

# **ANNEX**

# **QUESTIONS AND ANSWERS**

# **ON REMIT FEES**

**Version: 1.0**

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The purpose of the document is to inform on exceptions from the application of REMIT 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).

The REMIT fee scheme pursuant to Article 32(1(b) of Regulation (EU) 2019/942, like other fee schemes more generally, is based on the so-called 'costs-by-cause principle' (or principle of causation) as reflected in Recital 37 of Regulation (EU) 2019/942: REMIT fees should cover ACER's costs with regard to services provided to market participants or entities acting on their behalf enabling them to report data pursuant to Article 8 of REMIT in an efficient, effective and safe manner. This means that data reporting is the causation for the costs to be covered through REMIT fees. Since registered reporting mechanisms, i.e. market participants or entities reporting on behalf of market participants which fulfil the technical and organisational requirements to ensure efficient, effective and safe exchange and handling of information for the purpose of reporting information pursuant to Article 8 of Regulation (EU) No 1227/2011 and to Commission Implementing Regulation (EU) No 1348/2014, are reporting data to ACER according to Article 8 of REMIT, it is them who have to pay the fees.

REMIT fees are entirely determined by Commission Decision (EU) 2020/2152. This is why invoices sent by the Agency pursuant to Article 4(2) or (3) of Commission Decision (EU) 2020/2152 constitute debit notes pursuant to Article 71 of the Financial Regulation of the Agency (Article 7(1) of Commission Decision (EU) 2020/2152). ACER has therefore no discretion to grant any potential exceptions from the application of Commission Decision (EU) 2020/2152.

However, in the light of the aforementioned costs-by-cause principle, in exceptional cases where extra-costs for registered reporting mechanisms were caused by ACER due to unexpected technical issues of ACER's REMIT Information System (ARIS) although registered reporting parties reported data pursuant to Article 8 of Regulation (EU) No 1227/2011 and in compliance with Commission Implementing Regulation (EU) No 1248/2014 and ACER's reporting guidance and instructions, ACER should bear the relevant extra-costs of fees if it is responsible for causing them. It is on registered reporting mechanisms to prove the compliance with Commission Implementing Regulation (EU) No 1248/2014 and ACER's reporting guidance and instructions.

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## 1. Specific fee arrangements for the year 2021

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

While the fee debit notes are shared with RRM already in January 2021, their earliest payment date is on 31 March 2021.

In terms of the fee components, the enrolment fee is EUR 9,000 for each RRM, which will not inform ACER that they wish to deregister by 31 March 2021; for some RRM 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 reflect the actual reporting carried out in 2021.

### 1.1 Deregistration of RRM 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 RRM shall be able to continue to report data until 30 June 2021.

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

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

### 1.2 Registration of entities which apply to become RRM 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 RRM.

*See also Chapter 4: Transaction records-based fee component and its correction amount.*

## 2. Specific fee arrangements for the year 2022

### 2.1 Exclusion of invalid records as well as valid records submitted in the same file with invalid records reported in Table 3 and Table 4 between 1 March 2021 and 31 December 2021

A set of new validation rules for the identification of MP was introduced in March 2021 with some technical hiccups, misunderstandings and miscommunications attributable to ACER. The rules check if the reported EIC codes for the identification of MP are registered in CEREMP. ACER undertook a joint effort with RRM, ENTSOs and NRAs in previous years to have the correct identification codes registered, but despite the actions some MP remain non-compliant with REMIT. ACER considered a grace period for the year 2021 so that rejections due to the newly introduced validation rule would only be counted for REMIT fee purposes for records reported as of 2022. These are very specific circumstances which should not apply to the introduction of new validation rules in the future.

### 2.2 Consequences of BREXIT

As a consequence of Brexit, Market Participants from the UK had to re-register with an EU-27 NRA if they intended to enter into transactions in European Union's wholesale energy markets.

UK MPs were requested to report Previous UK ACER code in CEREMP. In that case and for REMIT fee purposes, the records in which the MP is identified with UK ACER code are assigned into same data cluster as the records, in which the MP is identified with the new EU-27 ACER code. If the Previous UK ACER code in CEREMP had been registered with more than one EU-27 MP (duplicated Previous UK ACER code in CEREMP), ACER merged the Previous UK ACER code with the EU-27 MP ACER code where the company data (address, LEI code) were aligned with UK MP registered in CEREMP on 31/12/2020.

RRMs that were also registered MPs (RRM type A) with the UK NRAs had to re-register their MP and also RRM accounts since the registrations are connected. For the REMIT fees purpose records that were sent with the old UK ACER code of the RRM are merged into the same data cluster as the records with the re-registered EU27 ACER code.