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REMIT – Transaction Reporting User Manual (TRUM)

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E.ON welcomes the new public consultation from the Agency for the Cooperation of Energy Regulators (ACER) to express our comments on the second release of the Transaction Reporting User Manual (TRUM) in the implementation of the wholesale Energy Market Integrity and Transparency (REMIT) regulation.

This document lists the general remarks E.ON would like to share with ACER regarding the questions of the consultation as well as the general reporting requirements under REMIT and the content of the TRUM.

Consultation questions

- 1. Please provide us with your views on the scope and the objectives of this document. In particular, please provide your opinion on whether the kind of information included and the structure of the TRUM are suitable to facilitate transaction reporting. If not, please explain which additional information the TRUM should cover and/or how it should be structured.**

E.ON appreciates the improved quality of the documents for public consultation, as well as the addition of examples of transaction reporting in Annex III.

We would also welcome further explanation on how ACER considers to act with respect to the contracts which have to be reported on request and a more detailed description of how the contracts should be reported if the request comes such as format, through what channel may the request come and what is the reasonable timeframe MPs can expect to respond, considering the request may result in system and process changes.

Nevertheless, in the final TRUM, we would welcome concrete examples of trade reporting systems (referred to in the section 3.2.), non-standard trades and gas and power transportation contracts.

Furthermore, concerning transportation contracts:

- in the draft Implementing Acts (IAs), it is explicitly stated in Art. 12 (2) that *all transportation capacity contracts are reportable 12 months after entry into force of the Implementing Acts, including such contracts concluded on TSO platforms*. Our understanding is reporting of such trades, irrespective of TSO classification as OMP or not, is not applicable after 12 months post IAs ratification, is this align with ACER?
- this current version of the TRUM refers to transportation capacity contracts executed on secondary markets via OMP. Our understanding is that secondary capacity markets are always bilateral (OTC) and not concluded on a TSO platform. Is this reference an error? Otherwise we need further clarity on the statement to avoid confusion.

Additionally, we urge ACER to ensure the timely availability of the final TRUM (well before REMIT reporting starts) so that market participants can prepare themselves efficiently for their compliance obligations (especially their IT systems).

Last but not least, ACER should explain in detail the legal value and enforceability of the TRUM and to what extent market participants can rely on organised market places taking up reporting obligations of the trades executed on a platform.

- 2. Please provide us with your general comments on the purpose and structure of the draft TRUM. In particular, please provide your opinion on whether the information the Agency intends to include in the first edition of the TRUM is sufficient for the first phase of the transaction reporting (contracts executed at organised market places). If not, please explain which additional information should be covered.**

We consider the provided information is sufficient for the first phase of the transaction reporting, however the condition for *backloading* needs to be clearly specified and the *lifecycle information* should be included in the guidelines and in the trade examples if it has to be reported.

- 3. Please provide us with your views on the Agency's proposed approach as regards the list of standard contracts. In particular, please provide your views on whether:**
 - **the list of standard contract types enables reporting parties to establish whether to use Table 1 or Table 2 of Annex I of the draft Implementing Acts when reporting information under REMIT; and**



- **the identifying reference data listed in ANNEX II to be collected by the Agency would be sufficient and suitable to establish the list of standard contracts.**

At a glance, the list of standard contracts is quite complete. However, the process to maintain (update, publish, etc.) the list of types of standard contracts must be clarified.

The implementation of the list creates additional IT tasks on all market players, so this needs to be well explained and made available on time.

Do you agree that the list of standard contracts in Annex II should also be considered sufficient to list the organised market places or would you prefer to have a separate list of organised market places? Please justify your views.

ACER maintains in the TRUM that MPs are not expected to perform any trade reporting themselves unless in the event of contracts concluded outside OMPs. This in effect means no reporting by MPs until 12 months after IA ratification. However, the current requirements for standard contracts on OMP still have unanswered questions and pose issues for MPs:

1. Does the above statement mean ACER will not accept the option of MPs reporting some or all standard contracts concluded on OMP themselves should they choose to do so (either self RRM reporting or via third party RRM)?

E.ON believes that OMPs are the most appropriate channel to do the reporting of standard contracts and thus it shall be their responsibility but the option of reporting directly for those MPs who prefer to do so, should be kept open.

2. ACER needs to give clear guidance on whether confirmation and lifecycle event information are still in scope or not for contracts where OMPs cannot replicate/report this information e.g. Brokers, without placing additional reporting responsibilities on MPs for such contracts.

Concerning the OMP list, we think the list of standard contracts and a list of OMPs shall be kept separated and regularly updated.

4. **Please provide us with your views on the explanation of product, contract and transaction provided in this Chapter, in particular on whether the information is needed to facilitate transaction reporting.**

The level of detail used in the current TRUM is better than in the previous version.

5. **Please provide us with your views on the field guidelines for the reporting of transactions in standard supply contracts.**

In general, we think ACER should adopt the same reporting format as in EMIR, where data fields are applicable under both regulations.



We also have some concerns regarding how to report blank values under REMIT, does ACER have specific requirements where:

1. A field is not applicable for the contract being reported?
2. The field is applicable to the contract but the value is not available at the time of reporting?

ESMA recently released new guidelines on reporting blank values using "NA" (if case of #2) or leaving the field completely empty (in case of #1), which have not been technically adopted across the market yet. **Will ACER seek to adopt the same approach in EMIR or will blank values suffice in both scenarios?**

Focusing on particular fields:

- **ACER Code – Missing Accepted Values**
 - In the TRUM, the accepted value description for ACER Code is "ACE" but in the example scenarios it is denoted as "A". Please amend accordingly.
- **"Contract Type" Data Field No 22 (Page 35) – Missing Accepted Values**
 - In EMIR "Contract Type" Option is represented as "OP", whereas ACER has chosen "OPT". ACER can align with already used EMIR format.
 - In the TRUM, Contract Type "SPO" is missing in the description of accepted values.
- **"Transaction Timestamp" – Data Field No 24**
 - The requirement to report transaction timestamp in milliseconds does not add additional value if it can always be defaulted to "00". ACER should consider aligning with EMIR and limit the value to the seconds.
- **"Unique Trade Identification" – Data Field No 27**
 - Does ACER have a specific guidance on UTI generation and dissemination? For a given contract, which party must generate UTI, especially for bilateral?
 - Will ACER consider leveraging on current industry UTI approach used for EMIR rather than add new layers of requirements?
- **"Organised Market Place/OTC" – Data Field No 30**
 - ACER needs to give more guidance on how market participants can specifically identify OTC bilateral contracts traded outside OMP platforms. What characteristics in the list of standard contracts to be published by ACER will qualify a trade as OTC bilateral?

- In the TRUM, ACER wants standard contracts executed outside OMP to be identified using **"XBIL"** not **"XXXX"** as in EMIR. This change has been suggested in the past but is yet to be reflected in TRUM.
- **"Price" Data Field No 32 (page 40) and "Notional Amount" Data Field No 36 (page 41)**
 - In the TRUM, it is stated that for an index trade where price may not be known at time of execution, this field can be blank (same will apply to Notional Amount). Can ACER confirm, for the avoidance of doubt, if both values should be reported in the future when the index price is published as a modification message?
- **"Fixing Index" Data Field No 33 (page 40)**
 - Does ACER intend to also publish the list of standard Fixing Index across the market as part of public listing of standard contracts?
- **"Index Value" Data Field No 34 and "Price Currency" Data Field No 35 (page 41)**
 - In the accepted value description for Price Currency, only ISO4217 currency code (e.g. EUR) are allowed but in the example trading scenario for Index contracts **"%"** is given. Is any other data type different from a currency code accepted?
 - If an Index Value of **"0"** is reported in Data Field No 34, what Price Currency value should be reported in Data Field 35? Does ACER expect an ISO4217 currency code or percentage in this case as above?
- **"Quantity Unit" Data Field 40:**
 - Will ACER provide a list of standard quantity units acceptable for REMIT reporting (as specified in EMIR)?
- **"Days of the Week" Data Field No 53 (Page 49) - Missing Accepted Values**
 - In the TRUM, Days of the Week value **"ALL"** is missing in the description of accepted values though it is mentioned in trading scenarios.
 - Example given on page 49 is incorrect too -> **"MO-FR=Monday to Thursday"**. Should be **MO-TH**.
- **"Implicit" Confirmation Means - Data Field No 59**
 - Can ACER confirm the meaning of "Implicit" Confirmation Means and under which scenario this may be reported?
- **"Action Type" - Data Field No 60**



- Should historic or backloaded trades in scope of REMIT be reported using "NEW" action type? Or does ACER intend to introduce a new action type for Backloading as in EMIR?

6. Please provide us with your views on the examples of transaction reporting listed in ANNEX III of the draft TRUM. Do you consider the listed examples useful to facilitate transaction reporting?

E.ON considers Annex III very useful for further understanding and helpful for the implementation.

We would like to remark a mistake in the Trading Scenarios, concerning "Duration" on page 173, the sample value of "Duration" given for a Gas-Day-Ahead contract executed on broker platform says "M" (month) instead of "D" (Day).

7. In your view, are there any additional examples to be added in ANNEX III of the draft TRUM? Please provide a description of example(s) that in your opinion should be covered.

NA

8. Please provide us with your views on the field guidelines for the reporting of transactions in non-standard supply contracts.

We understand that the current focus of this consultation phase is on standard contract reporting requirements. The descriptions attached to non-standard contract attributes are significantly not aligned and are duplicates of standard contract descriptions. This need to be significantly updated in the next consultation phase.

Additionally we have some concerns over the requirement to report delivery profile data for non-linear contracts to ACER. The reporting of shaped and block contracts where delivery intervals and capacities are non-linear might result to a huge data volume. This may pose significant technical and data challenges to MPs who intend to re-use their current EMIR infrastructure to fulfil REMIT trade reporting. This might impact RRM's too.

We propose ACER considers making reporting of delivery profile for shaped contracts optional for standard and non-standard contracts where MPs are reporting to RRM themselves at the start of reporting obligation until the market can be assessed further.

9. Please provide us with your views on whether examples of transaction reporting should be added as regards transactions in non-standard supply contracts. If yes, please explain which scenarios these examples should cover.

Yes, examples of non-standard supply contracts should be added.



Wholesale full service contracts (sales contracts) can be complex and difficult to map contract details to REMIT NSC reporting attributes. In some cases, commercial information is only available to one counterpart of the contract e.g. fixing price. This means one or both counterparties do not always have all the necessary data to report.

Consequently, we recommend further clarity for such cases from ACER and that ACER allow only one counterpart to report on the contract on behalf of both parties to reduce the reporting complexity. This will mean reporting of UTI becomes redundant and can be removed or at least optional.

10. Please provide us with your views on the field guidelines for the reporting of transactions in electricity transportation contracts.

NA

11. Please provide us with your views on whether examples of transaction reporting should be added as regards transactions in electricity transportation contracts. If yes, please explain which scenarios these examples should cover.

Concrete examples of transaction reporting are always welcome and appreciated.

12. Please provide us with your views on the field guidelines for the reporting of transactions in gas transportation contracts.

NA

13. Please provide us with your views on whether examples of transaction reporting should be added as regards transactions in gas transportation contracts. If yes, please explain which scenarios these examples should cover.

Concrete examples of transaction reporting are always welcome and appreciated.

14. Do you agree that, if organised market places, trade matching or reporting systems agree to report trade data in derivatives contracts directly to the Agency they must do so in accordance with Table 1 of Annex I of the draft Implementing Acts as regards contracts referred to in Article 3(1)(a)(9) and Table 3 or 4 as regards contracts referred to in Article 3(1)(b)(3)?

All REMIT trade, except the ones in scope of EMIR /which should follow EMIR definitions) should follow the same field guideline sets (standard/non/standard, trades/orders).

15. In your view, are Tables 1, 3 and 4 of Annex I of the draft Implementing Acts suited for the reporting of contracts referred to in Article 3(1)(a)(9) and Article 3(1)(b)(3) respectively?



NA

Additional comments

Aside from the specific questions addressed by ACER, E.ON would like to express a further concern regarding RRM "End of Period Reports": Will RRMs provide end of period reports (Full Table Live Contracts and Short Table Live Contracts) for active trades reported on behalf of MPs or by MPs themselves, as is currently done in EMIR? These reports might be useful for future trade reconciliation activities by MPs.