of certain validation rules and still be inserted into ARIS database.

To determine whether the transaction records from any file sent to ARIS have been inserted into ARIS database, RRMs can consult the Technical Receipt part of the Data Validation Receipt generated by ARIS and received by RRM after each file submission. If the status included in the Technical Receipt is populated with value 'Accepted', this means that all transaction records in the file were inserted into the ARIS database. In all other instances, all records submitted in the file have been rejected and were not included in the ARIS database.

8.4 Counting of transaction records which were accidentally submitted multiple times

All transaction records inserted into the ARIS database count towards the transaction records-based fee. If a transaction record is an exact duplicate of an existing transaction record (i.e. all reported fields are identical), the transaction record is invalid but is still inserted into the ARIS database. For this reason, all submissions of a transaction record will be considered in the transaction records-based fee calculation.

8.5 Counting of transaction records which were submitted to the testing environment

Transaction records submitted to 'TESTFRAMEWORK', i.e. the ARIS testing environment, are not considered in the transaction records-based fee component calculation.

8.6 Counting of transaction records which were submitted through a parallel reporting channel

Transaction records submitted to ACER through a parallel reporting channel are inserted into the ARIS databases. They are therefore considered in the transaction records-based fee component. Reporting via a parallel reporting channel is only to be used exceptionally based on the specific instructions given by ACER.

8.7 Will additional fees be charged in case of a resubmission request by ACER or NRAs due to insufficient data quality?

Yes, transaction records need to be reported as per TRUM. In case of poor data quality, ACER may ask for the resubmission of the transaction records. In such circumstances both the initially reported records and their corrections will be considered in the transaction records-based fee calculations.

8.8 Will the fees be charged for additional information collected based on the Article 6 (8) of REMIT Implementing regulation?

Additional information collected based on the Article 6 (8) of REMIT Implementing regulation will not be considered for the transaction records-based fee calculation.

9. Attribution of transaction records to the 'RRM-MP-OMP records' clusters

Only transaction records describing transactions related to standard contracts for the supply of electricity and natural gas and executed on OMPs may be attributed to an 'RRM-MP-OMP records' data cluster. Such transaction records are reported to ACER using the fields outlined in Table 1 as defined in Annex of REMIT Implementing Regulation. In Table 1 schema to report trades, one transaction record equals one 'TradeReport' of the provided

'TradeList'. In Table 1 schema to report orders, one transaction record equals one 'OrderReport' of the provided 'OrderList'.

A transaction record describing transactions executed on OMPs is attributed to the 'RRM-MP-OMP records' cluster as follows:

- The RRM sending the information is identified based on the user (name) who submits the file, which uniquely identifies the RRM; the code of the same RRM should however also be inserted into Table 1 Data Field No (6) Reporting entity ID.
- The MP is identified via Table 1 Data Field No (1) ID of the market participant or counterparty. In case an MP uses several different codes, the different codes are mapped in line with the codes available in CEREMP.
- The OMP is identified via Table 1 Data Field No (27) Organised market place ID / OTC. In case the OMP uses several different codes, the different codes are mapped in line with the codes available in the List of Organised Market Places.

Transactions reported under Table 1 but traded off-OMPs (Table 1 Data Field No (27) Organised market place ID / OTC is populated with 'XBIL') are not attributed to the 'RRM-MP-OMP records' data cluster; they are instead attributed to the corresponding 'RRM-MP-bilateral records' data cluster.

9.1 Are transaction records sent as a part of an 'OMP full set' included in the transaction records-based fee?

Yes, such transaction records are counted towards the transaction records-based fee component.

9.2 Can a transaction record be attributed to the 'RRM-MP-OMP records' cluster based on the Table 1 Data Field No (8) Beneficiary ID, considering that the MP executing the trade may act as a principal?

No, the MP in the 'RRM-MP-OMP records' data cluster is always identified using Table 1 Data Field No (1) ID of the market participant or counterparty.

9.3 Are transaction records of orders and their lifecycle events included in the 'RRM-MP-OMP records' cluster? What about trades and their lifecycle events? What about erroneous transaction records?

Yes, all transaction records containing details of transactions with standard contracts reported using Table 1 (orders and trades), including their lifecycle events, erroneous transaction records and their corrections, are attributed to the appropriate 'RRM-MP-OMP records' cluster.

9.4 Are transaction records representing a matched order and transaction records representing a resulting (one-sided) trade treated as one unique transaction record or two separate transaction records?

A transaction record representing a matched order and a transaction record representing the trade resulting from the matched order(s) are treated as two separate transaction records.

9.5 Is a submission of a standard contract (i.e. a contract in 'ContractList' in Table 1 schema) attributed to any 'RRM-MP-OMP records' cluster?

Records reported using Table 1 fields where only the data fields related to contract details (from Data Field No (21) Contract ID to Data Field No (29) Last trading date and time) are

filled in are not considered transaction records and are therefore not attributed to any 'RRM-MP-OMP records' cluster.

9.6 <u>When grouping transaction records by OMP, are transaction records additionally grouped/differentiated by market segment or contract type?</u>

Grouping is based on the OMP reported in Table 1 Data Field No (27) Organised market place ID / OTC. In case an OMP uses several different identifiers (operating MIC, segment MICs, LEI, ACER code), the different codes are mapped in line with the codes available in the List of Organised Market Places.

In case an OMP offers several contract types, this will not affect the grouping in any way.

9.7 <u>Treatment of MPs belonging to the same group</u>

Identification of MPs is based on CEREMP; one entity in CEREMP will also be treated as one entity for the purpose of the fees. Transaction records reported by MPs belonging to the same group will therefore not be part of the same cluster, but will form several individual 'RRM-OMP-MP records' data clusters.

9.8 <u>Counting of transaction records reported with an invalid RRM code [Table 1 Data Field No (6) Reporting entity ID]</u>

Transaction records reported with an invalid RRM code are rejected before entering into the ARIS database and are therefore not counted towards the transaction records-based fee.

9.9 <u>Counting of transaction records reported with an invalid OMP code [Table 1 Data Field No (27) Organised market place ID / OTC] or invalid MP code [Table 1 Data Field No (1) ID of the market participant or counterparty]</u>

Transaction records reported with an invalid OMP or MP code are counted for the purpose of the transaction records-based fee component. Invalid codes are OMP codes that are not included in the 'List of Organised Market Places' and MP codes that are not included in CEREMP. Even though an invalid OMP or MP code triggers validation rules, such transaction records still enter into the ARIS database.

Each invalid OMP or MP code forms a separate 'RRM-OMP-MP records' data cluster. In case several transaction records are reported with the same invalid OMP or MP code, all the transaction records belong to the same data cluster.

9.10 <u>Counting of transaction records referring to a non-accepted delivery point or zone code [Table 1 Data Field No (48) Delivery point or zone]</u>

Transaction records reported with a non-accepted delivery point or zone code are counted for the purpose of the transaction records-based fee component. Even though a reference to a non-accepted delivery point or code triggers validation rules, such transaction records still enter into the ARIS database.

The delivery point or zone is, however, not part of the clustering, which means that the reporting of non-accepted codes has no impact on the formation of the 'RRM-OMP-MP records' data cluster. Transaction records where the delivery point or zone refers to a non-accepted code will be included in the 'RRM-OMP-MP records' data cluster in the same manner as transaction records referring to an accepted delivery point or zone code. In case a transaction record is reported with multiple delivery points or zones, this will not impact the counting of the records, i.e. such a record will still only be counted once.

10. Attribution of transaction records to the 'RRM-MP bilateral records' cluster

Records belonging to the 'RRM-MP bilateral records' data clusters are reported using either Table 1 or Table 2, as defined in the Annex of the REMIT Implementing Regulation.

Any transaction record describing a transaction with a contract for the supply of electricity and natural gas executed off-OMP which is reported using fields as in Table 1, is attributed to the corresponding 'RRM-MP-bilateral records' data cluster as follows:

- The RRM sending the information is identified based on the user (name) who submits the file, which uniquely identifies the RRM; the code of the same RRM should, however, also be inserted into Data Field No (6) Reporting entity ID.
- The MP is identified via Data Field No (1) ID of the market participant or counterparty. In case an MP uses several different codes, the different codes are mapped in line with the codes available in CEREMP.
- Whether or not the transaction took place on an OMP is assessed based on Data Field No (27) Organised market place ID / OTC. Only the transaction records where this filed is populated with value 'XBIL' are attributed to the 'RRM-MP-bilateral records' cluster.

In the Table 1 schema, one transaction record equals one 'TradeReport' of the provided 'TradeList'.

Furthermore, the 'RRM-MP-bilateral records' cluster also includes all transaction records reported using details set out in Table 2, i.e. non-standard supply contracts. In that case, the attribution to the appropriate 'RRM-MP-bilateral records' data cluster is carried out as follows:

- The RRM sending the information is identified based on the user (name) who submits the file, which uniquely identifies the RRM; the code of the same RRM should also be inserted into Data Field No (5) Reporting entity ID.
- The MP is identified via Data Field No (1) ID of the market participant or counterparty. In case an MP uses several different codes, the different codes are mapped in line with the codes available in CEREMP.

In Table 2 schema, one transaction record equals one 'nonStandardContractReport' of the provided 'TradeList'.

10.1 <u>Can a transaction record be attributed to the 'RRM-MP-bilateral records' cluster based on Table 1 Data Field No (8) Beneficiary ID or Table 2 Data Field No (7) Beneficiary ID, considering that another MP may be a beneficiary of the trade?</u>

No, the MP in the 'RRM-MP-bilateral records' data cluster is always identified by using either Table 1 or Table 2 Data Field No (1) ID of the market participant or counterparty.

10.2 <u>When grouping transaction records into the 'RRM-MP-bilateral records' cluster, are Table 1 bilateral records distinguished from Table 2 bilateral records?</u>

No, all bilateral transaction records reported by the same RRM on behalf of the same MP, regardless of whether they are reported using Table 1 or Table 2 reporting fields, will belong to the same 'RRM-MP bilateral records' group.

10.3 <u>Treatment of MPs belonging to the same group</u>

See reply in Chapter 4: Transaction records-based fee component and its correction amount, question '9.7 Treatment of MPs belonging to the same group'.

10.4 <u>Counting of transaction records which were reported with an invalid RRM code [Table 2 Data Field No (5) Reporting entity ID]</u>

Transaction records reported with an invalid RRM code are not considered for the REMIT fee calculation, given that such transaction records are rejected before entering into the ARIS database.

10.5 <u>Counting of transaction records which were reported with an invalid MP code [either reported using Table 1 or Table 2 Data Field No (1) ID of the market participant or counterparty]</u>

Transaction records reported with an invalid MP code, i.e. a code not found in CEREMP, are considered for the fee calculation. Even though an invalid MP code triggers validation rules, such transaction records still enter into the ARIS database. Each invalid MP code forms a separate 'RRM-MP bilateral records' data cluster. In case several transaction records are reported with the same invalid MP code, all such transaction records belong to the same data cluster.

10.6 <u>Counting of transaction records reported with a non-accepted delivery point or zone code [reported using either Table 1 Data Field No (48) Delivery point or zone or Table 2 Data Field No (41) Delivery point or zone]</u>

Transaction records reported with a non-accepted delivery point or zone code are considered for the fee calculation. Even though the reporting of a non-accepted delivery point or zone code triggers validation rules, such transaction records still enter into the ARIS database.

The delivery point or zone is not part of the grouping, which means that the reporting of invalid codes has no impact on the formation of the 'RRM-MP bilateral records' data cluster. Transaction records where the delivery point or zone is not accepted will be counted to the 'RRM-MP bilateral records' data cluster in the same manner as transaction records reported with an accepted delivery point or zone code.

11. Attribution of transaction records to the 'RRM-MP transportation records' cluster

All transaction records related to the transportation of electricity or natural gas reported by the same RRM on behalf of the same MP are grouped together into one 'RRM-MP-transportation records' cluster. This data is reported using data formats defined as Table 3 and Table 4 in the Annex of the REMIT Implementing Regulation.

Files containing one or more transaction records related to the transportation contracts are submitted to ACER by an RRM. The RRM sending the information is identified based on the user (name) who submits the file, which uniquely identifies the RRM. For transaction records related to transportation contracts, the code of the RRM that sends the file should also populate Table 3 Data Field No (4) Sender identification or Table 4 Data Field No (1) Sender Identification.

The MP in the 'RRM-MP-transportation records' data cluster is conceptually the MP which receives the capacity.
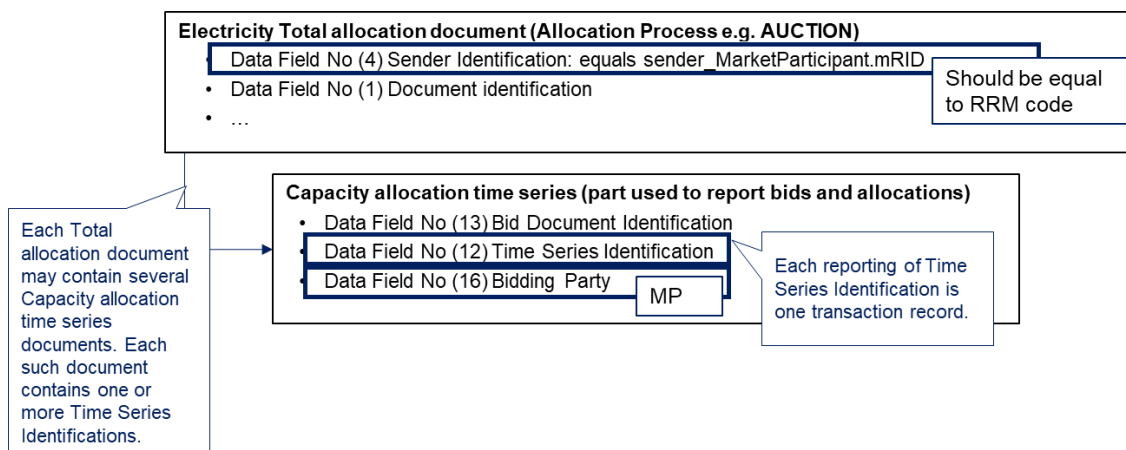
- For transaction records describing <u>primary</u> allocation bids and/or the results of primary allocations, the MP is identified using Table 3 Data Field No (16) Bidding party or Table 4 Data Field No (27) Market participant identification.
- For transaction records describing <u>secondary</u> allocation bids and/or the transfer of rights, the MP is identified using Table 3 Data Field No (36) Transferee party or one of the following two Table 4 fields: Table 4 Data Field No (27) Market participant or Data Field No (37) Transferee identification. The latter is only used when Table 4 Data Field No (27) Market participant is left empty.

11.1 Counting of transaction records describing primary allocation of electricity transportation capacity

ACER has identified that all data related to primary allocation of electricity transportation capacity have been reported by RRMs using the Total allocation schema. ACER assumes such reporting will be used also going forward; in case of changes in the reporting behaviour, ACER will adjust also the way of counting transaction records describing primary allocation of electricity transportation capacity.

The number of transaction records is based on Data Field No (12) Time series identification. In case the same time series identifier is reported multiple times, it is counted multiple times. In case the same time series identifier is included in more documents (either different documents or multiple versions of the same document), it will be counted multiple times.

Figure 1: Illustration of transaction records counting for primary allocation of electricity transportation capacity


11.2 Counting of transaction records describing secondary allocation of electricity rights

Data for secondary allocation of electricity transportation capacity are reported using the Rights schema.

The number of transaction records is based on Data Field No (31) Time series identification. In case the same time series identifier is reported multiple times, it is counted multiple times. In case the same time series identifier is included in more documents (either different document or multiple versions of the same document), it will be counted multiple times.

Figure 2: Illustration of transaction records counting for secondary allocation of electricity transportation capacity
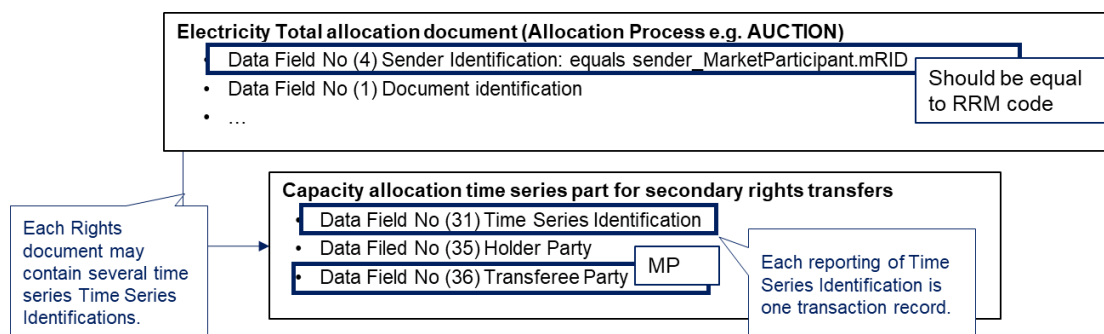
11.3 <u>Are transaction records related to auctions for primary allocation of electricity rights, where no bids were submitted, attributed to any 'RRM-MP transportation records' data cluster?</u>

Transaction records referring to 'no-bid auctions' are not included in the 'RRM-MP transportation records' data cluster.

11.4 <u>Counting of transaction records submitted before 1 March 2021 containing invalid codes in any of the following Table 3 fields: Data Field No (16) Bidding party, Data Field No (35) Rights holder party, Data Field No (36) Transferee party, Data Field No (54) Subject party</u>

Transaction records submitted before 1 March 2021 which contain invalid codes in one or more of the fields listed in the question are counted for the purpose of the fee calculation.

If the code is wrongly reported in Data Field No (16) Bidding party or Data Field No (36) Transferee party, such code corresponds to a specific unidentifiable MP and a transaction record with such wrongly inserted code becomes a part of a separate 'RRM – MP transportation records' data cluster.

If the code is wrongly reported or not reported in Data Field No (35) Rights holder party or Data Field No (54) Subject party, this does not affect the formation of the 'RRM-MP transportation records' data cluster and therefore has no impact on the fee calculation.

11.5 <u>Counting of transaction records submitted on or after 1 March 2021 reported with invalid code reported in any of the following Table 3 fields: Data Field No (16) Bidding party, Data Field No (35) Rights holder party, Data Field No (36) Transferee party, Data Field No (54) Subject party</u>

Transaction records submitted on or after 1 March 2021 which include invalid codes in one or more of the fields listed in the question are not counted for the purpose of the fee. The entire file containing one or more such transaction records is rejected and its records are not inserted into ARIS database.

To be even more precise, in case an RRM submits a file with multiple transaction records referring to transportation contracts and one of those transaction records contains an invalid code, all transaction records are rejected and not counted for the purpose of the fee calculation. The RRM must however correct the invalid code or remove the transaction record with invalid code and re-submit the entire file in order for accurate records to be compliant with the REMIT reporting obligation.

11.6 Counting of transaction records reported with non-Accepted delivery point or zone code [reported in Table 3 Data Field No (10) Domain, Table 3 Data Field No (19) In area, Table 3 Data Field No (20) Out area or Table 4 Data Field No (22) Network point identification]

Transportation transaction records reported with non-accepted delivery point or zone will be considered in the fee calculation as such records are currently always inserted into the ARIS database.
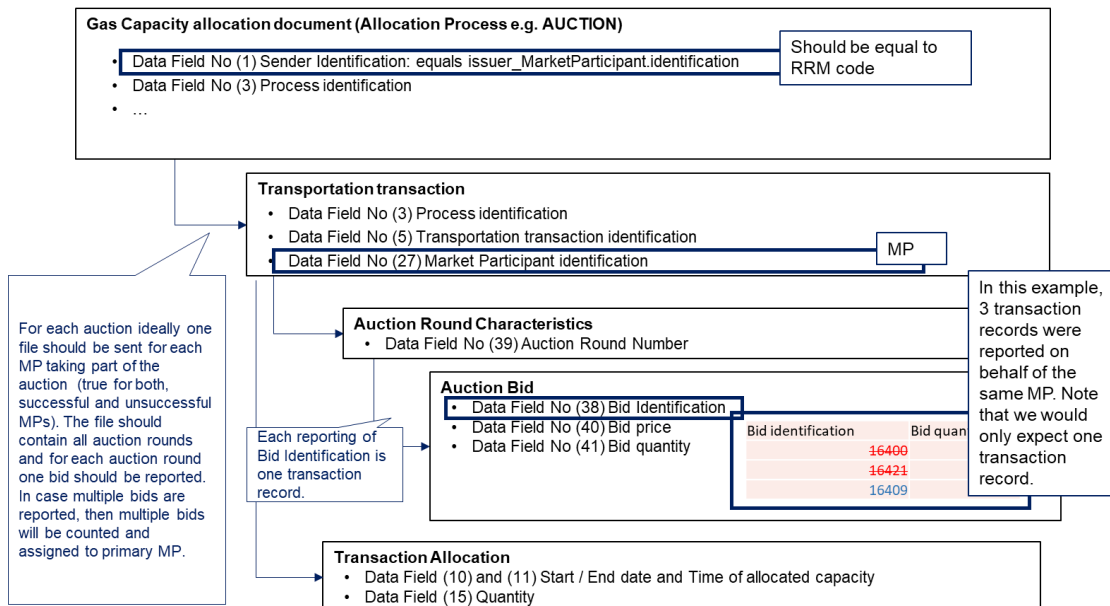
11.7 Counting of transaction records describing primary allocation of gas transportation capacity

Transaction records describing primary allocation of gas transportation capacity are reported to ACER using the Edig@s 'Gas Capacity Allocation Document'.

If the capacity was allocated via auction, transaction records describing primary allocation of gas transportation capacity are counted based on the number of reported bids (Table 4 Data Field No (38) Bid ID). In case the same bid identifier is reported multiple times, it is counted multiple times. In case the same bid identifier is included in more documents (either different document or multiple versions of the same document), it will be counted multiple times.

All the bids sent in one file are linked to the MP reported in Data Field No (27) Primary Market Participant Identification.

Figure 3: Illustration of transaction records counting for primary allocation of gas transportation capacity if the capacity has been allocated via auction. Same counting applies also in case secondary allocation of capacity is done using bids.

In case the allocation is allocated via first-come-first-served procedure, then transaction records describing primary allocation of gas transportation capacity are counted based on Table 4 Data Field No (5) Transportation transaction identification. If the same identification number is reported multiple times, it is counted multiple times. If the same identification number is included in more documents (either different documents or multiple versions of the same document), it will be counted multiple times.

Figure 4: Illustration of transaction records counting for primary allocation of gas transportation capacity, if the capacity has been allocated via first come first served procedure. Same counting applies in case of 'pure OTC' secondary allocation transactions
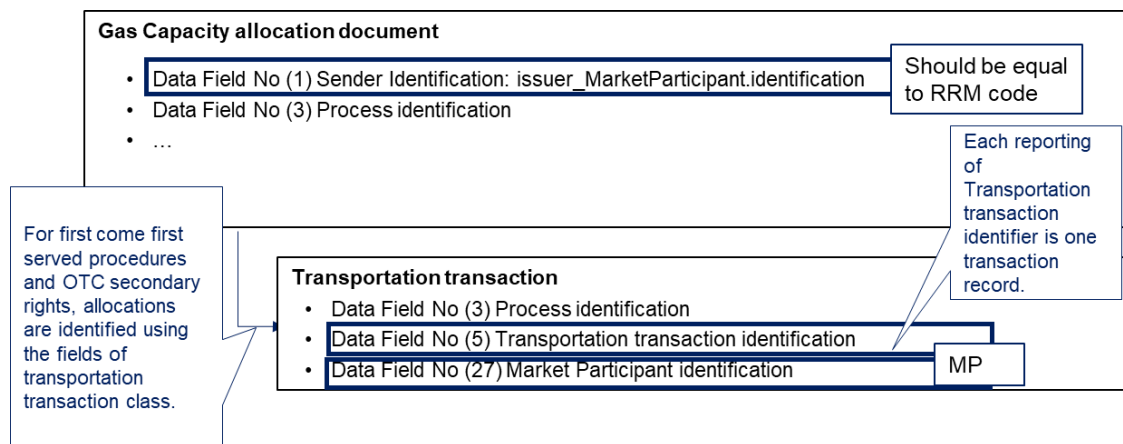
11.8 Counting of transaction records describing secondary allocation of gas rights

Transaction records describing primary allocation of gas transportation capacity are reported to ACER using the Edig@s 'Gas Capacity Allocation Document'.

The counting of transaction records describing secondary allocation of gas rights depends on the type of trading procedure used to transfer or assign the capacity.

In case the transaction record is reported with bids (for example, through Call for Orders procedure), then one transaction record equals one reported bid (Table 4 Data Field No (38) Bid ID). In case the same bid identifier is reported multiple times, it is counted multiple times. In case the same bid identifier is included in more documents (either different documents or multiple versions of the same document), it will be counted multiple times. Please also refer to Figure 3 above.

In case the transaction record is a pure over-the-counter trade, then one transaction record equals one reported identifier in Table 4 Data Field No (5) Transportation transaction identification. If the same identification number is reported multiple times, it is counted multiple times. In case the same identification number is included in more documents (either different documents or multiple versions of the same document), it will be counted multiple times. Please also refer to Figure 4 above.

11.9 Are transaction records related to auctions for primary allocation of gas rights, where no MP participated in the auction, attributed to any 'RRM-MP transportation records' data cluster?

Transaction records describing auctions where no MP participated are not included in the 'RRM-MP transportation records' data cluster.

11.10 Counting of transaction records submitted before 1 March 2021 and reported with invalid code reported in any of the following Table 4 fields: Data Field No (25) TSO1 identification, Data Field No (26) TSO2 identification, Data Field No (27) Primary Market Participant Identification, Data Field No (36) Transferor identification, Data Field No (37) Transferee identification

Transaction records submitted before 1 March 2021 which contain invalid codes in one or more of the fields listed in the question are counted for the purpose of the fee calculation.

If the code is wrongly reported in the Data Field No (27) Primary Market Participant Identification or Data Field No (37) Transferee Identification, such code corresponds to a specific unidentifiable MP and a transaction record with such wrongly inserted code becomes a part of a separate 'RRM – MP transportation records' data cluster.

If the code is wrongly reported or not reported in Data Field No (25) TSO1 identification, Data Field No (26) TSO2 identification or Data Field No (36) Transferor identification, this does not affect the formation of an 'RRM-MP transportation records' data cluster and therefore has no impact on the fee.

11.11 Counting of transaction records submitted on or after 1 March 2021 and reported with invalid code reported in any of the following Table 4 fields: Data Field No (25) TSO1 identification, Data Field No (26) TSO2 identification, Data Field No (27) Primary Market Participant Identification, Data Field No (36) Transferor identification, Data Field No (37) Transferee identification

Transaction records submitted on or after 1 March 2021 which include invalid code in one or more of the fields listed in the question are not counted for the purpose of the fee. The entire file containing one or more such transaction records is rejected and its records are not inserted into the ARIS database.

To be even more precise, in case an RRM submits a file with multiple transaction records referring to transportation contracts and one of those transaction records contains an invalid code, all transaction records are rejected and not counted for the purpose of the fee. The RRM must however correct the invalid code or remove the transaction record with invalid code and re-submit the entire file.

11.12 Counting of transaction records reported with non-Accepted delivery point or zone code [reported in Table 3 Data Field No (10) Domain, Table 3 Data Field No (19) In area, Table 3 Data Field No (20) Out area or Table 4 Data Field No (22) Network point identification]

Transportation transaction records reported with non-Accepted delivery point or zone will be considered in the fee calculation as such records are currently always inserted into ARIS database.

CHAPTER 5: SPECIAL FEE ARRANGEMENTS FOR 2021

The total fee amount to be covered in 2021, i.e. the eligible costs, equals EUR 8.824 million.

In terms of the fee components, the enrolment fee will be EUR 9,000 for each RRM which will not inform ACER that they wish to deregister by 31 March 2021; for same RRMs the transaction records-based fee component will be calculated using the 2020 data. In early 2022, the transaction records-based fee for 2021 will be adjusted using the correction amount to properly reflect the actual reporting carried out in 2021.

While the fee debit notes will be shared with RRMs already in January 2021, their earliest payment date will be on 31 March 2021.

1. Deregistration of RRMs until 31 March 2021

RRMs which inform ACER no later than 31 March 2021 that they no longer want to be registered by ACER do not have to pay the fee (neither the enrolment fee component nor the transaction records-based fee component). Such RRMs shall be able to continue to report data until 30 June 2021.

For RRMs wishing to deregister after 31 March 2021, the general rules of deregistration apply.

See also Chapter 2: Payment process, 6. Payment process for RRMs which deregister in the middle of the year.

2. Registration of entities which apply to become RRMs before 1 January 2021

Entities which submitted their registration in 2020 will pay the full enrolment fee once successfully registered. The transaction records-based fee will be calculated in line with the standard calculation of a transaction records-based fee for newly registered RRMs.

See also Chapter 4: Transaction records-based fee component and its correction amount, 6 Transaction records-based fee and the correction amount for newly registered RRMs.

Terminology and abbreviations

1. List of regulations

ACER Regulation	Regulation (EU) 2019/942 of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators
REMIT	Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency
REMIT Implementing Regulation	Commission Implementing Regulation (EU) No 1348/2014 on data reporting implementing Article 8(2) and Article 8(6) of REMIT
REMIT Fee Decision	Commission decision on fees due to the European Union Agency for the Cooperation of Energy Regulators for collecting, handling, processing and analysing of information reported under Regulation (EU) No 1227/2011 of the European Parliament and of the Council

2. List of abbreviations

ACER/Agency	European Union Agency for the Cooperation of Energy Regulators
ARIS	Agency's REMIT Information System
RRM	Registered reporting mechanism
OMP	Organised market place
MP	Market participant
WEP	Wholesale energy product
CEREMP	Centralised European Register of Energy Market Participants

3. List of terms

Bilateral contract	A contract agreed between two market participants (MPs) outside organised markets. All non-standard contracts (REMIT Table 2) are bilateral contracts. Important: bilateral contract trades may also be reported using REMIT Table 1 as long as they are done with standard-contracts. However, there are no associated orders for bilateral trades.
Contract	A contract is a specific tradable instrument that allows a market participant to trade a product. Transactions (including orders) can only occur on the basis of a contract. There can be multiple contracts for a single product. An example of a contract is 'Forward contract for electricity delivered in France during 2021, baseload, offered at broker TFS and named FR21 with contract ID 123'.
Market participant (MP)	Market participants are parties that enter into transactions that need to be reported to ACER under REMIT. MPs shall register with the national regulatory authority (NRA) in the Member State in which they are established or resident or, if they are not established or resident in the Union, in the Member State in which they are active.

Non-standard contract	According to Article 2 of Commission Implementing Regulation (EU) 1348/2014, it means a contract concerning any wholesale energy product that is not a standard contract.
Non-standard contract execution	The execution of a non-standard contract is reported using Table 1. The execution is a bilateral trade record referring to an existing non-standard contract (can be considered as a framework contract).
Organised market place (OMP)	A broker platform or an exchange where standard contracts are offered for trading. All OMPs are listed on the List of Organised Market places, which is available on the REMIT Portal and published according to Article(3) of the REMIT Implementing Regulation.
Registered Reporting Mechanism (RRM)	Registered reporting mechanisms are market participants or entities reporting on behalf of market participants which fulfil the technical and organisational requirements for the reporting of data to ensure the efficient, effective and safe exchange and handling of information for the purpose of reporting information pursuant to Article 8 of REMIT in accordance with Article 11 of the REMIT Implementing Regulation.
RRM requirements	Requirements pursuant to Article 11 of the REMIT Implementing Regulation detailing requirements to be met by entities wishing to become RRMs.
Standard contract	According to Article 2 of the REMIT Implementing Regulation, it means 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.
Transaction record	An individual data set containing the details of a trade, order to trade or contract, or containing lifecycle information such as modifications, early terminations or corrections of trades, order to trades or contracts, which is reported to ACER pursuant to Article 3 of the REMIT Implementing Regulation.
Transportation contract	A contract agreed between two market participants to trade transmission capacity.
Table 1, Table 2, Table 3, Table 4	Different data formats for the reporting of transactions reportable to ACER under Article (8) of REMIT as defined in the REMIT Implementing regulation.
Wholesale Energy Product	Wholesale energy product are products as defined in Article 2(4) of REMIT.