NRAs coordination on REMIT investigations
ACER’s perspective

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Outline

- The mandate
- The tools
- The example
- The challenges
The mandate: ACER shall aim to ensure coordination and consistency

‘The Agency shall aim to ensure that NRAs carry out their tasks under this Regulation in a coordinated and consistent way.’ – Article 16 (1) of REMIT
The tools: Eight main tools with different reaches and impacts

Two wide range tools:

- **ACER Guidance**
  - ACER Guidance
  - Guidance Notes

- **Coordination meetings on REMIT case investigations**
  - ACER/NRAs
    - 1:Many – REMIT Coordination Group (4/year)
  - 1:Many - Market Monitoring Standing Committee (5/year)
  - ACER/ESMA/Financial regulators
    - 1:Many – Energy Trading Enforcement Forum (1/year)
Six targeted tools (four in use):

- Case updates (more than 800/year)
  - 1:1 ACER/NRA meetings on cases
  - Case related workshops
  - Follow-ups on notifications

- Cross notifications

- Request NRAs any information related to the suspected breach

- Request NRAs to commence an investigation of the suspected breach

- Establishment and coordination of investigatory groups

- Support NRAs on REMIT investigations

Due to the chronical lack of HR to implement REMIT these two tools are not used currently by ACER as they are HR intensive.
The example: Coordination on two transmission capacity hoarding cases

• The type of behaviour
  ✓ Acquisition of all or part of the available transmission capacity without using it or without using it effectively

• The context
  ✓ Continuous electricity intraday markets
  ✓ Transmission capacity is priced implicitly at zero

• The problem
  ✓ harms the use of cross-border interconnectors to deliver economically efficient outcomes
  ✓ reduces the scope for competition in one or more connected wholesale energy markets
  ✓ prevents energy prices from converging
The example: Coordination on two transmission capacity hoarding cases

- **The start**
  - First reports of the behaviour by Energy Exchanges (PPATs) – 2015
  - Further events identified by NRAs - 2015

- **The current status**
  - Two Decisions imposing sanctions were issued
  - ACER implemented two alerts that cover the behaviour in its market surveillance system
  - Several alerts shared with NRAs on the behaviour ever since
The example: Coordination on two transmission capacity hoarding cases

- **What do you see?**

  ✓ DUR refers the two cases for enforcement to the Public Prosecutor on the same day ACER issues the Guidance Note on the behaviour of transmission capacity hoarding.

  ✓ DUR and ACER coordinate the press releases once the Decisions are taken – Published the same day with coordinated text.

  **But, ... there is significant work behind the scenes from the NRA and ACER side to make it happen ...**
Thank you for your attention!

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