

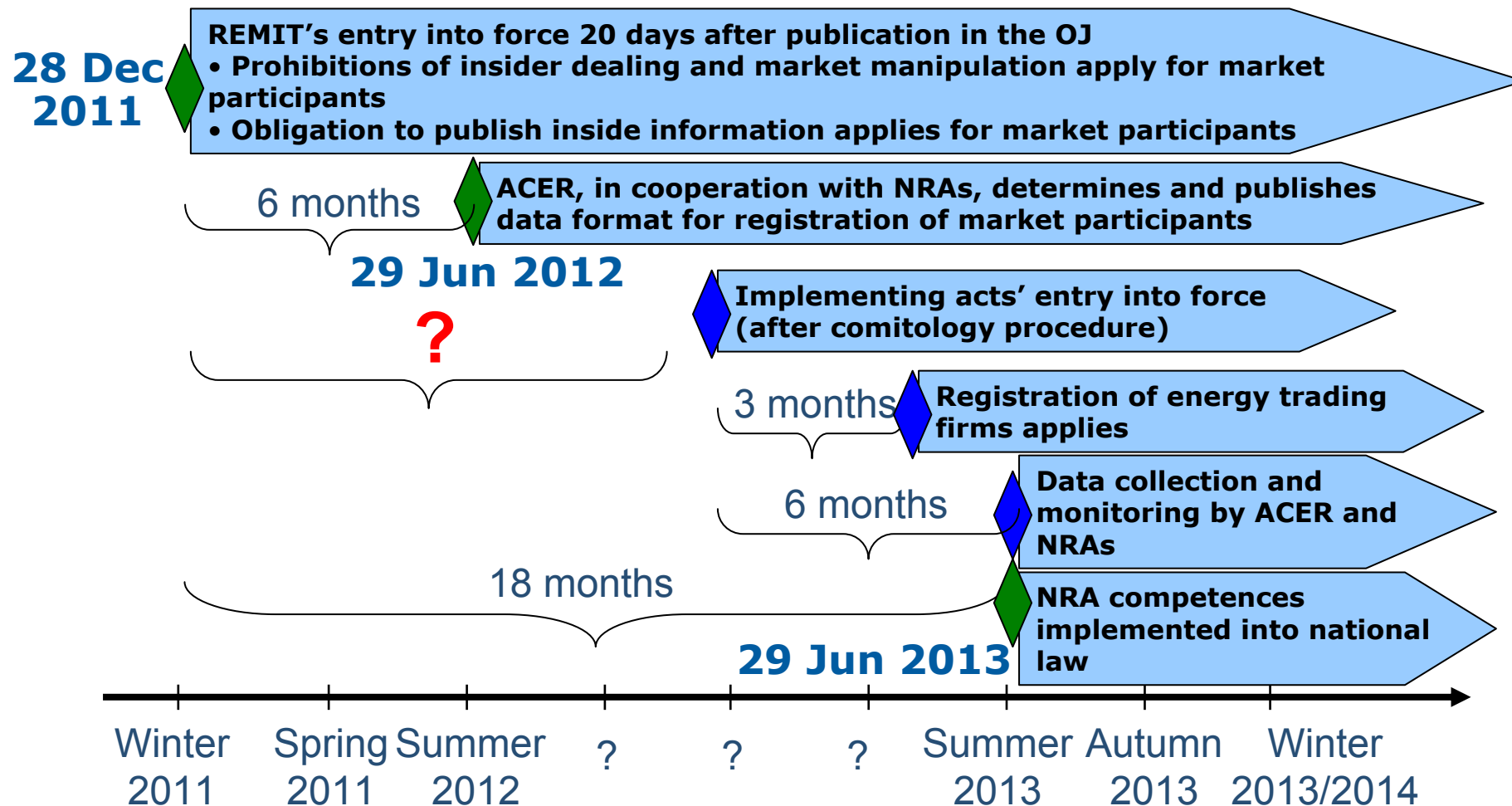
Progress in the Implementation of REMIT

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22nd Florence Forum Meeting

22-23 May 2012

Timeline for REMIT implementation



Progress in 2011

November

December

2011 2012

January

First REMIT Workshop in Ljubljana

28 Nov

The Agency publishes the first edition of the Guidance on the definitions set out in Article 2 of REMIT (pursuant to Article 16(1))

20 Dec

Web-based forms made available for notifications of delayed publications of inside information and suspected breaches

28 Dec

8 Dec 2011
REMIT published
on the OJ

28 Dec 2011
REMIT enters
into force

Implementation Priorities for 2012

- Notifications and transparency
- Registration Format
- Recommendations on Record of Transactions and Implementing Acts
- ACER Guidance update
- Stakeholder engagement
- IT Procurement

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REMIT: Registration of Market Participants

- “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) updating by market participants (Art. 9(5))

REMIT Registration Format (1)

- Legal basis: Art. 9(3) of REMIT
 - » The Agency shall establish a European register of market participant, based on the information provided by NRAs
 - » NRAs shall transmit the information in their national registers to the Agency in a format determined by the Agency
 - » The Agency, in cooperation with NRAs, shall determine and publish the format by 29 June 2012

REMIT Registration Format (2)

Timeline

18 Apr-21 May 2012

Public Consultation

3 May 2012

Public Workshop

29 June 2012

**Definition and
publication of
Registration Format**

The National Registration Process

- **NRAs are the only interface of market participants for the whole registration process**
 - *“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 European Register (1)

- **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)*

The European Register (2)

- **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)

Section	Content	Data referred to
a. Basic information	Legal entity name; Legal form; VAT number Country of establishment and full address Existing codes: EIC, BIC, GS1 (<i>only if available</i>), LEI (<i>as soon as available</i>) NRA which processes the registration	Market participant
b. Country-specific info	Fields from 1 to N defined by each NRA (where necessary) containing information relevant in the national jurisdiction (e.g. Registration number issued at national level by the relevant NRA)	Market participant
c1. Corporate structure info	System identifier of parent/related undertaking Type of control/link relation (see 7 th Council Directive 83/349/EEC)	Each parent or related undertaking
c.2 Ultimate beneficiary	Name of person, title, full address and Fiscal code (<i>for physical persons</i>), or Legal entity name and legal form, full address and VAT number (<i>for entities</i>);	Each ultimate controller or beneficiary

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Registration Format (2)

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Section	Content	Level
d1. Contact section	Name of person; Title/function in the Legal entity; Fiscal code; Full address, telephone, e-mail	Each person responsible for updating the registration profile
d2. Contact section	Name of person; Title/function in the Legal entity; 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	Released by the system

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REMIT Record of Transactions

Timeline

June-July 2012

Public Consultation

July 2012

Public Workshop

Sept 2012

**Recommendations
submitted to the
European Commission**

Consultation Document: Background

- The Agency may make recommendations to the Commission as to the records of transactions, including orders to trade (Article 7(3))
- Scope of records of transactions depends on other specificities of the implementing acts, discussion paper therefore addresses all aspects of implementing acts

Consultation Document: Content (1)

- **Proposal for records of wholesale energy market transactions**
 - which takes into account experiences and developments in EU financial market legislation (MiFID, EMIR, MiFID review)
- **Proposal for a list of contracts and derivatives to be reported**
 - broad definition of contracts and derivatives to be reported in the implementing act, but
 - possibility for the Agency to establish a list of “standardised” reportable wholesale energy products admitted to trading at organised markets (MiFID model)

Consultation Document: Content (2)

- **Proposal for reporting channels mainly through intermediaries**
 - for the reporting of both transactions and fundamental data
 - but possibility of direct reporting preserved especially for purely bilateral trades
- **Proposal for a unique code for identifying market participants in transaction reporting**
 - three options analysed in the public consultation on registration format
 - no existing code has full coverage
 - governance and competition issues exist in case of external issuer of unique identifier

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ACER Guidance to NRAs

- Legal basis: Art. 16(1) of REMIT
- Describes the Agency's understanding of the definitions of Art. 2 of REMIT, but does not provide legal interpretation
- Directed to NRAs and intended only to establish a common understanding between the Agency and NRAs on REMIT definitions (Art. 2)
- Published for sake of transparency

Second Edition of ACER Guidance

- Review interpretation of market abuse definitions in the 1st edition of the ACER Guidance on the basis of experience
- Increase the scope of ACER Guidance to definitions of “market participant” and “wholesale energy product”

ACER Guidance to NRAs

Timeline

July – Sept 2012

Public Workshop

Sept 2012

**Publication of the Second
Edition of the Guidance**

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Stakeholder Engagement in 2012

Activity	Timing
Public consultation on Registration Format	18 Apr – 21 May
Public workshop in Ljubljana on Registration Format	3 May
Public consultation on the Agency's Recommendations on the Record of Transactions	June – July
Public workshop in Ljubljana on the Agency's Recommendations on the Record of Transactions	July
Public workshop in Ljubljana on ACER Guidance on the implementation of the definitions set out in article 2 of REMIT	July - September

Thank you for your attention!



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