

**2021 Joint roundtable meeting with AEMPs and Inside Information and
 Transparency Platforms**

18 November 2021 from 13:30 to 15:00

Microsoft Teams session

MINUTES

(Chatham House Rule, no names in quotes during the meeting)

Represented institutions	Remarks
ACER MIT	
ACER MSC	
BULGARTRANGAZ EAD	
Central European Gas Hub AG	
Deutsche Börse AG	
Elia Group	
EnBW Energie Baden-Württemberg AG	
Energinet Elsystemansvar A/S	
European Energy Exchange AG	
European Federation of Energy Traders (EFET)	
ENI S.P.A.	
ENTSOG	
Gas Infrastructure Europe (GIE)	
Gestore dei Mercati Energetici S.p.A.	
Hungarian Power Exchange	
Nord Pool AS	
OMI, Polo Español S.A. (OMIE), MIBGAS S.A	
OMV	
Polskie Górnictwo Naftowe i Gazownictwo S.A.	
RWE	
SEEBURGER AG	

Represented institutions	Remarks
Solien, s.r.o.	
Statkraft Energi A.S.	
Towarowa Gielda Energii S.A.	
Uniper SE	
Webware Internet Solutions GmbH	
Yélé Consulting	

1. Introduction and approval of the agenda

After the welcome address and the introduction of the presenters, the agenda of the meeting was approved.

2. Updates on registration of IIPs and TPs

ACER presented updates on the registration of Inside Information Platforms (IIPs) and Transparency Platforms (TPs), market coverage, common Urgent Market Message (UMM) reporting, data quality issues, and new electronic formats. The first part of the presentation focused on the historical and legal evolution of the collection of inside information and on the assessment approach ACER uses in order to assess IIPs listed on the REMIT Portal.

ACER's first question to the participants was to provide their opinion on the preferred way forward regarding the need for a backup solution on the IIPs websites.

The AEMPs' general opinion was that there were still performance gaps among some of the listed IIPs and that effective backup solutions would help to prevent MPs' breaches of legal obligations and the occurrence of other serious market effects. Representatives pointed out the need for robust IIP-based solutions (since even minimal unavailability is crucial and can become costly in the speedy transactions of the present day). ACER noted that most, but not all, IIPs offered a dedicated solution for the publication of inside information during downtimes, while some IIPs had entered into agreements with other IIPs for reciprocal backup. The IIP representatives confirmed that efforts had been made to go into that direction. However, an extension of the possibility for the MPs to publish inside information on their own corporate website would nevertheless be much appreciated.

An IIP asked why IIPs that lack effective backup solutions are listed on the REMIT Portal as having passed ACER's assessment. ACER replied that it was in constant contact with these IIPs and was monitoring the effectiveness and overall performance of their backup solutions. The technical requirements for backup solutions (i.e. contingency plans, backup servers and early notification systems) exist in all cases, which explains why the IIPs had been approved. What is lacking in some cases is a dedicated (IIP-based) solution for the *publication* of the inside information during the limited times of technical unavailability (in which case the MPs may choose to temporarily publish on their own website, or exercise the option to choose an alternative IIP for the publication). As a possible way forward, ACER proposed an open letter and a Q&A to be published before the end of the year in order to address the issue (these

options would still need to be consulted with NRAs). Moreover, it was clarified that ACER's intention was to accept an extension of the possibility for the MPs to publish inside information on their own corporate website for no more than 6-12 months.

A discussion ensued on how MPs could rely on the IIPs listed on the REMIT Portal when they did not offer 100% availability. It was stressed by the AEMPs that although limited downtime can be acceptable, an IIP-based backup solution (for the publication of inside information on the same IIP website) was not always available. This could occasionally hinder the effective publication of inside information. ACER reiterated that it was aware of the issue. The backup solutions offered by every applicant are checked in detail, especially during the initial phase of registration where ACER looks into the history of downtimes of the platform in order to monitor the effectiveness during the year. The participants clarified that what they were interested in was not necessarily a performance-based ranking of the platforms, but at least some legal clarity on the matter. ACER pointed to the latest ACER Guidance on REMIT, where it is clarified in Section 4.2.2 that minimal technical unavailability is tolerated insofar as it is temporary. In such exceptional circumstances the publication of inside information on the company website remains an option. Nevertheless, as ACER highlighted, IIP-based solutions remain the preferred option. Therefore, the effective redundancy, backup or fall-back solutions, as well as minimal delays of publication and unavailability of the service provided by a platform, are prescribed in the ACER Guidance as one of the minimum requirements of the IIPs. Due to time constraints, the meeting chair proposed that participants address any other questions on this topic to ACER offline.

ACER presented the changes that had been introduced in the electronic formats for the reporting of inside information. The reported updates affected two added data fields in the REMITUMMElectricitySchema_V2, namely Interval Start and Interval Stop, an added direction field in the REMITUMMGasSchema_V2 for indicating the entry or exit direction with regard to the reported balancing zone, as well as amendments in the accepted values for the Unit of measurement data field. ACER inquired whether the proposed date of discontinuing REMITUMMElectricitySchema_V1 and REMITUMMGasSchema_V1, scheduled for 1 February 2022, would be a feasible deadline for platforms to implement the new schemas. Participants proposed that ACER postpone the deadline, given that some platforms had not yet planned the developments and changes of their system. It was agreed to postpone the deadline to 1 June 2022.

ACER presented two maps on market coverage of IIPs (for gas and electricity), specifying that the coverage was provided by IIPs in their application form and that the condition to be listed under the EU Member State was that at least that one market participant is registered with the IIP as a user for the given market. ACER asked the participants whether they would prefer a different approach for the population of the maps, e.g. to show for which markets inside information is published. After a brief discussion, the participants agreed that a combination of both approaches would be very useful.

3. Update and discussion on data collection (statistics, data quality issues, new electronic formats)

ACER presented an overview of common UMM reporting errors observed by ACER, as well as the statistics on the collection of UMMs and inside information. In general, the numbers showed by ACER were in line with the participants' expectation from the market.

The last part of the meeting was dedicated to the topics proposed by market participants.

The first topic was about which URLs the MPs should provide in the CEREMP field "Place of publication of inside information", and more specifically, whether MPs should indicate the URL of the web-part or the URL to the web-feeds of the used IIP/backup solution. Referring to ACER Decision 01/2012, ACER clarified that the field needs to contain the place of publication of inside information, i.e. MPs should list the URL of the IIP (and not the URL of the web feed), as this is where the messages are published.

The second topic was a request for clarification on the status of the backup solution reflected in the framework of the ACER Guidance on the application of Regulation (EU) No 1227/2011. More precisely, a clarification on the technical requirements expected by ACER from 1 January 2022 onwards for the backup solution. ACER commented that it was a fact that not all IIPs offered dedicated solutions for publication during temporary unavailability, but that all of them offered a backup solution, i.e. a plan for technical unavailability securing the integrity of the information. Currently, ACER was closely monitoring the effective IIPs' applications and the constant fulfilment of the requirements. It was underlined by ACER that the Guidance on the application of REMIT clearly exonerates the MPs from liability of the temporary unavailability of platforms, insofar as they transmit information on time. Therefore, non-publication during such times will not be considered a breach of the obligation to publish inside information. Nevertheless, a robust IIP-based global backup solution that also covers publication is still essential. It was noted by ACER that during recent months it had been observed that IIPs worked out innovative solutions for effective backup publication during downtimes (e.g. through mutual backup agreements with other IIP entities).

Finally, the participants proposed to make it possible for some MPs (mainly small MPs) to submit a statement during their registration in CEREMP in which they declare that they will never possess/publish any inside information. ACER clarified that all guidance pertaining to MP registration was dependent on the relevant NRA, but that ACER may consider cooperating with NRAs on increasing consistency in NRAs' practices in this regard.

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In its closing remarks, ACER informed the participants that it would discuss the extension of publication of inside information on the IIPs' website as a backup solution with NRAs.